

ANNUAL REPORT



2010

LETTER TO THE SPEAKER OF PARLIAMENT

Hon Max Sisulu

Speaker of the National Assembly

It gives the Commission great pleasure to submit the 14th Annual Report of the South African Human Rights Commission for the period of 01 April 2009 – 31 March 2010.

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

Annexed to the Annual Report is the South African Human Rights Commission's report on the Promotion of Access to information Act (PAIA) 2 of 2000 as necessitated by section 83 (1) and 84 of PAIA.



Naledzani Mukwevho
Acting Chief Executive Officer

ANNUAL REPORT 2010

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Acronyms

ACFE	Association of Certified Fraud Examiners
ACHPR	African Commission on Human & People's Rights,
ACRWC	African Charter on the Rights and Welfare of the Child
APT	Association for the Prevention of Torture
ATM	Asynchronous Transmission Mode
AU	African Union
BBBEE	Broad-based Black Economic Empowerment
CA	Candidate Attorney
CAT	Convention Against Torture and Other Cruel Inhuman or Degrading Treatment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief executive officer
CFO	Chief financial officer
CoJ	City of Johannesburg
CLR	Commission on Culture and Religion
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DIRCO	Department of International Relations and Cooperation
DJCD	Department of Justice and Constitutional Development
DoJ	Department of Justice and Constitutional Development
DPLG	Department of Provincial and Local Government
DPP	Democracy Development Programme
DPSA	Department of Public Service and Administration
DWAF	Department of Water Affairs and Forestry
EKP	Enterprise Knowledge Portal
ERA	Enterprise Risk Assessor
ESR	Economic and Social Rights
ETP	Education and Training Programme
HoP	Head of Programme
HR	Human Resources
HRDR	Human Rights Development Report
HRC	Human Rights Council
HRM	Human Rights Month
IAA	Internal Audit Activity
ICC	International Coordinating Committee
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICP	Information and Communications Programme
ICPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ISA	Internet Acceleration Server
IIA	Institute of Internal Auditors
ISP	Internet Service Provider
IT	Information Technology
JIOP	Judicial Inspectorate of Prisons
LRC	Legal Resources Centre
LSP	Legal Services Programme
MISS	Minimum Information Security Standards
NERSA	National Energy Regulator of South Africa
NHRI	National Human Rights Institution
NPA	National Prosecuting Authority
NPM	National Preventative Mechanism
ODAC	Open Democracy Advice Centre
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
OPCESCR	Optional Protocol to ICESCR
OSD	Occupation Specific Dispensation
PAIA	Promotion of Access to Information Act 2 of 2000
PAJA	Promotion of Administrative Justice Act 3 of 2000
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
PFMA	Public Finance Management Act 1 of 1999
PIAP	Parliamentary and International Affairs Programme
PPPFA	Preferential Procurement Policy Framework Act 5 of 2000
PSCBC	Public Service Co-ordinating Bargaining Council
RDP	Research, Documentation and Policy Analysis Programme
RFO	Request for Occupation
SARS	South African Revenue Service
SANGOCO	South African National NGO Coalition
SASSA	South African Social Security Agency
UPR	Universal Periodic Review
VPN	Virtual Private Network

Foreword

It is indeed a momentous occasion for us, as the new Commissioners of the South African Human Rights Commission (SAHRC) to be part of the submission of the 2009/10 Annual Report to the Speaker of the National Assembly. This comes at a time when the Commission has once again obtained a clean audit report with no matters of emphasis!

Due to our late arrival as Commissioners, having been appointed and constituted only in October 2009, we share in part and indeed assume the responsibility for the successes, achievements, failures and underperformances as highlighted in this Annual Report.

At the outset we express our sincerest thanks and gratitude to our predecessors, whose terms of office came to an end in September 2009, for having left and delivered to us a Commission that is characterised by outstanding performances and strict adherence to good corporate governance as has been evidenced by the successive clean audit reports obtained over the years.

At an international level, the United Nations Office of the High Commissioner for Human Rights recognises the Commission as an “A” status National Human Rights Institution (NHRI). There are many NHRIs around the world that have not been awarded this status. In Africa alone, the SAHRC is one of only 15 countries that has been awarded “A” status. This is something that we should be proud of as it is yet another reflection of South Africa’s commitment towards ensuring the realisation of human rights for all who live in this country.

We are ascending and entering into this high office as Commissioners fully inspired by the Commission’s past achievements and we are ready to maintain and continuously improve the standards set by our predecessors.

There are indeed a number of challenges, some of which are reflected in this Annual Report, that confront us as new Commissioners. In particular, we assumed our duties when our predecessors had already vacated their offices; thus depriving us of receiving our racing stick directly and physically from them.

Our entry into office has coincided with an upsurge of acts that can be defined and characterised as human rights violations. As new Commissioners we have been confronted with the challenges of xenophobia, discrimination, racism, hate speech and the contested area of freedom of expression.



Adv ML Mushwana
Chairperson



It is unfortunate that intolerance continues to rear its' ugly head from time to time in our country. We stand ready to confront these challenges head on as we dare not fail the lives, sweat and tears shed by those who fought so hard for the freedom we are enjoying today.

It is our fervent hope that Parliament will be there to support us in times of need during the execution of our mandate which is extremely broad and at times daunting. We equally stand ready to collaborate with other Chapter 9 Institutions to ensure that the Constitutional democracy that we pride ourselves of is maintained and protected at all times.

We will work with everybody, including civil society organisations, in our endeavours to promote and protect the rights of all who live in South Africa. We are particularly cognizant that in our hard earned democracy there is still much to do in order to ensure that the rights enshrined in our Constitution become part of the daily lived realities for many of our people, particularly those who are vulnerable and poor.

Armed with our new vision, "To be the champion for the realisation of Human Rights" this Annual Report is but the introduction and beginning of our long and arduous task to promote and protect human rights as we seek to strengthen our constitutional democracy.

M L Mushwana

Adv Mabedle L Mushwana
Chairperson

Introduction by the CEO

I am delighted to present to the nation the South African Human Rights Commission's 2009/10 Annual Report. As the Acting Chief Executive Officer, I am pleased to sign a report that includes an unqualified audit report from the Auditor-General. A clean audit with no qualifications or matters of emphasis for the second year running represents a significant achievement by the Commission's staff.

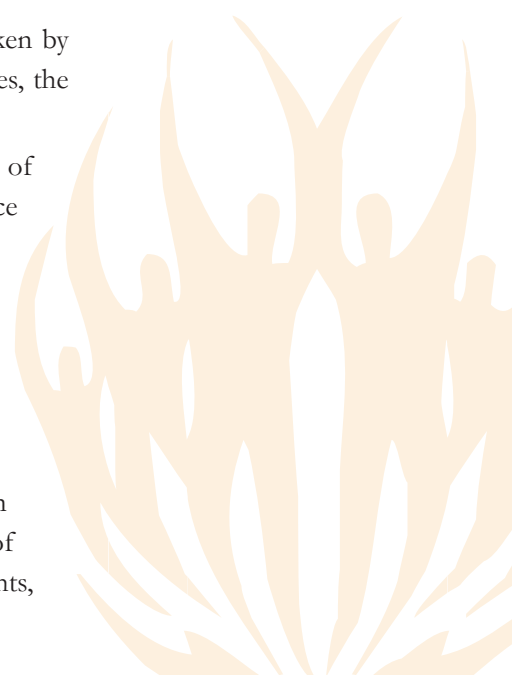
The report is particularly significant when viewed in the context of a Commission that is working with very limited resources and significant IT challenges that continue to have a negative impact on the Commission's performance. However, despite the challenges experienced, the staff of the Commission worked diligently to improve on last year's performance.

Detailed in the report is an outline of the achievements of the Commission for the past financial year and a reflection on the strides made to promote, protect and monitor human rights. The report is therefore a reflection of the continued commitment of the staff of the Commission to the progressive realisation of human rights. In particular, I would like to highlight the following achievements:

- The launch of a report titled "Justice, Rule of Law and Impunity: Institutional responses arising out the 2008 violence against non-nationals", which was the culmination of work done through a campaign of the same name addressing issues of xenophobia resulting from the 2008 xenophobia crisis;
- Campaigns on human trafficking, especially child trafficking undertaken by the Free State provincial office, in partnership with local municipalities, the Catholic Church, Child Line and the Free State Premier's Office;
- Legislative submission made to Parliament pertaining to a number of human rights issues such as domestic violence, human trafficking, service delivery and child justice;
- A reduction in complaints pending at the end of the financial year from 774 in the last financial year to 250 in the current financial year; and
- The development of human rights monitoring tools that will allow the Commission to assess progress in the observance of human rights in areas such as economic and social rights, the environment and human rights, human rights and the economy, children's rights, the rights of people with disabilities, HIV and Aids and health, crime and human rights, the rights of non-nationals, racism and the rights of older persons.



Adv Naledzani Mukwevho
Acting Chief Executive Officer



While we applaud the achievements highlighted above, and all others detailed in the report, it is with the understanding that a lot more work is still required if the Commission is to continue to play a meaningful role in advancing democracy and in establishing and maintaining an accessible and transparent human rights environment.

Significantly, it was with great sadness that we bid farewell to Advocate Tseliso Thipanyane, the former Chief Executive Officer of the Commission and Commissioners Jody Kollapen, Zonke Majodina, Tom Manthata, Leon Wessels and Karthy Govender in the last financial year. We would like to thank them for their strong leadership and wish them well in future endeavours.

We also welcome their successors, Mr Kayum Ahmed, our new CEO, who joins us as we launch this report and Commissioners Mabedle L Mushwana, Pregis Govender, Lindiwe Mokate, Bokankatla Malatji, Danny Titus and Janet Love and look forward to working with them to advance the Commission's mandate.

In conclusion, I would like to thank the Commission's excellent team of staff and reiterate my continued pride in their efforts. I look forward to continuing working with the team in future years to come.



Adv Naledzani Mukwevho
Acting Chief Executive Officer

General Information on the SAHRC

Part 1

The South African Constitution of 1996 (the Constitution) contains the Bill of Rights, which it describes as the ‘cornerstone of democracy in South Africa’, and compels the state to “respect, protect, promote and fulfil the rights in the Bill of Rights”.

Recognising that the protection and promotion of human rights cannot be left to individuals or the government, Chapter 9 of the Constitution creates independent national institutions that are subject only to the Constitution and the law, in order to transform our society from its unjust past and to protect the fundamental rights of all South Africans.

The South African Human Rights Commission (the Commission) derives its powers from the Constitution and the South African Human Rights Commission Act 54 of 1994 (the Act), and is one of the institutions charged with the protection and promotion of human rights.

The South African Constitution of 1996 contains the Bill of Rights, which it describes as the ‘cornerstone of democracy in South Africa’, and compels the state to “respect, protect, promote and fulfil the rights in the Bill of Rights”

1.1 Vision and Mission Statement

Vision

The vision of the Commission is to be the focal point for human rights practice in South Africa and to be accessible to everyone.

Mission Statement

To support constitutional democracy through the promotion and protection of human rights by:

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

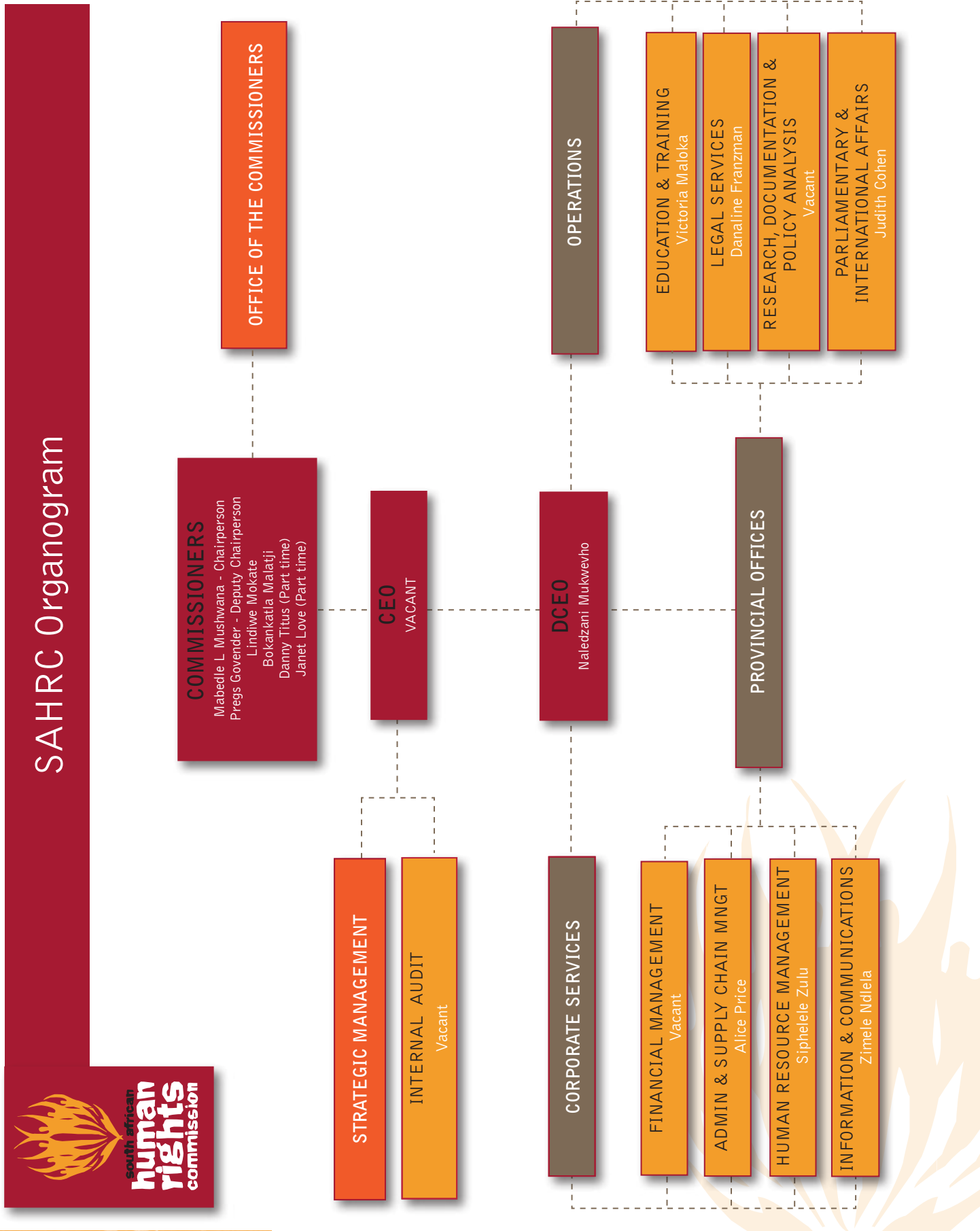
4th Annual Human Rights Conference



1.2 Mandate of the Commission

The mandate of the Commission, as contained in section 184 of the Constitution of the Republic of South Africa Act 108 of 1996, is as follows:

1. The SA Human Rights Commission must –
 - a. Promote respect for human rights and a culture of human rights;
 - b. Promote the protection, development and attainment of human rights; and
 - c. Monitor and assess the observance of human rights in the Republic.
2. The Commission has the powers necessary to perform its functions, as regulated by national legislation, including the following:
 - a. To investigate and report on the observance of human rights through its International and Parliamentary Affairs Programme; Research, Policy Analysis and Documentation Programme; and Information and Communications Programme;
 - b. To take steps through its Legal Services Programme to secure appropriate redress where human rights have been violated;
 - c. To carry out research through its Research, Policy Analysis and Documentation Programme; and
 - d. To provide human rights education through its Education and Training Programme.
3. Each year, the Commission requires the relevant organs of state to provide information on the measures they have taken towards the realisation of the rights enshrined in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.
4. The Commission has additional powers and functions prescribed by way of specific legislative obligations in terms of the Promotion of Access to Information Act (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA). The Commission is obligated to carry out the following tasks:
 - a. Promote awareness of the statutes;
 - b. Report to Parliament in relation to these statutes; and
 - c. Develop recommendations on persisting challenges related to these statutes and any necessary reform.



As part of the framework to achieve the constitutional mandate with which it was entrusted, the Commission put forth the following key strategic objectives in its 2009/10-2011/12 strategic plan.

2.1 Key Strategic Objectives

To be an effective focal point for human rights practice in South Africa, the Commission pursued the following primary objectives in achieving its mandate:

1. Promotion of respect for and a culture of human rights
 - a. To promote and contribute to the development of a sustainable human rights culture through education and training, community outreach and public awareness campaigns;
 - b. To establish and maintain an accessible and transparent human rights environment through the development of quality human rights publications and the management of the Commission's public and media relations; and
 - c. To provide leadership and guidance in the achievement of the Commission's mandate through the facilitation of the South African human rights agenda at international, regional, national and provincial levels.
2. Promotion of the protection, development and attainment of human rights
 - a. To provide legal services aimed at the protection of human rights in the Republic of South Africa through the investigation of human rights violations and the mediation, arbitration and litigation of systemic human rights violations; and
 - b. To strengthen the effectiveness and efficiency of the Commission's corporate governance framework, ensuring accountability in the achievement of its mandate.
3. The monitoring and assessment of the observance of human rights
 - a. To plan, design, conduct and manage research on the interpretation, promotion and protection of human rights aimed at monitoring, assessing and documenting developments in human rights public policy within the Republic; and
 - b. To advance human rights through legislation monitoring and the assessment of national compliance with regional and international human rights treaties.

4. Reporting on legislative obligations on the PAIA and PEPUDA statutes
 - a. To promote a culture of accessibility, openness and transparency by promoting access to information and establishing an integrated information management system for the monitoring of the PAIA statute; and
 - b. To monitor the implementation of the PEPUDA statute as an integral part of the Commission's promotion of human rights.

2.2 Overview of the Service Delivery Environment

Promotion of Respect for and a Culture of Human Rights

The concept of human rights was promoted through education and training, community outreach and public awareness campaigns. Highlights in 2009/10 included the following:

- Anti-racism and service delivery interventions in Skierliek in the North West Province, in direct response to the racial killings in the area;
- Poverty alleviation interventions in the remote, poverty-stricken community of Mafefe. This involved educational interventions and assisting the community in accessing economic and social rights. The Commission, in partnership with the Department of Home Affairs, provided identity documents via a mobile facility. The South African Social Security Agency (SASSA) conducted regular visits to Mafefe to afford community members the opportunity to apply for social grants;
- A focus on human trafficking, especially child trafficking, by the Commission's Free State office in partnership with local municipalities, the Catholic Church, Childline and the Free State Premier's Office. The awareness-raising interventions followed reports of alleged child abductions from schools and rural areas for escort agencies in suburban areas; and
- A national campaign entitled "Justice, Rule of Law and Impunity: Institutional responses arising out of the 2008 violence against non-nationals" formed the basis of a report of the same title that was launched by the Commission on the 18th of March 2010 in commemoration of Human Rights Month.

The concept of human rights was promoted through education and training, community outreach and public awareness campaigns.

Maintaining and establishing an accessible and transparent human rights environment is critical to the promotion of respect for, and the establishment of, a culture of human rights. To this end, the Commission engaged the media and the government on a number of human rights concerns, such as the following:

- South Africa's obligations with regard to torture; and
- The issue of human trafficking, especially of children.



To facilitate the human rights agenda at the regional, national and international levels, the Commission made legislative submissions pertaining to human rights issues in the areas of human trafficking, domestic violence, child justice and service delivery.

Promotion of the Protection, Development and Attainment of Human Rights

The Commission's mandate to protect human rights in South Africa is achieved through a process of complaints management, which allows the Commission to seek redress on behalf of complainants whose rights have been violated.

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The complaints management system used by the Commission provided some challenges, which led to a manual system being used simultaneously to ensure that the statistics were complete and accurate. A plan is now in place to address the system's challenges as part of a review of the Commission's IT applications in the 2010/11 financial year. The review will include the mapping of processes which should allow the Commission to reassess its complaints procedures and regulations in order to align them with the complaints management processes.

Monitoring and Assessment of the Observance of Human Rights

The observance and assessment of human rights is monitored using a number of mechanisms that culminate annually in the Human Rights Development Report (HRDR) and the Economic and Social Rights (ESR) report. The highlights of the year included the following:

- Public hearings on economic and social rights held in June 2009;
- The drafting of human rights monitoring tools by the Commission's human rights portfolios. The portfolios include economic and social rights, the environment and human rights, human rights and the economy, children's rights, the rights of people with disabilities, HIV and Aids and health, crime and human rights, the rights of non-nationals, racism and the rights of older people.

The development of these monitoring tools will enable the Commission to assess progress in the observance of human rights in all the portfolios.

Reporting to Parliament on the PAIA and PEPUDA Statutes

The Commission is required to report to Parliament on its legislative obligations in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA). This mandate is not funded separately and resources are limited, which affects the Commission's ability to meet its obligations on the two statutes.

The Commission has, however, been able to achieve the following with regard to its PAIA obligations:

- It held the first regional Indaba for information officers in KwaZulu-Natal;
- The Commission participated in the 10-year review of PAIA;
- The 2009 Section 32 Annual Report was submitted to Parliament; and
- A frontline staff training manual was completed.

2.3 Overview of the Organisational Environment

Strategy

The Commission's Strategy in the 2009/10 financial year focused predominantly on improving governance and management accountability, as well as being committed to improving performance through internal evaluation when reporting against objectives.

The Commissioners take full responsibility for the overall development of the Commission's strategy, which was discussed and approved at the annual meeting with senior management. The programme heads then developed performance plans in alignment with the targets set in the strategic plan.

The Commissioners met on a quarterly basis with senior management at plenary to discuss their performance against the agreed objectives. They also met the Chief Executive Officer on a monthly basis to discuss progress with regards to performance.

The Commission places great emphasis on developing sound management systems to monitor performance.

Performance Monitoring

The Commission places great emphasis on developing sound management systems to monitor performance. Tools were developed to measure and monitor performance against the Commission's strategic and performance plans.

Structural Review

The organisation began a structural review process to align its resources with its strategy and this will continue into the 2010/11 financial year.

Corporate Governance

The Commission has been challenged by the resignation of the Chief Executive Officer and the Chief Financial Officer in January 2010. The institution has also seen other resignations, including the Head of Information and Communications and the Chief Audit Executive, in February and March 2009 respectively.

The resignation of the Head of the Research, Documentation and Policy Analysis Programme in March 2010 had a further negative impact on the organisation's management and governance.



Moreover, the contracts of the five outgoing Commissioners ended in September 2009, in the middle of the financial year. The new Commissioners were appointed in October 2009, which had a negative impact on the organisation's governance in terms of continuity.

Information Technology (IT)

The Commission faced the challenge of weak IT infrastructure, which had a negative impact on performance in the 2009/10 financial year. As a result, new IT systems and infrastructure were acquired and capacity in IT governance was developed. The organisation has also implemented a number of projects to address these technology challenges.

A major overhaul of the Commission's IT system was necessitated as a result of problems with Internet connectivity, e-mail, the organisation's website, video-conferencing facilities and multifunctioning computers and inadequate software. A plan for managing the process was approved. As of 31 March 2010, a number of projects had already been instituted, including a full infrastructure assessment, servicing and an upgrade of the video-conferencing equipment/software, a review of the IT applications, and the development of a disaster recovery plan and its implementation.

Budget Constraints

The Commission's capacity to deliver on its objectives was severely constrained by its limited financial resources, as its budget allocation was not increased in line with the growth of the organisation.

2.4 Submissions Made to Parliament

The Commission, through the Parliamentary and International Affairs Programme, made the following submissions to Parliament during this financial period (Not all submissions made to Parliament during the financial year are listed):

Item	Submissions/briefings / public hearings	Government Department or Parliamentary Committee	Topic
1.	Briefing on international human rights treaty obligations	Portfolio Committee on Women, Children and Persons with Disabilities (NA), August 2009	Overview of relevant treaty obligations and South Africa's compliance
2.	Briefing on torture	Portfolio Committee Correctional Services (NA), August 2009	South Africa's international obligation to criminalize torture, the need to ratify OPCAT and to establish a national preventative mechanism (NPM)
3.	Human Trafficking Bill submission	Department of Justice and Constitutional Development (DJCD), August 2009	Submissions on various definitions, prevention clauses and offences, and penalty clauses in the Bill
4.	Child Justice Act regulations submission	Department of Justice and Constitutional Development (DJCD), September 2009	South Africa's international human rights obligations and prohibition on transporting children with adult offenders

Item	Submissions/briefings / public hearings	Government Department or Parliamentary Committee	Topic
5.	Green Paper Monitoring and Evaluation submission	The Presidency, October 2009	The lack of a human rights framework within the Green Paper, the need to conduct monitoring and evaluation within a human rights framework
6.	Department of Correctional Services and Judicial Inspectorate of Prisons, Annual Report Public Hearings	Portfolio Committee on Correctional Services (NA), October 2009	Commentary on the work of the department and the Judicial Inspectorate of Prisons (JIOP)
7.	Protection of Personal Information Bill submission and briefing	Portfolio Committee on Justice and Constitutional Development (NA), October 2009	Impact of the bill on the Access to Information Act and the Commission's obligations on PAIA
8.	Public hearings on 10 Year Implementation of Domestic Violence Act submission	Select Committee on Women, Children and People with Disabilities (NA), October 2009	Domestic violence and human rights
9.	Committee on Private Members Legislative Proposals and Special Petitions submission and briefing	Committee on Private Members Legislative Proposals and Special Petitions (NA), October 2009	Proposed amendments to Human Rights Commission Act, providing for extra territorial jurisdiction
10.	Public Hearings on service delivery, statement	Ad Hoc Committee on Service Delivery (NA), February 2010	Message delivered to Committee by Commissioner P. Govender at opening of public hearings

2.5 Official International Trips

Below is a list of official visits abroad, indicating the dates and purpose of the visits:

Place	Date	Purpose
Maputo, Mozambique	2-3 April 2009	Commissioner Wessels participated in the Konrad Adenauer Stiftung's stakeholders' workshop on administrative law
Washington, USA	21-24 April 2009	Commissioner Wessels gave a presentation on the occasion of the 15 th anniversary of freedom and democracy in South Africa, hosted by the South African Embassy
Geneva, Switzerland	18-24 April 2009	The Coordinator – Racism, K Kometsi, attended the Durban Review Conference and made a presentation
Bonn, Germany	4-8 May 2009	Commissioner J Kollapen participated in an experts meeting on the rights of older people
Banjul, The Gambia	12-17 May 2009	The Head of Programme (HoP) ETP, V Maloka, attended the 45 th Ordinary Session of the African Commission on Human and People's Rights
Nairobi, Kenya	19-20 May 2009	HoP PIAP, J Cohen, was invited as an expert to assist in facilitating Universal Periodic Review (UPR) training for the Kenyan Human Rights Commission and civil society organisations
Namibia	20-27 May 2009	Commissioner J Kollapen gave a presentation at a national Human Rights Conference

Place	Date	Purpose
Geneva, Switzerland	19-24 June 2009	Commissioner P Govender served on a Panel of Eminent Persons on an Agenda for Human Rights
Gabon	24-27 June 2009	Commissioner J Kollapen attended a meeting hosted by the South African Embassy
St. Gallen, Switzerland	31 Aug - 5 Sept 2009	Commissioner J Kollapen attended the 5 th World Ageing and Generations Conference
Great Britain	5-10 September 2009	The CEO, T Thipanyane, attended the Commonwealth Consultation on Respect and Understanding
Geneva, Switzerland	12-16 September 2009	Commissioner J Kollapen attended a parallel event at the 12 th session of the Human Rights Council
Malawi	28 Sept - 1 Oct 2009	The CEO, Adv T Thipanyane, attended the Commonwealth Secretariat's UPR Seminar
Morocco	3-5 October 2009	The CEO, Adv T Thipanyane, attended the 7 th Conference of NHRIs
Canberra, Australia	18-24 October 2009	The ESR Researcher, C Jacobs, attended an ESCR workshop
Toronto, Canada	1-8 November 2009	The HoP RDP, C Jessemann, attended the United Nations SRSG John Ruggie's expert consultation on "Corporate Law and Human Rights"
Banjul, The Gambia	10-16 November 2009	The HoP ETP, V Maloka, attended the 46 th Ordinary Session of the African Commission on Human & People's Rights and the 3 rd Bi-annual Conference of NHRIs
Trinidad & Tobago	22-24 November 2009	The Deputy CEO, Adv N Mukwevho, attended the Commonwealth Forum of NHRIs
Addis Ababa, Ethiopia	29 Nov - 3 Dec 2009	Commissioner ML Mushwana attended the regional consultation on enhancing cooperation between the international human rights system and the regional human rights mechanism
West Sussex, UK	12-18 January 2010	Commissioner ML Mushwana attended the Wilton Park Conference on sub-Saharan Africa's implementation of the Millennium Development Goals
Harvard, USA	19-20 February 2010	HoP PIAP, J Cohen, attended the Harvard Disability Project Conference on "Disability and Legal Capacity"
Berlin, Germany	20-29 January 2010	The HoP RDP, C Jessemann attended the Expert Multi-Stakeholder Consultation on Closing Governance Gaps
New York, USA	27 Feb - 7 Mar 2010	Commissioner P Govender attended a UNCSW meeting
London, UK	9-14 March 2010	Commissioner ML Mushwana attended the Commonwealth Mid-term Review meeting
Geneva, Switzerland	20-27 March 2010	Commissioner ML Mushwana attended the 23 rd Session of the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights

Programme Performance

Part 3

3.1 Commissioners

The Commissioners provide strategic leadership and are responsible for the achievement of the organisation's mandate. Accountability for good governance of the institution lies within this office, as the Commissioners set the organisation's vision and priorities, thereby ensuring that the decisions and actions of the secretariat are consistent with the Commission's constitutional mandate.

The Commissioners are the public face of the Commission, representing the organisation at national and international forums, as well as interacting with local communities and stakeholders at the national level, as required, to mainstream human rights issues.

It is through the Commissioners that the Commission has been able to develop relationships with state organs, civil society structures and Chapter 9 institutions. The Commissioners develop these relationships through extensive engagement and consultation with all stakeholders, including the media.

The current five Commissioners took office in October 2009, replacing the outgoing Commissioners whose term of office ended in September of the same year. Pregs Govender, the current Deputy Chairperson, joined the Commission in January 2009.

The Commissioners provide strategic leadership and are responsible for the achievement of the organisation's mandate.

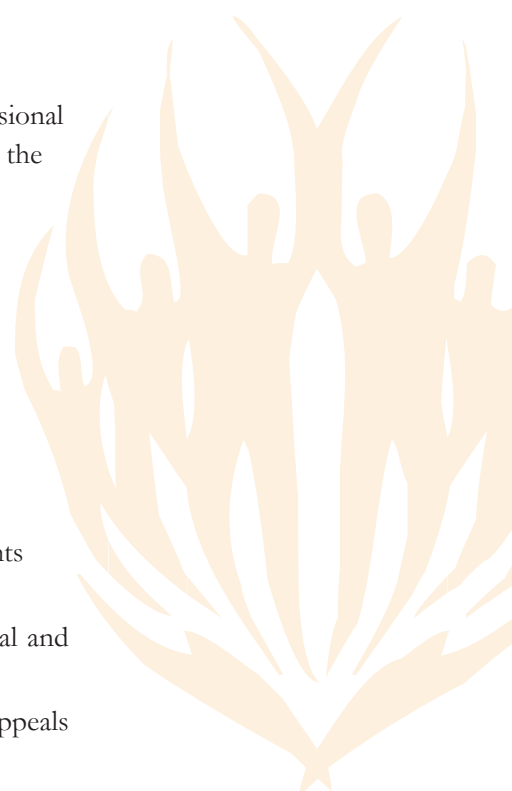
Purpose of the Programme

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

Measurable Objectives

The following are the measurable objectives of the Commissioners' programme:

- To provide broad oversight and leadership with regards to the Commission's operations;
- To facilitate strategic human rights interventions at the national and provincial levels;
- To raise the profile of the Commission by engaging with human rights stakeholders at the international and regional levels;
- To represent the Commission's interests in Parliament – both national and provincial; and
- To oversee the organisation's complaints process and manage the appeals process.



Service Delivery Achievements

The table below reflects the performance of the Commissioners in accordance with performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reason for variance
			Target	Actual	
To provide broad oversight and leadership of the Commission's operations	Performance agreement with the CEO	Annual report on Commission's performance	Monthly performance reporting meetings with CEO Quarterly plenary oversight 100% alignment of Commission's activities to strategic objectives	Achieved	
To facilitate national and provincial strategic human rights interventions	Tools and instruments developed to facilitate human rights interventions	Report on annual review of national human rights trends and patterns, plus number and extent of human rights interventions	Set the Commission's strategic direction through the annual development of human rights priorities Regular media interventions Monthly interventions on human rights focus areas per Commissioner Convene three Section 5 Committee meetings per annum	Achieved	
To engage with international and regional human rights stakeholders	Increased international and regional profile through engagement with the identified stakeholders	Number, quality and extent of human rights policy positions articulated at international and regional fora	Regular briefings of national stakeholders on important international human rights matters One speech, article or paper a month per Commissioner Regular contact with identified stakeholders such as National Human Rights Institutions (NHRIs), the African Union (AU) and the NHRI International Coordinating Committee (ICC)	Achieved	

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reason for variance
			Target	Actual	
To represent the Commission's interests in Parliament (national and provincial)	Effective strategic relations with Parliament (national and provincial)	Reports on engagements with the speaker, proposed unit of C9 institutions and various portfolio committees	Development of strategy and plan for Parliament representation Approval of all submissions and supporting oral presentations to portfolio committees	Not achieved	Current Commissioner assumed office in November 2009 and had not had the opportunity to develop a strategy for parliamentary representation
To oversee the complaints process and manage the appeals process	Integrity of complaints process assured and legal input provided in respect of key complaints	Appeals resolved and legal input in the complaints process	Resolution of appeals within agreed timeframes Preside over public hearings and subpoena hearings Monthly Legal Committee meetings	Achieved	

3.2 Office of the CEO

The office of the Chief Executive Officer (CEO) provides strategic and operational oversight and support to the organisation as a whole. It is responsible for the implementation of the Commission's strategic plan.

The office is also responsible for ensuring compliance with the relevant legislative statutes as well as adherence to the provisions of the Public Finance Management Act 1 of 1999 (PFMA) and relevant Treasury regulations. It is accountable for overall operations integration, including national-provincial coordination and providing support to the Heads of Programmes, where necessary.

Purpose of the Programme

The programme is responsible for the establishment and maintenance of an effective and efficient corporate governance framework. It is the responsibility of the programme to ensure management accountability through improved mechanisms for controlling and directing management activities.

Freedom Park 2009



Measurable Objectives

The following were the objectives of the Office of the CEO in 2009/10:

- To provide strategic management leadership, ensuring the achievement of the Commission's objectives by enhancing the formulation, implementation and evaluation of cross-functional decisions that enable the Commission to carry out its mandate;
- To spearhead collaborative partnerships to facilitate and ensure critical support for the Commission through the development and maintenance of key relationships;
- To create and maintain systems and continuously improve processes that link the Commission's goals and priorities to individual performance, in order to improve performance and organisational development;
- To enhance the planning, organisation and management of the Commission's resources within the guidelines of the PFMA, providing valid and auditable information on which to base management decisions;
- To manage the Commission's processes and systems relating to the acquisition, creation, organisation, distribution and use of information within the Commission;
- To develop structured processes for measuring, monitoring and controlling operational risks that allow for the systematic selection of cost-effective approaches to minimise any threats to the Commission's operations;
- To manage regulatory non-compliance risks through the development of a system that enables the Commission to keep up with emerging legislation, thereby assuring compliance with the applicable legislative statutes;
- To ensure appropriate and optimal operational and governance efficacy, enhancing interactions between internal and external stakeholders; and
- To track projects within the Commission, facilitating business improvement, systems redesign and integration, as well as providing a systematic leadership approach to the development and delivery of business solutions.

In 2009/10, the Commission implemented its strategic plan and the office of the CEO monitored its implementation on a monthly and quarterly basis.

Service Delivery Objectives and Indicators

Strategic Management

This management function involves the development, implementation and review of the Commission's strategic plan. In 2009/10, the Commission implemented its strategic plan and the Office of the CEO monitored its implementation on a monthly and quarterly basis.

Stakeholder Management

While the Office of the CEO took cognizance of the importance of stakeholder management in governance, a lack of capacity did not allow the Office to coordinate this function as planned. The Stakeholder Management strategy and plan were developed

but not executed as planned. Moreover, training tools were developed but the planned management training was not undertaken.

Performance Management

The performance management system continues to be a concern within the Commission. Tools for measuring and monitoring performance were implemented in line with reporting mechanisms. Operational plans were developed to support the achievement of performance targets and performance agreements were aligned accordingly.

Effective risk management is critical for the achievement of the Commission's objectives and mandate.

Project Management

The Office of the CEO continues to oversee the completion of projects within the organisation, reviewing proposals and approving project budgets. The CEO, with the support of the Chief Financial Officer (CFO), reviews and submits expenditure reports to the National Treasury on a monthly and quarterly basis.

Information Management

The Commission reviewed its information management systems and identified a number of challenges in the 2008/09 financial year. The improvement of IT systems, starting with the information technology infrastructure, was identified as a priority for the 2009/10 financial year.

The new Head of the Information and Communications Programme (ICP), who is tasked with the development of the Information Management Strategy, joined the Commission in December 2009. This position had been vacant for 10 months.

The Head of programme's priority on joining the Commission was to address the IT infrastructure problems and therefore it is expected that development of the Information Management Strategy will occur from the 2010/11 financial year.

Risk Management

Effective risk management is critical for the achievement of the Commission's objectives and mandate. The organisation continues to enhance its risk management capabilities. Currently the function is delegated to the Heads of Programmes to manage risks within specific Programmes, with the process being coordinated by the Office of the CEO.

Initially, it was the task of the Internal Audit Unit of the Commission to facilitate the process by providing support to the programmes. However, this created conflict. At a meeting of the Audit Committee on the 17th of April 2009, the Audit Committee advised the CEO to create the post of a Risk Officer to support the Programmes in managing their risks.



As this position was not budgeted for in the 2009/10 financial year, the Manager in the Office of the CEO was requested in the interim to assist the Senior Management with their risk management responsibilities.

Compliance

Through this function the Programmes are assisted with managing and mitigating compliance risks effectively. However, there are currently no dedicated personnel to coordinate this. All aspects of the function have therefore been delegated to the Heads of Programmes to ensure compliance with the relevant legislation and statutes pertaining to their programmes.

The Heads of Programmes report on and escalate issues to the Deputy CEO and the CEO, who monitor and ensure their compliance.

A compliance framework guideline was developed to assist with monitoring compliance, in keeping with the PFMA and Treasury regulations. More guidelines are in the process of being developed for further regulations and statutes that the Commission is required to comply with.

The Commission appreciates the importance of ensuring management accountability.

Governance

The Commission appreciates the importance of ensuring management accountability. The corporate governance function affords the CEO the opportunity to direct and control management activities. Mechanisms used to achieve this include monthly senior management report-back meetings and interaction with the Commissioners on a monthly basis.

Submissions by management are made to the Audit Committee and other governance committees of the Commission.

Administration

The Office of the CEO liaises with the different Programmes of the Commission, ensuring that management decisions are implemented and provides quality assurance support to managers. In 2009/10 the annual report was collated and submitted to the Auditor-General within the deadlines set and quarterly reports were collated for audit purposes.

Service Delivery Achievements – Office of the CEO

The table below reflects the performance of the Office of the CEO in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan:

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To provide strategic management leadership	The Commission's strategic objectives to be accomplished	Strategic business plan drawn up, detailing the Commission's measurable objectives	100% achievement of objectives in the strategic plan	<p>Not Achieved</p> <p>52% of the Commission's objectives had been achieved as at 31st March 2010</p> <p>Monthly reviews of progress against strategic plan undertaken</p>	Budget constraints and unfilled vacancies affected performance negatively
To develop and maintain the Commission's key stakeholder relationships	Stakeholder relationships established in a proactive manner	Number of stakeholder relationships developed	Development of stakeholder list and engagement strategy and plan by 30th April 2009	<p>Achieved</p> <p>The stakeholder strategy, plan and list were developed</p>	The stakeholder management strategy, plan and list were developed but not executed as capacity was shifted to oversight of the risk management process
To improve organisational performance and development	Individual performance aligned to the Commission's goals and priorities	Increased individual and team performance through comprehensive performance scorecards	100% compliance with quarterly performance reviews against strategic plan	<p>Not Achieved</p> <p>Quarterly reviews undertaken</p> <p>Follow-up on corrective action at the team and individual level has not taken place</p>	<p>The performance monitoring and evaluation processes are still under development</p> <p>The management of the performance information policy is still in draft form and has not been approved</p>

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To plan, organise and manage organisational resources effectively	Improved management capacity in planning, organisation and management of resources	Delivery of work on time and within budget in line with the Commission's operational plan	Development of an integrated operational plan geared towards 90% delivery within budget Reduce virements and increase financial management compliance	Achieved Operational plan completed by 30th April 2010 Financial statements reviewed, approved and submitted to National Treasury Budget projections from HoPs reviewed	
To measure, monitor and control operational risks	Risks assessed, prioritised and managed within the environment of the Commission	Legislative compliance and operational risk management strategy	Completion of risk management strategy and plan Begin to implement the plan by 30th April 2009 Undertake quarterly risk assessment and compile mitigation reports	Achieved Risk management strategy and plan completed by 30th April 2009 Quarterly risk assessments undertaken	
To manage regulatory non-compliance risks	Effective audit and compliance management systems and processes developed	Reduction in compliance risk exposure	Development of legislative compliance guidelines Monitor legislative compliance to reduce matters of emphasis arising from an unqualified audit opinion from the AG	Achieved Compliance guidelines for the PFMA and Treasury regulations compiled Compliance monitored on an ongoing basis	
To manage information management systems effectively	Proper information strategy developed and implemented	Alignment of information management strategy with the strategic objectives of the Commission	Information Management (IM) strategy developed, approved and implemented	Not Achieved IM strategy not developed, as of 31st March 2010	Position of Head of ICP vacant for a period of 10 months; the ICP HoP was to drive the process

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To establish appropriate and optimal operational and governance efficacy mechanisms	Operational and governance efficacy mechanisms established	Increase response to organisation-wide work demands	Improved reporting mechanisms and bi-weekly reporting meetings	Achieved Monthly management meetings undertaken Monthly performance progress meeting undertaken with Commissioners Reports submitted to Audit Committee	
To facilitate business systems improvement programmes	Business systems process improvement and approaches facilitated	Full annual compliance reporting framework	Annual report – internal reporting guidelines reviewed Plenary reports on quarterly organisational performance reviews	Achieved 2008/09 annual report submitted by due date Quarterly plenary reports submitted	

3.3 Internal Audit Activity

The main function of the Internal Audit Activity (IAA) Programme is to execute audits as per the IAA charter, review the organisational risk strategy, and advise management on the attainment of its objectives. The Internal Audit Activity focused on the implementation of the approved audit plan for the 2009/10 financial year.

The Programme is led by the Chief Audit Executive, who is supported by two Auditors – the Deputy Director and the Assistant Director. The Audit Executive resigned in March 2009, and as the post was vacant for the entire financial year, the Deputy Director acted in this position.



Purpose of the Programme

To present performance results and identify corrective action to meet the Programme sub-objectives, as set out in the IAA 2009/10 business plan.

Measurable Objective

- To audit and advise the Commission on risk management, governance and control processes.

Service Delivery Objectives and Indicators

Audit Execution

In the 2009/10 financial year, Internal Audit achieved the following:

- Audited procurement
- Audited the library
- Audited fleet management
- Conducted a review of specialised software within the Commission
- Conducted a review of recruitment
- Followed up on the external audit findings
- Followed up on the Occupational Health and Safety audit
- Conducted a review of staff development
- Reviewed the over-utilisation of personnel in acting positions.

The following were considered by the Internal Audit Activity to be highlights:

- The fruitful participation of Internal Audit in the Joint Corporate Services (Internal Audit, Administration, Human Resources and Finance) meetings with the Provincial Managers on 6 May 2009, 23 June 2009 and 13 November 2009;
- The Assistant Director and Acting Head of IAA attended the International Institute of Internal Auditors (IIA) Conference from 11–13 May 2009 at the Sandton Convention Centre. This was the first international IIA Conference to be held in Africa;
- The Assistant Director and Acting Head of IAA attended the Association of Certified Fraud Examiners (ACFE) Annual Conference from 24–26 August 2009;
- In January 2010, the unit's Pro Audit software was successfully upgraded to Enterprise Risk Assessor (ERA).

Service Delivery Achievements – IAA

The table below reflects the performance of the Internal Audit Activity in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Measure/ indicator	Actual performance against target		Variance and reasons for variance
			Target	Actual	
Audit and advise the Commission on risk management, governance and control processes	Internal Audit Plan	Internal Audit reports	Implementation of projects in terms of the Internal Audit Plan	<p>Not achieved</p> <p>By 31st March 2010, approximately 87% of the audit plan had been achieved</p> <p>Nine audit projects had been completed</p> <p>Achieved</p> <p>Four audit committee meetings and one special meeting held</p> <p>A three-year rolling IAA plan had been developed (1st year of plan complete)</p> <p>The annual IAA plan was approved by the Audit Committee</p> <p>Quarterly reports were made to the Audit Committee</p>	Due to personnel constraints, the Audit Committee approved a revised audit plan for the year

3.4 Operations

3.4.1 Legal Services Programme (LSP)

The Legal Services Programme is primarily responsible for carrying out the Commission's mandate of protection. The protection function of the LSP is broadly achieved through the provision of legal advice, thereby ensuring access to justice and legally empowering beneficiaries, as well as through the investigation and resolution of alleged human rights complaints.

The programme is responsible for seeking appropriate redress for human rights violations through litigation in various courts, including the Equality Courts that have been established in terms of PEPUA, and various other courts.

It is the responsibility of the programme to provide information relating to patterns, trends and statistics of human rights violations and complaints upon request by members of the general public and various stakeholders. The programme also provides in-house legal services and advice.

The Legal Services Programme is primarily responsible for carrying out the Commission's mandate of protection.

Purpose of the Programme

The Programme provides legal services for the protection of human rights through the investigation of human rights violations and the provision of legal advice to victims of human rights violations.

Measurable Objectives

The objectives of the Programme are:

- To provide legal advice and assistance to victims of human rights violations;
- To investigate human rights violations upon receipt of complaint or at own initiative;
- To seek appropriate redress for human rights violations focusing on the rights of the child;
- To provide statistics on patterns and trends in human rights violations focusing on the rights of the child;
- To provide in-house legal services and advice to the Commission;
- To revise and re-define operational systems in LSP; and
- To develop stakeholder and inter-programme collaboration systems.

Service Delivery Objectives and Indicators

Provision of Legal Advice and Assistance

This objective relates to the immediate provision of legal advice as well as responding to requests for information or legal assistance, not necessarily relating to human rights violations. This empowers people legally through enabling access to justice, allowing them to assert and enforce their rights.

One of the challenges relating to this objective is the potential for under-reporting on the output, and inconsistent reporting on time spent on it, which are linked to capacity limitations especially in the provincial offices.

[Legal advice and assistance] empowers people legally through enabling access to justice, allowing them to assert and enforce their rights.

Complaints Investigation and Resolution

The total number of complaints received and recorded for the 2009/10 financial year was 9,326. Of this total, 3,639 were accepted as *prima facie* human rights violations requiring further investigation. The total number of complaints finalised during this period was 1,429.

One of the major challenges relating to the achievement of this objective is compliance with the prescribed timeframes for finalising complaints. To this end, a revision of the timeframes will be undertaken in the next financial year.

A file audit of all current and carried over files was conducted during this period by the Complaints Management sub-programme to determine the extent of the backlog. The final report is still pending.

The Complaints Management sub-programme in LSP conducted internal training sessions for LSP end users in the Mpumalanga and Western Cape provincial offices, to assist the staff members using the electronic complaints management software, FlowCentric. The LSP, assisted by the ICP Programme, sought quotations for technical support and the upgrading of the system, and entered into a support agreement with a service provider for technical support.

Seeking Appropriate Redress for Human Rights Violations

The objective of developing and implementing a litigation strategy and plan for redress on human rights violations focusing on the rights of the child was not achieved. This was due to the Deputy-Director: Litigation position being vacant since the end of May 2009. The draft strategic litigation policy document for the LSP, which was to assist in providing direction in this regard, was not finalised as planned.

In terms of litigation, the number of Equality Court cases litigated and non-equality cases litigated in courts other than the Equality Courts are as follows: a total number of 17 Equality Court cases were litigated and 0 public impact cases focusing on the rights of the child were litigated. Again, as noted above, a major challenge that impacted negatively on the achievement of this output and objectives is the fact that the post of Deputy Director: Litigation responsible for coordination,



monitoring and supporting the achievement of this target was vacant as from the end of May 2009, including for the remainder of the financial year.

The lack of capacity in this sub-programme also impacted directly on the ability of the LSP to achieve its objective of identifying cases of public interest and relevant Equality Court cases focusing on the rights of the child.

Reports on Patterns, Trends and Statistics of Human Rights Violations and Complaints

During this period, this objective was achieved through the compilation and submission of quarterly reports and information relating to patterns, trends and statistics of human rights violations and complaints. One of the challenges, however, was that in certain instances the timeous submission of quarterly reports was compromised as a result of provincial offices not being able to submit by the due dates, based on challenges such as lack of capacity or know-how regarding the compilation of statistical reports. However, in such cases, and subject to funding, the Complaints Management sub-programme in LSP assisted by providing training and guidance for provincial offices with the compilation of plenary reports.

Another challenge facing LSP was achieving the objective of reporting on trends and patterns focusing on the rights of the child, given that LSP generally reports on the violation of rights as contained in the Constitution's Bill of Rights.

Providing In-house Legal Services and Advice to the Commission

Despite the challenges relating to lack of capacity in this unit at the LSP Head Office, the sub-programme dealt with 11 in-house matters during the period. Seven of these involved debt collection against former members of staff, one of which was finalised during the financial year. The other three matters related to service level agreements, one of which was finalised and two are still pending. The remaining matter is an in-house request regarding an online dispute involving the Commission's official website, and this is ongoing. The unit's capacity shortage negatively affected the turnaround times for finalising in-house matters.

The litigation sub-programme managed, during this period, to establish relations with the State Attorneys' offices in various regions and nationally to assist with debt collection matters for and on behalf of the Commission. This amounted to a cost-saving initiative to the benefit of the Commission.

Revision and Re-definition of LSP Operational Systems to Enhance Operational Efficiency

The LSP held a three-day meeting for its management during June 2009 to revise and discuss operational and strategic issues affecting its performance and operations. A report highlighting some of the main challenges was drawn up. It made a number of recommendations, notably a restructuring of the current reporting lines and structures of the LSP and the entire organisation. To a limited extent, LSP operational issues and systems were also discussed and revised.

In total, four provinces were audited during the latter part of this period; the audit visits were carried out by the Deputy-Director: Provincial Coordination in LSP. This occurred once the terms of reference for the audits were finalised and approved in the earlier part of this review period. To date, one audit report had been finalised and the other reports were in the process of being finalised for submission.

The Provincial Coordination sub-programme handled 82 service-related complaints regarding complainants' alleged dissatisfaction with the Commission's handling of their complaints. During this period, 12 of these complaints were resolved while 70 remained active. The extent to which the lack of capacity in the LSP and the need for a revision of the timeframes impacts on the finalisation of complaints indicates that urgent attention must be given to these challenges in the new financial year.

[T]he LSP has collaborated with various programmes during this period on aspects such as cyber and information law and liaison with the office of the Judicial Inspectorate.

Stakeholder and Inter-programme Collaborations

A number of external stakeholder and internal inter-programme collaboration initiatives were undertaken during this period. Three collaboration agreements in the form of memoranda of understanding were concluded and signed off with external firms or organisations regarding *pro bono* litigation and legal services. These agreements will enhance the litigation capacity of the LSP and improve access to justice. Similarly, there have been ongoing discussions and informal liaisons with a number of organisations regarding the formation of strategic partnerships with the Commission through the LSP. It is expected that two more agreements that are in the final stages of negotiation will be finalised and signed off during the next period.

In terms of internal inter-programmatic liaison, the LSP has collaborated with various programmes during this period on aspects such as cyber and information law and liaison with the office of the Judicial Inspectorate.

Law Clinic Status of Provincial and Head Offices

During this period, the LSP Head Office and the Limpopo and North West provincial offices were re-accredited with Law Clinic status. As part of the Candidate Attorney (CA) Pilot Project it initiated, only the LSP Head Office remained certified during this period for the purposes of registering Candidate Attorneys based on the Principal Attorney status of the attorneys employed at LSP Head Office.

Candidate Attorney (CA) Pilot Project at the LSP Head Office

The LSP Head Office continued to foster various collaborations and pursued formal as well as informal strategic partnerships with various private law firms, organisations, the Law Society and with Legal Aid South Africa regarding the training of the two Candidate Attorneys placed at LSP Head Office as part of the CA pilot project. One of the two Candidate Attorneys resigned at the end of March 2010, while the other Candidate Attorney's contract will end early in the next financial year. A report evaluating the pilot project and making recommendations is to be finalised soon.



Service Delivery Achievements – LSP

The table below reflects the performance of the Legal Services Programme in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
Provide legal advice and assistance to victims of human rights violations	Access to justice and legally empowered beneficiaries	Time spent/ number of enquiries attended to and once-off advices given within agreed timeframes	Response and attendance to 75% of requests within agreed timeframes	Achieved: 100% of requests were attended to All 1,459 once-off enquiries received were attended to	
Investigate human rights violation upon receipt of complaint or at own initiative	Finalisation of complaints in accordance with adopted complaints handling procedures	Number of complaints finalised (subject to carrying capacity and SDIs)	Finalisation of 60% of complaints within agreed timeframes (subject to carrying capacity and SDIs)	Not achieved 1,429 out of 3,639 complaints accepted for investigation (39%) were finalised during the period	Due to capacity challenges, the target was not achieved, nor within the agreed timeframes
Seek appropriate redress on human rights violations focusing on the rights of the child	Effective redress of human rights violations focusing on the rights of the child	Litigation strategy and plan for redress on human rights violations focusing on the rights of the child	Nine public impact matters A minimum of four general litigation matters in the Equality or other courts per province (9) per annum – thus 36 cases	Not achieved A total of 17 matters were litigated in the equality courts and other courts	Litigation strategy and plan for public impact cases not developed due to a lack of capacity
Provision of statistics on patterns and trends in human rights violations focusing on the rights of the child	Statistical reports on patterns and trends in human rights violations focusing on the rights of the child	Reporting framework and reports on patterns and trends in human rights violations focusing on the rights of the child	Quarterly reporting on patterns and trends in human rights violations focusing on the rights of the child	Achieved	

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
Provide in-house legal services and advice to the Commission	Commission properly advised on legal compliance and legal/ contractual issues	Time spent/ number of queries attended to and advices given	Response and attendance to 75% of requests within a reasonable timeframe	Achieved 11 various in-house matters and requests for advice on service level agreements forwarded for legal advice and opinions	
Revise and re-define operational systems in LSP	Effective and efficient operating systems in LSP	Consistent and uniform operational framework Adherence to adopted operational framework	LSP Indaba by end of June 2009 Revision, adoption and implementation of new operational system by end of July 2009	Achieved Not achieved	Conflicting schedules affected the review process and approval timelines for system
Develop stakeholder and inter-programme collaboration systems	Coordinated approach to work and maximising available resources	Time spent/ number of collaborations and joint interventions, number of meetings, number of protocols adopted, MOUs signed	Bi-annual stakeholder meetings Joint monthly activities and reporting	Achieved 3 MOUs with external partners negotiated and signed off Ongoing formal and informal networking Achieved Inter-programmatic joint initiatives and meetings held	

Mandela day



3.4.2 Education and Training Programme (ETP)

The ETP Programme is the Commission's public awareness arm and the primary provider of human rights education for members of the public. It is tasked primarily with discharging the Commission's promotion mandate and is also responsible for promoting and contributing to the development of a sustainable human rights culture through human rights education and training, e-learning and public participation and dialogue.

The programme provides human rights education interventions to a variety of audiences in and outside of South Africa. These include training workshops, presentations, community outreach, campaigns, exhibitions, seminars and conferences, as well as e-learning. In addition, community radio stations are used as a tool to reach millions of South Africans who would normally not have easy access to the Commission's services.

The ETP Programme is the Commission's public awareness arm and the primary provider of human rights education for members of the public.

Purpose of the Programme

The programme implements the mandate of the Commission by promoting and contributing to the development of a sustainable human rights culture.

Measurable Objectives

These are as follows:

- To raise awareness of human rights through rural community outreach, presentations and other capacity-building interventions on the thematic areas of the Commission;
- To encourage public participation on contemporary human rights issues by hosting seminars and other public discussions; and
- To execute the Commission's e-learning blueprint and strategy through the development and deployment of e-learning courseware.

Service Delivery Objectives and Indicators

The programme discharges its mandate through three sub-programmes, namely, Outreach and Provincial Coordination, Public Participation and Dialogues, and e-Learning.

Outreach and Provincial Coordination

The objective of this sub-programme is to enhance the accessibility of the Commission's human rights education and training interventions in rural communities by conducting training workshops, presentations, community outreach, advocacy and other capacity-building interventions. The sub-programme also provides coordination support to provincial offices by co-hosting events with provincial offices, commenting on training materials, conducting educational interventions in provinces where there are no

education officers and in communities in close proximity to the Head Office, as well as consolidating all monthly and plenary reports of provinces into one report. The sub-programme works with government departments and agencies at the local, provincial and national levels as well as with statutory bodies such as Chapter 9 Institutions.

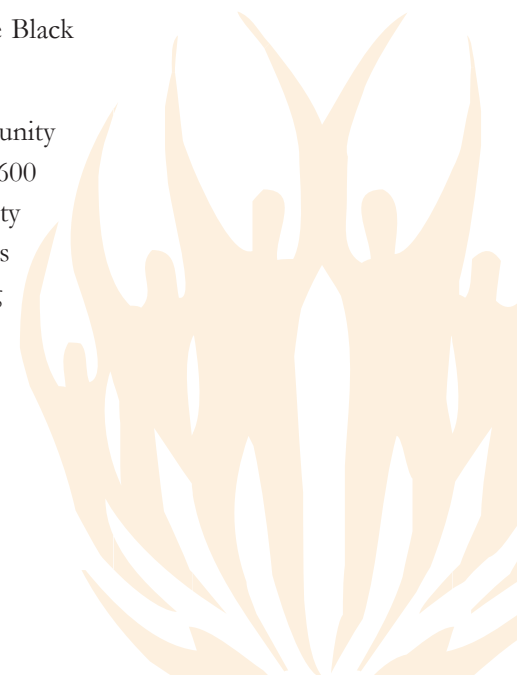
The sub-programme has developed and executed a three-fold implementation strategy – “Adopt-a-Community”, “Ambassadors for Human Rights” and “Human Rights Calendar Days”. The Adopt a-Community strategy involved conducting multiple human rights education interventions in a community, with a variety of audiences. It emphasised sustainable local capacity building via Human Rights Ambassadors – a core group of locally-based people trained to continue the work of monitoring and awareness-raising. The Human Rights Calendar Days strategy focuses on recognised human rights days at the international, regional and national levels that fall within the Commission’s thematic areas.

The annual Human Rights Month (HRM) provincial outreach activities around Human Rights Day on March 21 continue to be the highlight of this sub-programme. During the period under review, the HRM campaign focused on “Justice, Rule of Law and Impunity: institutional responses arising out of the 2008 violence against non-nationals”. This followed the launch of a report on the investigation into the violent attacks on non-nationals.

The sub-programme entered into a number of strategic partnerships to double its human capacity as well as to augment its financial resources. Some of the strategic partnerships entered into include those with the Department of Water Affairs and Forestry (DWAF) and the Department of Provincial and Local Government (DPLG, now the Department of Cooperative Governance and Traditional Affairs); municipalities such as Sedibeng, Emfuleni and Mbombela; the Premier’s offices in some provinces, such as the Free State, Limpopo and North West; Chapter 9 Institutions such as the Office of the Public Protector and the Commission on Gender Equality; as well as non-governmental organisations such as the Democracy Development Programme (DDP) and the Black Sash.

For the period under review, a total of 74 out of 108 targeted “three-day” community outreach interventions were conducted, and a total of 371 out of targeted 600 presentations were reached while a total of 182 out of targeted 240 community radio stations were conducted. The sub-programme partially achieved its objectives mainly due to capacity constraints as three out of the 10 offices had long-standing vacancies for Education Officers. These are the Western Cape, North West and Northern Cape Provincial Offices.

The sub-programme entered into a number of strategic partnerships to double its human capacity as well as to augment its financial resources.



Public Participation and Dialogues

The objective of this sub-programme is to encourage public participation on contemporary human rights issues by hosting seminars and public discussions on the topic. The sub-programme hosts events for internal and external audiences. For internal audiences, regular Internal Dialogues or “Lekgotla” are held on topical human rights matters to promote debate and dialogue amongst staff. The sub-programme also provides technical assistance to the provinces by assisting with the conceptualisation of seminars, dialogues, roundtable discussions and public discussions.

Externally, the sub-programme has brought together audiences from various sectors to engage in dialogue and debate around current human rights issues. A number of prominent scholars, community leaders, public commentators, senior government officials and human rights defenders from across the African continent have shared a platform to debate the state of human rights in South Africa. Strategic partnerships were also entered into with local, regional and international partners to deliver on some of the interventions.

[R]egular internal dialogues or “Lekgotla” are held on topical human rights matters to promote debate and dialogue amongst staff.

The sub-programme hosted 24 seminars - 18 in various Provinces of the country and six at the Head Office. Notable achievements include the two-day Annual Human Rights Conference hosted in collaboration with the Freedom Park Trust as part of the National Human Rights Day celebrations; the Africa Human Rights Day seminar, hosted in collaboration with the Department of International Relations and Cooperation (DIRCO) and the African Renaissance Institute to commemorate the 23rd anniversary of the African Charter on Human and People’s Rights; as well as the Annual Human Rights Lecture to mark International Human Rights Day in collaboration with DIRCO, UN Office of the High Commissioner for Human Rights (OHCHR) and the Department of Justice and Constitutional Development (DoJ). This year’s Human Rights Lecture was given by the UN High Commissioner for Human Rights, Justice Navi Pillay.

E-Learning

The ETP strives towards excellence in its delivery of education and training interventions. To assist in achieving this and in implementing the Commission’s promotion mandate, the programme has developed a blueprint for e-learning characterised by the vision of creating a technologically supported, lifelong learning environment championing and defending human rights and democracy for all. This blueprint has informed the e-learning implementation strategy for the period 2008 – 2010 and beyond.

The Commission’s e-learning portal hosts customised, integrated e-learning courseware on human rights. The courses are characterised by a blend of self-directed learning and facilitated interventions and aim at creating content knowledge and awareness around best-practice implementation, as well as serving as a catalyst for attitudinal and behavioural adjustments beneficial in a work and social context. Customised e-learning courses exist on basic human rights, PEPUDA, PAIA, the Promotion of Administrative Justice Act

3 of 2000 (PAJA) and an Induction Portal on Human Rights for internal audiences. The portal also hosts generic e-learning courses as part of staff development, including courses on Workplace Communication Skills, Resolving Conflict with Communication Skills, The Basics of Budgeting and Managing a Project.

The internal deployment plan for the reporting period was to ensure the mandatory completion of e-learning courseware by half of the Commission's staff and the formalisation into the performance management agreements of everyone, at every level. The courses should also be marketed to 250 external stakeholders involved in human rights education and mandated to promulgate Basic Human Rights, PEPUDA, PAIA, and PAJA in their activities. These targets were partially achieved, however, due to the following challenges:

- Previous remedial measures to address IT challenges impeding the accessibility of courseware for both internal and external stakeholders proved ineffective and other options were investigated. This resulted in the upgrade of the Sum Total Learner Management System to the Enterprise Knowledge Portal (EKP);
- Contributing to the access challenges listed above was the fact that the Sum Total Learner Management System was housed on the service provider's remote server. A decision was taken to move the server to the Commission's Head Office and populate the newly-acquired Enterprise Knowledge Portal (EKP) with the existing e-learning courseware. However, due to the limited capacity of the hosting server, the sub-programme managed to register only internal learners at the exclusion of external stakeholders. The current Commission server is to be updated to accommodate the seamless deployment of the existing e-learning courseware to all targeted users and the finalisation of this process is currently underway.

Despite the above-mentioned challenges, the sub-programme managed to register 54 internal and 64 external learners on both the Sum Total Learner Management System and the upgraded EKP.

Media freedom day 2009



Service Delivery Achievements – ETP

The table below reflects the performance of the Education and Training Programme in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To raise awareness of human rights through rural community outreach, presentations and other capacity-building interventions on the thematic areas of the Commission	Increased public awareness on human rights, particularly children's rights and responsibilities	Reports of community outreach interventions, presentations and other capacity-building interventions on the rights of the child	One three-day community outreach per month per office, focusing on the rights of the child	Not Achieved 74 3-day outreach interventions were held, which directly or indirectly focused on the rights of the child	Variance of 46 Three of the 10 offices had long-standing vacancies of Education Officers for the most part of the period under review, notably Western Cape, North West and Northern Cape
			Five presentations per month per office focusing on the rights of the child	Not achieved 371 presentations were held, which directly or indirectly focused on the rights of the child	Variance of 229 presentations. Three of the 10 offices had long-standing vacancies of Education Officers for the most part of the period under review, notably Western Cape, North West and Northern Cape
			Two community radio station interventions per month per office focusing on the rights of the child	Not achieved 182 community radio station interventions were held, which directly or indirectly focused on the rights of the child	Variance is 58 . Execution of this objective was hampered mainly by the demand from community radio stations to cover costs for air-time, which is against the Commission's policy. The long-standing vacancies of Education Officers in three offices also had an impact on delivery

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To encourage public participation on contemporary human rights issues by hosting seminars and other public discussions	Increased public participation around contemporary and topical children's human rights issues	Documentation and publication of outcomes and recommendations from seminars and other public discussion forums on the rights of the child	Two seminars per annum per provincial office, focusing on the rights of the child	Achieved 18 provincial seminars were held, which directly or indirectly focused on the rights of the child	The sub-programme met expected outputs of 18 seminars per annum
			One seminar per quarter at national office level, focusing on the rights of the child	Achieved 6 Seminars were held at National Office, which directly or indirectly focused on the rights of the child	The target of 4 seminars at National Office was exceeded
To execute the Commission's e-learning blueprint and strategy through development and deployment of e-learning courseware	Efficient execution of the Commission's e-learning strategy	Reports of deployed e-learning courses Number and reports of registered end users	Mandatory completion of courseware by half of the staff	Not Achieved 54 Registered learners out of 65	IT challenges impeded the accessibility of courseware for both internal and external stakeholders
			Registration for and deployment of e-learning courses for 250 external takeholders	Not Achieved 64 Registered learners out of 250	

3.4.3 Research, Documentation and Policy Analysis Programme (RDP)

The programme executes the research, monitoring and assessment mandates of the Commission and in so doing, manages and implements most of its knowledge generation processes. This programme monitors and assesses economic and social rights, with specific emphasis on the environment, development, poverty, crime, business and equality. It is also responsible for knowledge management and houses the library and documentation function of the organisation.

Purpose of the Programme

To plan, design, conduct and manage research on the promotion and protection of human rights aimed at monitoring, assessing and documenting developments in human rights policy within the Republic.

Measurable Objectives

The objectives of the programme are as follows:

- To devise methods and procedures for collecting and processing data, utilising knowledge of available sources of data to analyse the trends and patterns of human rights promotion and protection;
- To develop general recommendations on human rights issues that contribute to proposals for legislative reform and policy recommendations as a contribution to the response to human rights challenges;
- To coordinate the activities of the Commission in relation to research on economic and social rights and policy developments;
- To contribute towards the implementing the Commission's obligations in relation to the right to equality and non-discrimination;
- To contribute towards the resolution of complaints in relation to human rights portfolios; and
- To support knowledge generation, dissemination and information management activities through documentation, research and library services.

Service Delivery Objectives and Indicators

Library

The library achieved six of its seven outputs. It only partially achieved the objective of building strategic partnerships as the output was not in line with the policies of the intended partners. The objective of strategic partnerships was to augment electronic information from databases remotely. The intended partners' policies are to make databases available on-site for a fee. During the last two months of the financial year the Department of Justice and Constitutional Development included the Library in its

virtual library project, effective from 2010/2011. As a result, the library will save money in subscription to databases in the 2010/2011 financial year.

With the decline of its budget, the Library had to cancel some subscriptions and settle for access to some titles rather than owning them. Access to some of the cancelled titles will be possible through the Internet. The implication is that the Commission requires faster access to the Internet. The following material was received:

- 193 journal issues
- 63 magazines/newsletters
- 71 books (all donated)
- 45 law reports
- 73 loose leaf updates (36 provinces and 37 library)
- 1051 Government Gazettes (received weekly as published)
- 122 reports
- 49 annual reports
- 4 daily, 2 online and 4 weekend newspapers.

No new books were purchased. The library relied on the Internet free area and subscription databases for information.

Economic and Social Rights

The Economic and Social Rights (ESR) sub-programme successfully held public hearings on economic and social rights in terms of S184(3) of the Constitution. The ESR Report is currently being finalised and will be launched in due course. In the financial year, the sub-programme was invited to present its monitoring methodology in Australia, hosted by the Australian National University. The sub-programme is also engaged in a matter concerning the right to adequate housing in the Riverlea community. This is being done in collaboration with the Legal Services Programme.

Environmental Rights

The senior researcher spent much of her time organising and executing the Commission's public hearings. She sat on the panel for the hearing on "Environment, Water and Food" and subsequently worked extensively on the ESR report, editing it and reworking the chapters on Environment, Water and Food.

The highlight of the year was making a written submission to various portfolio committees and select committees on climate change, and being invited to make an oral submission to Parliament on climate change plus recommendations for combating the effects of climate change in Africa. The senior researcher contributed to a submission to the National Energy Regulator of South Africa (NERSA) on the proposed Eskom tariff increase and was invited along with the Senior Researcher: Economy to make a presentation based on the written submission.

The Economic and Social Rights (ESR) sub-programme successfully held public hearings on economic and social rights in terms of S184(3) of the Constitution.



Human Rights and Economy

The senior researcher was a panellist for the Social Security programme during the ESR public hearings. For the ESR report, the Senior Researcher analysed the annual financial statements of ten government departments and prepared budget analysis reports. The senior researcher also reviewed the 2010 budget speech and all estimates of national expenditure reports for the 37 national government departments, as published by the National Treasury in February 2010. The objective was to examine budget allocations and indicators formulated by the various departments.

The senior researcher conducted research into South Africa's electricity supply, particularly on the proposed tariff increase by Eskom. A written submission was made to NERSA and the Commission was granted an opportunity to make an oral presentation on 21 January 2010 in Midrand.

Children's Rights

To date, the portfolio has handled a sizeable proportion of legal matters relating to complaints handling, while also value adding by sifting and attending to complaints that would otherwise have been referred to the LSP.

In terms of its monitoring mandate, the child rights sub-programme conducted an investigation at Amakhaya Children's Shelter in support of the Gauteng provincial office, and produced a report on the findings.

Disability

The coordinator carried out a site inspection at the Cullinan Rehabilitation Centre, which highlighted the need for unannounced visits. It needs to be considered how this can be approached, given the security requirements at mental health care institutions.

Complaints have been received regarding the Sectional Titles Act, which has a negative impact on people with disabilities as the legislation in its current form does not cater for physical alterations to housing to accommodate residents with disabilities. A letter was signed by the Chairperson and has been submitted to the Chief Registrar of Deeds. The response received indicated that there was sufficient legislation in place to regulate access without including it in the amendments to the Sectional Titles Act.

The South African Law Reform Commission has decided to consult further with government departments on the Assisted Decision-Making Bill before finalising the Bill. This was as a direct result of the Commission's intervention. In the last quarter, environmental accessibility has been a strong theme. An Equality Court monitoring survey revealed that the courts are accessible to varying degrees, which presents a tremendous obstacle to access to justice.

HIV and AIDS and Health

The HIV and AIDS coordinator made 11 presentations and conducted two workshops on HIV and AIDS and human rights in the 2009/10 financial year. The presentations and workshops helped highlight the work of the Commission in ensuring that the rights of people living with HIV and AIDS are promoted and protected.

Human Rights and Business

This portfolio has been vacant since June 2008. The new Coordinator commenced work on 1 April 2010.

Human Rights and Crime

The Senior Researcher contributed to proposals for human rights legislative and policy reforms. These included comments on the South African Law Reform Commission's Discussion Paper on Adult Prostitution; the new medical parole provisions to replace the current Section 79 of the Correctional Services Act; the Minister of Police's intention to amend Section 49 of the Criminal Procedure Act to give police more powers to exercise lethal force; and a workshop of experts with the Deputy Minister of Correctional Services to discuss mental health and crime.

The Senior Researcher produced a position statement on the probable amendment of Section 49 of the Criminal Procedure Act, which was submitted to the Chairperson and Commissioners for approval.

Non-nationals and Migration

The portfolio on non-nationals focused on xenophobia as a follow up to the violence against non-nationals in 2008. Following the widespread and deadly violence against non-nationals in May that year, the Commission intensified its public awareness mandate by working in partnership with strategic role players such as the International Organization for Migration (on its One Movement Campaign) and the Nelson Mandela Foundation (on its community dialogue outreach project). These projects afforded grassroots communities the opportunity to speak out on issues of concern and they also explored alternative means of venting frustration, rather than through violence.

The Commission produced and adopted a policy paper to guide its overall response in the event of complex disasters. Donor funding enabled the organisation to carry out a national investigation into issues of justice, the rule of law and impunity arising out of the 2008 xenophobic violence. The report formed the basis of the national Human Rights Day conference on 18 March 2010, where more than 200 strategic stakeholders debated these critical issues. About 500 copies of the report were delivered to Parliament. The recommendations form the basis of focus areas for the portfolio for the coming year.

Following the widespread and deadly violence against non-nationals in May [2008], the Commission intensified its public awareness mandate...



Older Persons

The Section 5 Committee on older persons has not been active since the end of term of the previous Commissioners.

The Commission engaged the Department of Health in relation to the matter of the removal of the gerontology curriculum from the Nursing Council.

The coordinator met with the City of Johannesburg (CoJ) Metropolitan Municipality to discuss the challenges faced by its residents in old-age homes. One of the recommendations to the CoJ is a workshop with their area managers. A meeting was scheduled with the Executive Manager of the CoJ's Housing Department but no follow-up was received from the CoJ.

The coordinator, together with the Eastern Cape Office, formed a task team with stakeholders in the Eastern Cape in relation to the killings of older people in the former Transkei areas. The task team process is being driven by the Premier's Office in the Eastern Cape.

Racism and Non-discrimination

The portfolio focused on building its profile in the first year of its existence. The coordinator focused on establishing working relations with relevant stakeholders through participation in their activities and in joining the stakeholders in events of relevance to the Commission's mandate.

The coordinator helped draft the National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance, leading the task team in the compilation and presentation of the draft plans. The Racism and Non-discrimination portfolio co-hosted the following events, which were well attended: Media Freedom Day celebrations in conjunction with the Media Development and Diversity Agency; co-hosting Professor Kottler's presentation on Hate Speech and Freedom of Expression in conjunction with the South African Jewish Board of Deputies and several other organisations; and contributing to the country submission made to the Special Rapporteur for Minority Groups together with the Department of International Relations and Cooperation. However, the portfolio's main achievement of the year was its ongoing work in the aftermath of the Skierlik shooting, assisting the disadvantaged and marginalized, and providing intervention with regard to problematic race relations.

Human Rights Events



Service Delivery Achievements – RDP

The table below reflects the performance of the Research, Documentation and Policy Analysis programme in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To analyse national trends and patterns in human rights promotion and protection	Reports on monitoring, assessment and development in relation to human rights portfolios	Human Rights Development Report	Development of a human rights monitoring tool in relation to human rights portfolios	Not Achieved 4 out of 10 tools finalised 6 out of 10 tools still awaiting approval 6 monitoring interventions undertaken	
			Annual Human Rights Development Report (HRDR)	10 HRDR chapters submitted to Editor	
To contribute to proposals and plans on human rights legislative and policy reform	Development of general recommendations on human rights legislative and policy reform	Number of contributions to legislative and policy reform and jurisprudence	Annual Human Rights Journal	Not achieved Minimum of one publication per portfolio	No Human Rights Journal was published in 2009
				Not achieved Publications achieved by five of the seven portfolios	The HIV and AIDS and Child Rights coordinators did not manage to finalise their articles

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To coordinate the activities of the Commission in relation to research on economic and social rights and policy developments	Development of general comments and recommendations on human rights legislative and policy reform and monitoring of economic and social rights	Number of general comments and recommendations and Economic and Social Rights Report, review and public hearings	One portfolio-specific contribution to the ESR report	Achieved All portfolios made a portfolio-specific contribution to the ESR report	Time and resource constraints led to two articles not being completed
			Minimum one publication per ESR portfolio	Not achieved One out of three publications for the ESR portfolios	
			ESR report and review	Achieved Report drafted, reviewed and edited	
To contribute towards the implementation of the Commission's obligations concerning awareness in relation to the right to equality and non-discrimination	Assistance and support of other Commission's programmes in promoting and raising awareness in respect of equality and non-discrimination	Contribute to advocacy and education, and training activities specific to each human rights portfolio, in respect of equality and non-discrimination	Ten presentations per portfolio	Not achieved 6 presentations (Children), 6 presentations (Disability), 11 presentations (HIV and AIDS), 14 presentations (Crime), 8 presentations (Non-Nationals), 16 presentations (Older Persons), 8 presentations (Racism (not applicable to ESR))	There was a lack of funding to do more presentations. There was no time for the coordinator for non-nationals to complete the resource manual as she was working on the Xenophobia project.
			One resource manual per portfolio	Not achieved Resource manuals drafted for four out of six portfolios (not applicable to ESR and Crime)	
			One pamphlet per portfolio	Achieved Three pamphlets completed, two existing pamphlets, one pamphlet review (not applicable to ESR and Crime)	

Programme objectives	Outputs	Output performance measures/ service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To contribute towards the resolution of complaints in relation to human rights portfolios	Drafting of opinions and/or recommendations and response to requests for information in relation to human rights portfolios	Number of opinions and/or recommendations and responses to requests for information Timeframe within which contribution is made	Drafting of opinions or recommendations and responses to requests for information within one month of request Ten opinions or recommendations per portfolio Ten responses to requests for information per portfolio	Achieved 7 cases (ESR), 20 interventions (Environment), 33 interventions (Children), 70 interventions (Disability), 16 interventions (HIV and AIDS), 18 interventions (Crime), 28 interventions (Non-Nationals), 13 interventions (Older Persons), 10 interventions (Racism)	
To support human rights knowledge generation, dissemination and information management	Development and maintenance of library and documentation system	Acquisition and maintenance of human rights materials through subscription, purchases and donations	Strategic partnership to enhance capacity and database access Support of library users	Achieved Subscription to online databases The provinces receive loose-leaf updates and alerts to current issues, get photocopies on request and have access to databases that the library subscribes to The library spent the allocated budget of R246,724 on acquiring material All journal issues, law reports and magazines received (acquisitions) were entered in the Kardex database (stock record of all serial publications) Support provided to library users and reports compiled Five strategic partnerships were built	

3.4.4 Parliamentary and International Affairs Programme (PIAP)

The programme, formerly known as the Parliamentary Liaison Legislation and Treaty Body Monitoring Programme, has been in operation within the Commission for three years. It is based in Cape Town in close proximity to Parliament and is the only national programme situated outside of the Commission's Head Office in Johannesburg. The programme conducts research, drafts submissions and engages in various advocacy activities in order to carry out the Commission's constitutional mandate in the area of new legislation and Parliamentary oversight. It actively engages with legislative processes to ensure that South Africa's legislative framework promotes and protects human rights in terms of the Constitution and relevant international and regional human rights obligations, norms and standards.

The programme is the Commission's focal point for its international and regional work. As South Africa's NHRI, the organisation is responsible for the following:

The programme contributes to the promotion, protection and monitoring of human rights through engaging with parliamentary processes and as the Commission's focal point for international and regional human rights engagement.

- Promoting the ratification of international and regional human rights instruments;
- Advocating for these instruments to be implemented at the domestic level;
- Drafting independent reports for the treaty bodies to consider alongside state and civil society reports;
- Monitoring the government's following up of recommendations by these treaty bodies;
- Contributing to general awareness raising regarding South Africa's international and regional human rights obligations.

Purpose of the Programme

The programme contributes to the promotion, protection and monitoring of human rights through engaging with parliamentary processes and as the Commission's focal point for international and regional human rights engagement.

Measurable Objectives

The objectives of the programme are as follows:

- To promote and facilitate interaction between the Commission, civil society and Parliament on human rights issues;
- To engage with the legislative drafting and oversight function of Parliament; and
- To monitor and raise awareness about South Africa's international and regional treaty obligations.

Service Delivery Objectives and Indicators

Parliamentary Liaison

The Parliamentary Liaison sub-programme promotes and facilitates interaction between the Commission and Parliament, and between civil society and Parliament. It seeks to create increased awareness of the Commission's work within Parliament and to promote civil society participation in Parliament.

The sub-programme had anticipated the establishment of a Chapter 9 unit within the Speaker's Office of Parliament in line with the recommendations of the Report of the *Ad Hoc* Committee on State Institutions Supporting Constitutional Democracy and Related Institutions. However, this did not occur and thus the Parliamentary Liaison Project, which was provided for in the Strategic Plan to ensure institutional preparedness for these developments, did not commence activities.

The sub-programme continued to prepare inserts aimed specifically at the parliamentary audience for the Commission's newsletter *Kopanong*.

In August 2009, the sub-programme conducted introductory briefing sessions with the Portfolio Committee on Women, Children and Persons with Disabilities. The briefing was on various international treaty bodies that have an impact on the work of the Committee.

The Commission had an opportunity to brief the Chairperson of the Portfolio Committee on Correctional Services on the work that the organisation conducts in advocating for South Africa to comply with its international obligations on the matter of torture.

In February 2010, the sub-programme hosted its annual Participation Forum meeting, also known as the Section 5 Committee on Parliamentary and Government Liaison, at which key stakeholders from civil society and other Chapter 9 institutions discussed upcoming legislative developments and public participation. The forum promotes greater human rights-based parliamentary advocacy work and provides an opportunity for the Commission to consult with key stakeholders on pertinent issues.

Legislation and Oversight

This sub-programme engages with the legislative drafting and oversight functions of Parliament and the Provincial Legislatures. It gives effect to the Commission's promotion and protection mandate within the context of the new legislation and parliamentary oversight processes. The most significant development during the financial year was the establishment of an electronic monitoring and evaluation system that can determine the impact of the Commission's submissions on final legislation. The system evaluates the impact in terms of the strategic significance allocated to the various submissions as well as time spent on the submissions. It will become an important resource for analysing the Commission's work in this area, providing empirical information that will assist in making strategic choices and identifying where ongoing work or follow-up is needed.

The most significant development during the financial year was the establishment of an electronic monitoring and evaluation system that can determine the impact of the Commission's submissions on final legislation.



The sub-programme made a number of submissions on human rights issues, including trafficking in human, domestic violence, child justice and service delivery. There was, however, little movement on the Human Rights Commission Act Amendment Bill despite the need for this legislation to be brought in line with the final Constitution.

At the close of the financial year, the sub-programmes continued to work on the development of parliamentary human rights-based oversight manuals in the area of economic and social rights such as the right to basic education and health.

International and Regional Treaty Body Monitoring, Advocacy and Awareness-raising

This sub-programme works to ensure the ratification of international and regional human rights instruments, advocates for the domestic implementation of the instruments, and drafts independent reports for the treaty bodies to consider alongside state and civil society reports. The sub-programme monitors the government's following up of recommendations from treaty bodies and contributes towards general awareness-raising of South Africa's international and regional human rights obligations.

In terms of the Convention of Torture and as recommended to South Africa by the Committee against Torture and the Human Rights Council (HRC) through the UPR process, South Africa still needs to criminalise torture, ratify the Optional Protocol to the Convention against Torture (OPCAT) and establish a NPM. The Commission's Section 5 Torture Committee is working to promote compliance with these international obligations and monitors the government's following up of the recommendations of international bodies.

The sub-programme conducted a Demonstration Project and produced an Interim Report on the Commission's investigation into the issues of torture and cruel, and inhuman and degrading punishment or treatment at unregistered drug rehabilitation centres in Cape Town, Western Cape. The Project demonstrated the effectiveness of a preventative approach towards combating torture. In addition to a Section 5 Torture Committee meeting held in October 2009, the programme held meetings with members of the Association for the Prevention of Torture (APT), and members of Parliament and Amnesty International. In November 2009, a paper was presented on the work of the Section 5 Torture Committee at a seminar hosted by the Independent Complaints Directorate. The Torture Bill remains a draft within the Department of Justice and Constitutional Development.

The Section 5 Disability Convention Committee met in January 2010. There were many additional activities in this area, including five meetings with relevant stakeholders and the further distribution of the Commission's Disability Convention Advocacy and Awareness Raising Toolkit to Provincial offices. There was a week of promotional advocacy activities with Professor M Stein of the Harvard Disability Project in January 2010, which included a meeting with civil society in relation to the Conventions reporting obligations; an expert meeting with the Commission's Legal staff on strategic litigation of disability matters in the Equality Courts; attendance at the University of the Western Cape meeting with key

The Commission's Section 5 Torture Committee is working to promote compliance with international obligations and monitors the government's following up of the recommendations of international bodies.

role-players to discuss the structure of an LLM programme in International Disability Law; and attendance at a meeting with representatives of provincial governments and the Ministry of Women, Children and Persons with Disabilities to discuss South Africa's upcoming State Report with regard to the Convention.

The programme has actively worked to eradicate all forms of violence against children at the domestic and regional level, engaging in activities to raise awareness about the need to promote non-violent approaches to disciplining children. These included workshops, making presentations, participating in meetings and teleconferences, and distributing material to provincial offices. The programme completed a report entitled "Addressing Corporal Punishment as a National Human Rights Institution", which seeks to record the institutional memory of the Commission and to serve as a monitoring and evaluation tool.

The SA Treaty Body Toolkit, which will be known as the International and Regional Human Rights Toolkit, comprises a user manual accompanied by a CD containing all relevant international and regional human rights instruments. The CD also contains relevant interpretative documents and manuals that have been developed by various international agencies. The Toolkit has been developed in response to the identified need to more adequately mainstream international and regional human rights laws, norms and standards into the daily work of the Commission. The roll out to the Commission's provincial offices will take place during 2010/11.

With regard to advancing the promotional mandate of the Commission, the organisation hosted an Africa Day Seminar in conjunction with the University of Pretoria and the Legal Resources Centre (LRC) in October 2009. In September 2009, the programme co-hosted a workshop in conjunction with the Black Sash, the South African National NGO Coalition (SANGOCO), the People's Health Movement and the University of the Western Cape on the need to ratify the International Covenant on Economic Social and Cultural Rights (ICESCR). The programme also hosted a meeting between the former UN High Commissioner for Human Rights, Mary Robinson, and civil society representatives, to discuss domestic activities in relation to the Summit on the Millennium Development Goals in September 2010.

The programme was able to contribute to strengthening the role of national human rights institutions in the region by participating at an expert level at the (UPR) workshop hosted by the Kenyan Human Rights Commission in Nairobi, Kenya. The workshop brought the Kenyan Commission and human rights organisations together to strategise for their involvement in the UPR process. Kenya appeared before the Human Rights Council in June 2010.

The programme has actively worked to eradicate all forms of violence against children at the domestic and regional level, engaging in activities to raise awareness about the need to promote non-violent approaches to disciplining children.



Service Delivery Achievements – PIAP

The table below reflects the performance of the Parliamentary and International Affairs Programme in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To promote and facilitate interaction between the Commission and Parliament, and civil society and Parliament	Increased awareness of the Commission and the facilitation of civil society participation in Parliament	Minutes of Participation Forum meeting	One Legislation and Participation Forum meeting	Achieved Meeting held on 12 February 2010	Due to the lack of a functioning web site, the Code of Good Practice has not been distributed through this medium as planned. The lack of human resources further impeded the roll out and internal follow-ups
		Report of public participation workshops	One Public participation workshop	Achieved Two presentations delivered	
		Evaluation report on level of awareness of Code of Good Conduct amongst the Commission's staff	Distribution internally of Code of Good Practice	Not achieved One Eastern Cape Provincial Office Briefing on 28 October 2009 Redistribution of Code to Provincial Offices Distribution of Code to new Commissioners	
		Number of attendances at Parliamentary and other relevant stakeholder meetings	Five attendances per quarter	Achieved 32 attendances (22 Parliamentary Committee meetings and 10 relevant stakeholder meetings) Prepared and circulated internal document profiling new members of the PCJ&CD 9/6/9	

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
		Feedback questionnaire analysis report	Five introduction meetings with new Parliamentary Committees	Not achieved Two introduction meetings	Closer liaison with Parliament and planning is needed
		Contribution of In Parliament to Kopanong newsletter	Bi-annual In Parliament inserts in Kopanong	First-In-Parliament insert published in July 2009 Second-In-Parliament insert submitted to ICP in December 2009	
		Parliamentary Liaison project	Report	Not achieved	Parliament did not establish a Chapter 9 unit in the Speaker's office
To engage with the legislative drafting and oversight functions of Parliament at a national and provincial level	Ensure the promotion and protection of human rights in legislation and oversight processes	Monitoring and evaluation reports	Annual monitoring and evaluation report	Achieved A monitoring and evaluation system has been established and implemented within the programme Achieved Eight submissions	There is continued work in progress. Finalisation of the Amendment Bill is dependent on the DoJCD and Parliament. The DoJCD is yet to submit the Amendment Bill to Parliament. New Commissioners need to give input into Amendment Bill Direct management and input by HoP not possible due to the demands of the acting positions The strategic concept of oversight manuals requires adoption by the new Commissioners
			Three legislative submissions	Not achieved Various communications with DoJCD regarding progress on the Bill	
			HRC Act Amendment Bill Project	New Commissioners provided with all relevant documents and past submissions	
			Finalise development and begin roll out of Education Oversight manual	Not achieved: Continued research work on the Education Oversight Manual Editing of Health Oversight Manual	

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
International and regional treaty body advocacy, awareness raising and monitoring	Increased awareness of international and regional treaty bodies	Progress report Number of activities and interventions	International and regional treaty body annual report	Not Achieved: This report forms part of the <i>Human Rights Development Report</i> . This was submitted in February 2010 to the internal editor	2008 and 2009 <i>Human Rights Development Report</i> scheduled to be published electronically on the Commission's website, which was not functioning during 2009/10
			SA Treaty Body Toolkit by July 2009	Achieved: 1 joint NHRI statement at the UN (HRC)	
			One Treaty Body report	1 statement at 45th Session, African Commission on Human & People's Rights (ACHPR), May 2009	
			HRC Statements - minimum of one	Achieved Report finalised by 31 March 2010	
			Detention Monitoring Project Report by February 2010	Report completed by 31 March 2010	
			Corporal Punishment Project Report by February 2010	Achieved Report completed by 31st March 2010 Various additional activities	
			One Section 5 Torture Committee Report	Achieved	
			One Section 5 Disability Convention Committee Report	One Section 5 Torture Committee meeting Five additional activities	
			Two workshops	Achieved	
			Four attendances at and/or presentations made at relevant events	One Section 5 Disability Convention Committee meeting, January 2010 Various additional activities Achieved Two workshops Achieved Seven relevant attendances	

Summary of South Africa's International and Treaty-body Obligations

	Treaty body	Ratification	Reports	Reports outstanding
International	International Covenant on Civil and Political Rights (ICCPR) 1966	SA ratified on 10th December 1998	No reports submitted	Initial report overdue since March 2000
	International Covenant on Economic Social & Cultural Rights (ICESCR) 1966	SA signed on 4th October 1994 SA has not ratified	N/A The OPCESCR opened for signature on 24 September 2009. As of 31 March 2010, 32 States Parties had signed with no accessions or ratifications; 10 ratifications are needed for bringing it into force	
	Optional Protocol to ICESCR (OPCESCR) 2008	SA has not signed		
	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966	SA signed on 3rd October 1994 and ratified on 10th December 1998	South Africa submitted its 1st and all outstanding reports in 2004 SA appeared before the Committee in August 2006	Supplementary report due on 15 August 2007 still outstanding SA's 4th periodic report outstanding since 9 January 2010
	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979	SA signed on 29th January 1993 and ratified on 15th December 1995	SA submitted its initial report and appeared before the Committee in 1998	SA submitted its consolidated 2nd, 3rd and 4th report (due 2001, 2005 and 2009) to CEDAW Committee in 2009, covering the period 1998-2008
	Convention Against Torture and Other Cruel Inhuman or Degrading Treatment (CAT) 1984	SA signed on 29th January 1993 and ratified on 10th December 1998 SA signed on 20th September 2006 SA on signed 20th September 2006 but is yet to ratify	SA appeared before the Committee in November 2006 The Optional Protocol entered into force on 22nd June 2006	SA's follow-up report overdue since 7th December 2007 and 2nd periodic report overdue since 31st December 2009
	Convention on the Rights of the Child (CRC) 1989	SA signed on 29th January and ratified 16th June 1995	South Africa presented its initial report to the Committee in December 1997 and appeared before the Committee in January 2000	SA's 2nd and 3rd periodic reports overdue since 2002 and 2007 respectively
	Convention on the Rights of Persons with Disabilities (CRPD) 2006	SA signed on 30th March 2007 and ratified on 30th November 2007	The Convention entered into force on 3rd May 2008	Initial report due 2nd May 2010
	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	SA has not signed or ratified	This convention entered into force in 2003; there are currently 42 States Parties to the Convention	
	International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) 2006	SA has not signed or ratified	This convention opened for signature on 6th February 2007. There are currently 83 signatories and 18 States Parties. The Convention will enter into force once there are 20 States Parties	

Regional	African Charter on Human and People's Rights (ACHPR) 1981	SA acceded to the charter on 9 July 1996	Reports due every two years. Initial report submitted in October 1998 and 2nd report in May 2005, combining 3rd and 4th reports, considered in December 2005	Subsequent reports outstanding
	African Charter on the Rights and Welfare of the Child (ACRWC) 1990	SA signed on 10 October 1997 and ratified on 7 January 2000	Initial report due within two years and every three years thereafter. The Committee only began reviewing States Parties report in May 2008	SA's initial report is due
	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa	SA signed on 16 March 2004 and ratified on 17 December 2004	SA to report on the Optional Protocol in its report on the African Charter	

3.5 Corporate Services

3.5.1 Information and Communications Programme (ICP)

The programme serves as the Commission's information and communications hub. It was established to consolidate all information and communications-related projects within the Commission. It provides strategic information communications systems support, and ensures legislative compliance with PAIA as well as the National Archives and Records Services Act 43 of 1996.

Purpose of the Programme

The programme establishes and maintains an accessible and transparent human rights environment, through the development of quality human rights publications and the management of the Commission's public relations and media relations.

Measurable Objectives

The measurable objectives of the programme are as follows:

- To develop and implement the Commission's communication strategies and maintain communication channels, providing consistency of corporate, education and communication publications;
- To enhance the image of the Commission through the maintenance of a media relations advantage that allows the Commission to effectively manage reputational risks;
- To align the mandate of the Commission with regard to PAIA, managing interventions that secure compliance with PAIA in the public and private sectors;

- To ensure compliance with proper records management legislation and practices, managing the classification, custody and care of records of the Commission; and
- To ensure effective and efficient maintenance of IT infrastructure through the improvement of IT operation and the establishment of IT governance within the Commission.

Service Delivery Objectives and Indicators

Communications and Publications

The Communications and Publications sub-programme facilitated the production and distribution of the following reports: 2009 Annual Report, Access to Health, and A Critical Reflection on an Institutional Journey, A report on the Commission's Investigation into issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals. Three issues of *Kopanong* newsletter (4000 per issue) were produced and distributed in line with the sub-programme's distribution strategy. The last edition of *Kopanong* for the year 2009 and the subsequent editions were awaiting the go-ahead from the Commissioners.

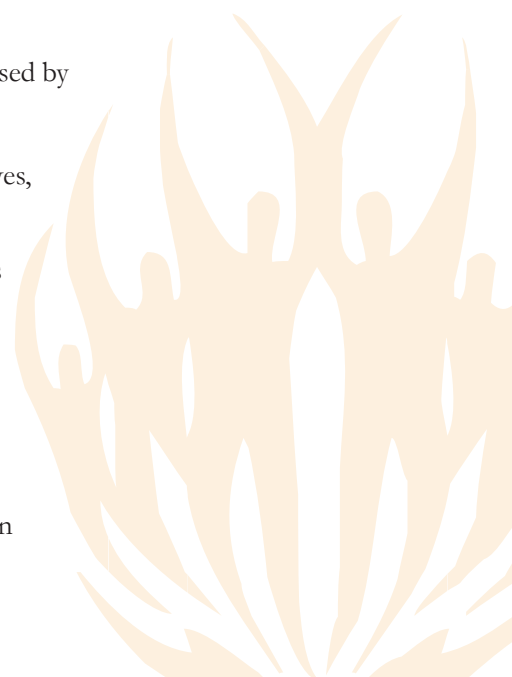
The development and reprinting of promotional material, including leaflets, was not carried out due to budget constraints during the past financial year. However, the sub-programme has distributed surpluses from the previous financial year. Material requested and distributed totalled 257,480.

The Commission's web site, which serves as a tool to disseminate information to stakeholders, was infested with viruses in December 2009. However, soft copy requests for material were sent through e-mail. A consultant sought to investigate the problem recommended that a complete architecture be created to prevent similar occurrences. Temporary pages were then set up whilst the process to construct a new advanced site got underway.

The Editorial Policy and Style Guide and the Communications Strategy were finalised by the sub-programme and were awaiting approval.

The sub-programme experienced a number of challenges in achieving its objectives, which included the following:

- The inability to reprint material had a major impact on its work as promotional material could not be printed for various human rights activities and campaigns;
- The Communications strategy was hampered by the discontinuation of *Kopanong*, which had served as a useful tool to communicate internally and externally; and
- The Human Rights Development Report was delayed due to certain chapters not being finalised.



The Visitors Committee hosted 14 institutions in a sharing of experiences on various human rights issues. These included Members of Parliament from Nepal, the Capacity Building International Commission of Jurist-Kenya, Bureaus of International Organisation Affairs, the Salvation Army of Southern Africa, Finland Constitutional Committee, the Ugandan Human Rights Commission and Chicago Law Students.

Media Liaison

This sub-programme is responsible for the development and management of the Commission's media strategy. This strategy seeks to ensure that the Commission maintains effective relations to ensure that the public is informed and educated about human rights. The sub-programme also seeks ensure that media queries are dealt with promptly and accurately and that awareness of the importance of maintaining such relations is understood within the Commission.

During the commemoration of the xenophobia attacks, greater media coverage was afforded the Commission.

The sub-programme co-ordinates all media-related functions, which include the preparation and dissemination of media statements and alerts, managing media briefings, managing a database of media contacts; monitoring media coverage of the work the Commission and human rights in general; proposing tactical responses where necessary, and seeking and maintaining relationships with the media.

Through the work of the sub-programme, the Commission has continued to enjoy a higher media profile than other Chapter 9 institutions. In this financial year, the sub-programme issued 59 media statements and held 305 one-on-one media briefings. The South African Broadcasting Corporation continues to provide the most coverage of the Commission's work.

During the commemoration of the xenophobia attacks, greater media coverage was afforded the Commission. The Commission's spokespeople were heard on the SABC's news programmes, such as Morning Live on SABC1, the After 8 Debate and PM Live on SAFM, including its prime-time news bulletins. Most of the SABC regional stations also gave the Commission more space to participate in discussions on issues related to xenophobia.

The Commission's campaign to protect a girl-child by engaging with stakeholders to stamp out the practice of Ukuthwalwa in the province of the Eastern Cape received significant coverage by all the major media houses around the country. Other stakeholders working with the Commission on this campaign included the Offices of the Minister on Women, People living with Disabilities and Children and the Eastern Cape Premier, SAPS Eastern Provincial Office; Traditional Leaders, Departments of Justice; Education and Social Development; National Prosecuting Authority (NPA), and the Commission on Culture & Religion (CRL).

The Commission launched the following reports: Inquiry on the Right of Access to Public Health Care Services and Report on the Commission's Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals. These reports received significant coverage in leading publications such as the Mail & Guardian newspaper.

Generally, the media coverage of the work of the Commission has shown that discrimination and inequality remain major obstacles to the enjoyment of human rights in South Africa.

Information Technology

The technology infrastructure of the Commission improved considerably in the past financial year, with a number of upgrade projects running concurrently. Successes included the implementation of the Virtual Private Network (VPN), which is fully functional with the Asynchronous Transmission Mode (ATM) switch installed at Head Office. The VPN installation started in February 2009 and the cut-over was in March 2009. The ATM backbone was still waiting to be installed at Head Office at the start of the financial year. Telkom had however begun building the infrastructure and the site preparation had begun as per Telkom's Request for Occupation (RFO). IT is currently connecting via 2 x 2meg routers. Servers were also deployed in six of the nine provincial offices.

A number of challenges were experienced as the improvement projects were underway. These included the following:

- The Commission experienced problems with e-mail caused by over utilised band-width as the exchange server was upgraded;
- The Internet Service Provider (ISP) moved from PCB-IS to Telkom, but the website was not transferred to Telkom. Arrangements were subsequently made for the website to be hosted by Telkom. Problems were experienced with the uploading and updating of the website due to corruption by viruses. As a result, the site had to be taken offline;
- The Internet Acceleration Server (ISA) was upgraded successfully but problems were encountered when it came to the configuration for use by the provinces;
- The video-conferencing system did not function optimally and no upgrade was budgeted for in 2009/10. The project to upgrade the system has been shifted to the 2010/11 financial year;
- Server deployment in the Free State and East London did not take place due to hardware failure;
- The Hummingbird information management system was still not functional, despite numerous attempts being made to address contractual glitches with the service provider.

Promotion of Access to Information Act

The sub-programme held its first regional Indaba for Information Officers in KwaZulu-Natal in March 2010, which was a success. The launch has placed the sub-programme ahead of its scheduled work plan to launch at least two provincial fora in the coming financial year. Success at the regional level means that an organised structure can be put in place to accelerate regional awareness, best practise



and compliance with PAIA. KZN remains highly non-compliant with PAIA. The sub-programme plans to launch the second Indaba in the North West in the first quarter of 2010/11.

The sub-programme's research on access to information and women's rights in SA was published by UNESCO. An opportunity to present at the international level with experts in the field facilitated an exchange of ideas and best practise with like-minded advocates of PAIA and freedom of expression. Similar exchanges occurred during a brainstorming meeting in Paris during the last quarter of the financial year.

The PAIA 10-year review meeting convened by the Open Democracy Advice Centre (ODAC) was productive, with addresses by international and regional experts in the field. Information acquired through this platform was encouraging and insightful for ongoing work. The collaboration with ODAC on a frontline staff training manual has also been fruitful, with a finalised manual now in place. A consultative meeting will be held to decide on the launch of the manual and its distribution.

Work is in progress with regard to the receipt of Section 32 reports. The sub-programme extended the time frames for submission of S32s to mid-April due to the number of reports not received by the Commission as a result of IT-based e-mail challenges.

The sub-programme's reporting obligations with regard to the Department of Justice and Constitutional Development, and its internal reports on workshops/training sessions and audits were met. It has requested clarity from the Department of Justice on the moratorium currently in place with regard to private bodies. A directive from the Department will inform the approach of the sub-programme with regard to the private sector.

The sub-programme continues to struggle with human and financial resource constraints.

Freedom Park 2009



Service delivery achievements – ICP

The table below reflects the performance of the Information and Communications Programme in accordance with its performance targets and measures, as specified in the 2009/10 ENE and strategic plan.

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
Develop and implement a communication strategy and maintain communication channels	Management of all communication tools and activities in line with the Commission's needs	Quality material and publications produced and distributed	Publications and material compliant with corporate identity standards and distributed as planned	Achieved Four reports were edited, published and distributed including the 2008/09 Annual Report, Access to Health, a Critical Reflection on an Institutional Journey by Commissioners as well as a report on the Commission's Investigation into issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals	
		Website and Intranet			
		Publication of the <i>Kopanong</i> newsletter			
		Corporate image activities and promotional material			
			Regular update of web site and Intranet	Not achieved Intranet uploaded regularly with info/doc. Web site updated weekly and as necessary;	Due to an unsafe hosting environment, the web site was infested with viruses in December 2009. Temporary pages are running whilst plans are underway for new construction
			Four issues of <i>Kopanong</i> published annually	Not achieved Three issues published	Production of <i>Kopanong</i> was put on hold as a cost-cutting measure
			Maintenance of brand through corporate image activities	Achieved Continuous management of usage of SAHRC brand according to CI Manual prescripts	

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
To enhance the image of the Commission through media relations initiatives	Effective management of media strategy	Media relations strategy aligned to Commission's operational plan	Monthly analysis of media trends and reporting	Achieved Daily media monitoring undertaken	Media strategy still under review and awaiting strategy direction from Commissioners. 59 media statements issued, 305 media enquiries responded to
		Positive media coverage	Five media statements, two opinion pieces, five letters to the editor per month and four news-room visits p/a	Not achieved	
		Proactive media interventions			
Align the mandate of the PAIA to Commission's operations	Management of interventions to monitor and accelerate compliance with PAIA in the public and private sectors and for the general public	Improved compliance with Section 32, 14 and Section 51 of PAIA; and increased rights assertion for the public	Development and execution of a PAIA management strategy and plan by July 2009	Not achieved 2008/9 Annual Report Annexure B prepared and submitted Programme developed for capturing S32 statistics in response to the DoJ on PAIA implementation Compliance report on audits prepared Compilation of S32 data analysis and report prepared and submitted	Strategy in draft form, prepared and circulated for comment S14 prepared, awaiting appointment of DIO Private sector compliance report not prepared (2010 moratorium); resource constraints
			Compilation of report on PAIA compliance in the public and private sectors – July 2009		
			Provision of training and assistance for Deputy Information Officers (DIOs) and legal assistance for members of the public	Achieved 36 training workshops held One seminar conducted Four audits undertaken	

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
			<p>Legal assistance Public bodies: 71 Private bodies: 57 Individuals: 80 Total no. of requests: 208</p> <p>Production of two PAIA related publications: GKA – March 2009 Opinion – Aug 2009</p> <p>Hosting of the NIO Forum in September 2009</p>	<p>Achieved</p> <p>Achieved</p>	
Management of the classification, custody, care of and access to the Commission's records	Implementation of the management plan and strategy for the records	<p>Classified and accessible records with approved systems</p> <p>A systematic disposal programme in place</p> <p>Preservation and arranged archival records</p> <p>Accessible Knowledge & Information user database</p>	<p>Fully implemented Records Classification Systems at Head Office – March 2010</p> <p>Implement retention and disposal schedules and procedure – February 2010</p> <p>Compiled finding aids on archival records: two programmes by February 2010</p> <p>Identified, collated and collected programme information and document categories – December 2009</p>	<p>Not achieved</p> <p>A registry procedure manual was compiled to put into effect the principles of the policy. A list of the Commission's records category was compiled for classification and proper management of records and is being updated regularly</p> <p>File plan has been rolled out to Commissioners, ICP and HR Programme</p> <p>Records Control Schedule for other records was compiled and submitted to NARS and is now ready for implementation</p> <p>The disposed of qualifying ephemeral and personnel records have been recycled through NAMPAC</p>	Staff members as well as provincial offices still need to be trained in the use of file referencing as per file plan

Programme objectives	Outputs	Output performance measures/service delivery indicators	Actual performance against target		Variance and reasons for variance
			Target	Actual	
				<p>Financial benefits have been obtained through the process</p> <p>Registry services have been provided for the Commissioners, ICP and Human Resources Programme. Registry facilities were provided for personnel functions</p>	
Ensure effective and efficient maintenance of IT infrastructure	Execution of the Commission's IT Plan and governance frameworks	<p>Improved IT operations</p> <p>Established IT governance strategies</p>	<p>Fully functional and maintained IT systems</p> <p>Finalisation and implementation of three-year IT Plan</p> <p>Upgrade of IT infrastructure</p> <p>Maintenance of IT infrastructure and systems</p> <p>Infrastructure standardisation and implementation of Helpdesk system</p>	<p>Not achieved</p> <p>Exchange server upgraded successfully. Bandwidth challenges</p> <p>Server upgrade from 2000 to 2003 environment completed successfully</p> <p>Deployment of servers in provinces partially achieved – two provinces outstanding due to hardware problems. They have since been budgeted for in the 2010/11 financial year</p> <p>Changed to new Internet Service Provider</p> <p>Achieved</p> <p>Calls are now logged through the system</p> <p>Reports printed monthly</p> <p>The IT Audit Committee has been established</p>	Ongoing projects. Ongoing infrastructure upgrades budgeted for in the 2010/11 financial year

Part 5

Financials

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Report of the Chief Executive Officer for the Year Ended 31 March 2010

The Chief Executive Officer presents his report for the year ended 31 March 2010.

1. Spending Trends from 2005/06-2009/10 as per Standard Items

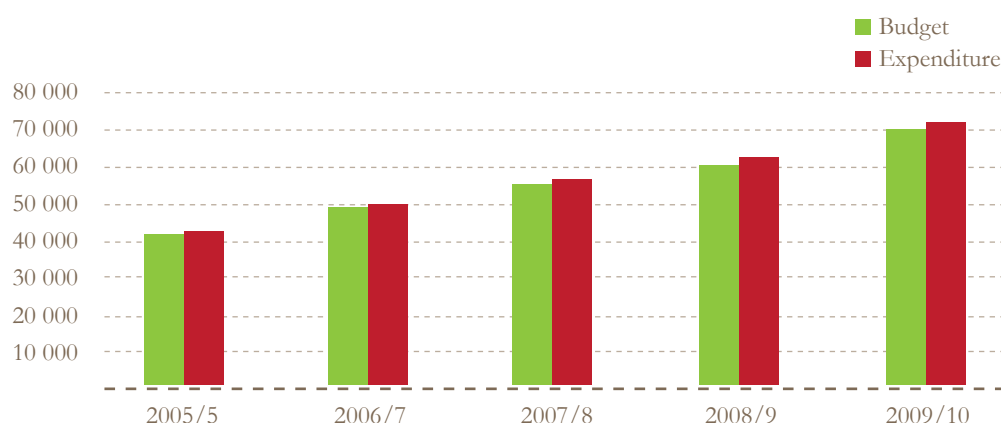
Programme	Audited Expenditure Outcomes				Actual
	R'000	R'000	R'000	R'000	R'000
	2005/6	2006/7	2007/8	2008/9	2009/10
Personnel	25,073	26,498	31,659	38,966	46,851
Administrative	4,890	3,736	2,936	7,464	9,235
Inventories	756	307	246	309	693
Equipments	1,215	2,937	5,940	1,525	632
Land & Buildings	5,403	6,182	6,109	7,432	7,820
Professional Services	4,985	9,752	10,036	7,287	7,524
Total	42,322	49,412	56,926	62,983	72,755
Baseline allocation	41,774	49,220	55,281	60,603	68,278
Additional funding				585	1,257
Donor funding	-	1,315	309	495	996

The expenditure trend in the table above reflects the results for the past four years, and the results of the financial year 2009/10.

On average the MTEF baseline allocation comprised an increase of 13% for the past four years and the period under review. The actual expenditure for 2009/10 was R72.6 million, which included depreciation on assets amounting to R2, 448,000. The total commitment for which no provision was raised was R887, 224, (see Annexure A).

For the period under review, the Commission accrued an amount of R749, 429. This was for the rented office space while a further amount of R238, 000 was paid by Department of Public works for the Commission's municipal rates. The invoices for the above amounts had not yet been received as at year end and the accruals were raised using the lease agreements.

Budget vs. Expenditure



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

2. Services Rendered by the Commission

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

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

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

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

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

Section 184(3) states as follows: “Each year, the SA Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.”

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

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

3. Utilisation of Donor Funding

For the period under review, the Commission received and utilised donor funding from the following projects:

a. Roll Back Xenophobia

The closing balance as at 31 March 2009 was R21, 367. The project expired on 31 March 2009. This balance was therefore transferred back to the donors on 19 March 2010.

b. Australian Aid Grant

The amount of R176, 657 showing in this account in 2009/10 represented interest that accumulated on the capital amounts whilst held with National Treasury. This amount will be transferred from National Treasury to the Commission in the 2010/11 financial year.

c. Raoul Wallenberg Institute (RWI)

An amount of R560, 000 was received from the RWI in June 2009. Of this, R530, 600 was utilised during the year and the balance of R27, 531 was paid back to the donor.

d. Atlantic Philanthropies

The project was launched in November 2009 with a transfer of R497, 000 to the Commission. As at 31 March 2010, there was a balance of R 42, 238.23. The project expired on 30 April 2010.

4. Capacity Constraints

Due to budgetary constraints, the Deputy Director: Administration and Risk Officer positions could not be filled. The resignation of the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Head of Programme Research created further capacity challenges for the Commission.

5. Trading Entities/Public Entities

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



6. Other Organisations to Which Transfer Payments Have Been Made

None.

7. Public-Private Partnerships

The Commission has not entered into any such agreements.

8. Discontinued Activities and New Activities

None.

9. Events After the Reporting Date

There were no events to be reported.

10. Going Concern

The accounting officer reviewed the financial statements for the period under review and there is no reason to believe that the Commission will not be able to continue its operations in the foreseeable future, based on the forecasts and available cash resources. These annual financial statements support the viability of the Commission.

11. Performance Information

The implementation of the Public Finance Management Act (PFMA) was monitored during the period under review to ensure compliance. The performance against pre-determined objectives is set out in detail in the annual report.

12. Annual Financial Statements

The financial statements have been prepared in accordance with the policies as stated in the annual financial statements and have been applied consistently in all material respects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the P F M A 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act, and the Statement of Generally Recognised Accounting Practices (GRAP), including any interpretations of such statement issued by the Accounting Practises Board. To the best of my knowledge, all representations made in the Annual Financial Statements are appropriate and valid.

13. Commissioners

The following people's terms as Commissioners expired during the year under review on 30 September 2009:

Name	Capacity	From	To
N Kollapen	Chairperson	01-04-2008	30-09-2009
Z Majodina	Deputy Chairperson	01-04-2008	30-09-2009
T Manthata	Commissioner	01-04-2008	30-09-2009
L Wessels	Commissioner	01-04-2008	30-09-2009
K Govender	Part-time Commissioner	01-04-2008	30-09-2009

New Commissioners appointed with effect from 1 October 2009:

Adv M L Mushwana	Chairperson	01-10-2009
P Govender	Deputy Chairperson	01-01-2009
L Mokate	Commissioner	01-10-2009
B Malatji	Commissioner	15-10-2009
D Titus	Part-time Commissioner	01-10-2009
J Love	Part-time Commissioner	01-10-2009

14. Role and Function

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

Functioning Audit Committee

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

Risk Management

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

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

At the start of the 2009/10 financial year, the risk management function lay with the Internal Audit Unit of the Commission, who facilitated the process by providing support to management in managing the organisation's risks. However, this raised conflict issues and the Audit Committee advised the CEO that there should be a position created for a risk officer. The Commission has been unable to appoint the risk management officer due to financial constraints.

The lack of management support capacity engendered by the lack of risk manager continues to provide the Commission with the following challenges:

- Continued undeveloped risk management capabilities;
- The inability of the Commission to develop an effective risk management strategy;
- The inability of the Commission to provide the Audit Committee with proper risk management information required for them to discharge their oversight responsibilities: and
- Inability to comprehensively and effectively manage risks within the Commission.

Despite the challenges articulated above, the Commission undertook a risk assessment process and designed controls for identified risks. The appointed risk management committee continued to play an oversight role in enterprise-wide risk management activities.

Internal Controls

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

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

Internal Audit

For the period under review, the internal audit activity for 2009/10 was performed by the in-house internal auditors.

In line with the PFMA requirements, the internal audit activity provides the Audit Committee and Management with assurance that the internal controls are appropriate and effective. This is achieved by means of objective appraisal and evaluation of the risk management processes, internal control and governance processes, as well as identifying

corrective action and suggested enhancements to the controls and processes. The audit plan is responsive to the Commission's risk profile.

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.

15. Approval of Finances

The financial statements fairly represent the state of affairs of the Commission as at 31 March 2010. These 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 2010 were submitted to the Accounting Officer for approval on 31 May 2010 for submission to the Auditor-General and the National Treasury, in terms of Section 40(1)(c) of the Public Finance Management Act, 1999 (Act 1 of 1999) as amended.

The annual financial statements as set out on pages 104 to 141 have been approved by the Accounting Officer and signed on behalf of the SAHRC by:



Adv N Mukwevho

Acting Chief Executive Officer



Report of the Audit Committee for the Year Ended 31 March 2010

The Audit Committee is pleased to present its report for the financial year ended 31 March 2010.

Audit Committee Members and Attendance

The SAHRC Audit Committee consists of the members listed hereunder and meets four times per annum as per its approved terms of reference. During the current year, five meetings were held.

Name of member	Number of meetings attended
Mr D Coovadia (Chairperson)	5
Ms TV Ndou	5
Mr AV Skosana (term ended 31 August 2009)	1
Mr L Radzuma	5

Audit Committee Responsibility

The Audit Committee 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.

The Effectiveness of Internal Control

The system of controls is designed to provide cost-effective assurance that assets are safeguarded and that liabilities and working capital are managed efficiently. In line with the Public Finance Management Act (PFMA) of 1999 and the King II Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by means of the risk management process, as well as the identification of corrective actions and suggested enhancements to the controls and processes.

From the various reports of the internal auditors, the Audit Report on the Annual Financial Statements and management letter of the Auditor-General, it was noted that several matters of non-compliance with prescribed policies and procedures have been reported but management has put mechanisms in place to mitigate against weaknesses identified. During the current financial year, a formal updated risk management assessment was not completed and the annual audit plan was not fully executed due to capacity constraints. Accordingly, we can report that the systems of internal control for the period under review were partially effective and efficient.

The Quality of In-Year Management and Quarterly Reports Submitted in Terms of the PFMA

The Audit Committee has noted and is satisfied with the content and quality of the Quarterly Reports prepared and issued by the Accounting Officer during the year under review. Suggestions were made and implemented by management to improve on the reports.

Evaluation of Annual Financial Statements

The Audit Committee has carried out the following:

- Reviewed and discussed with the Auditor-General the audited annual financial statements to be included in the annual report;
- Reviewed the Auditor-General's management letter and management's response thereto;
- Reviewed changes in accounting policies and practices; and
- Reviewed the significant adjustments resulting from the audit.



D Coovadia, Chairperson of the Audit Committee

Date: 28 July 2010



Report of the Auditor-General for the Year Ended 31 March 2010

Report on the Financial Statements

Introduction

I have audited the accompanying financial statements of the South African Human Rights Commission, which comprise the statement of financial position as at 31 March 2010, and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory information, as set out on pages 104 to 141

Accounting officer's responsibility for the financial statements

The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with South African Standards of Generally Recognised Accounting Practice (SA Standards of GRAP) and in the manner required by the Public Finance Management Act of South Africa. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor-General's responsibility

As required by section 188 of the Constitution of South Africa, section 4 of the Public Audit Act of South Africa and the Human Rights Commission Act of 1994, my responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with International Standards on Auditing and *General Notice 1570 of 2009* issued in *Government Gazette 32758 of 27 November 2009*. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

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 2010, and its financial performance and its cash flows for the year then ended in accordance with South African Standards of Generally Recognised Accounting Practice (SA Standards of GRAP) and in the manner required by the Public Finance Management Act of South Africa.

Report on other Legal and Regulatory Requirements

In terms of the PAA of South Africa and *General notice 1570 of 2009*, issued in *Government Gazette No. 32758 of 27 November 2009* I include below my findings on the report on predetermined objectives, compliance with the PFMA and financial management (internal control).

Findings

Predetermined objectives

Non-compliance with applicable legislation

Public Finance Management Act

- ✎ Lack of effective, efficient and transparent systems and internal controls regarding performance management

The accounting officer did not ensure that the South African Human Rights Commission has and maintains an effective, efficient and transparent system and internal controls regarding performance management, which describe and represent how the institution's processes of performance planning, monitoring, measurement, review and reporting will be conducted, organised and managed, as required in terms of section 38(1)(a)(i) and (b) of the PFMA.

Compliance with laws and regulations

No matters to report.

Internal Control

I considered internal control relevant to my audit of the financial statements and the report on predetermined objectives and compliance with the PFMA, but not for the purposes of expressing an opinion on the effectiveness of internal control. The matters reported below are limited to the deficiencies identified during the audit.

- ✎ Leadership

The internal policies and procedures of the department pertaining to the planning and monitoring of performance information are not sufficient to ensure reliable reporting.

Auditor-General

Pretoria

30 July 2010



Statement of Financial Position

as at 31 March 2010

	Notes	2010 R'000	2009 R'000
ASSETS			
Non-current assets		10,165	12,120
Property, plant and equipment	2	9,841	11,609
Intangible assets	3	324	511
Current assets		4,009	2,196
Inventories	4	147	315
Trade and other receivables	5	403	681
Cash and cash equivalents	6	3,459	1,200
Total assets		14,174	14,316
LIABILITIES			
Non-current liabilities		199	424
Finance lease liability	7	199	424
Current liabilities		7,107	5,433
Trade and other payables	8	4,454	2,374
Employee benefits due	8.1	1,466	1,889
Operating lease liability	9	745	823
Finance lease liability	7	224	326
Deferred revenue	10	219	21
Total liabilities		7,306	5,857
Total net assets		6,868	8,459
NET ASSETS			
Reserves			
Accumulated surplus		6,868	8,459
Total Net assets		6,868	8,459

Statement of Financial Performance for the year ended 31 March 2010

	Notes	2010 R'000	2009 R'000
Revenue		71,160	62,234
Non-exchange revenue	11	70,532	61,933
Exchange revenue	12	628	301
Expenditure		(72,660)	(62,915)
Personnel Expenditure	13	46,851	38,966
Administrative Expenditure	14	17,477	16,872
Depreciation, amortisation and impairment	15	2,448	2,245
Operating Expenditure	16	5,677	4,588
Finance cost	17	208	244
Profit/(loss) on disposal of assets	14.1	(95)	(68)
Deficit for the year		(1,596)	(749)



Statement of Changes in Net Assets for the Year Ended 31 March 2010

	Notes	Accumulated Surplus 2010 R'000
Balance at 1 April 2008		9,208
Deficit for the year		(749)
Restated Balance at 31 March 2009		8,459
Deficit for the year		(1,596)
Balance at 31 March 2010		6,868

Cash Flow Statement

for the Year Ended 31 March 2010

	Notes	2010 R'000	2009 R'000
Cash flows from operating activities			
Cash receipts		71,148	61,645
Grants from the Department		69,535	60,603
Other income		996	745
Interest income		632	293
Administrative fees		(15)	4
Cash paid to suppliers and employees		(67,753)	(60,428)
Personnel		46,851	38,333
Other supplies		20,903	22,095
Cash generated from operations	18	3,394	1,217
Finance costs		(168)	(94)
Net cash flows from operating activities		3,226	1,123
Cash flows from investing activities			
Acquisition of property, plant and equipments		(611)	(1,525)
Acquisition of intangible assets		(28)	(401)
Net Cashflow used in investing activities		(639)	(1,926)
Cash flows from financing activities			
Finance lease payments		(327)	(442)
Net cash flows from financing activities		(327)	(442)
Net decrease in cash and cash equivalents		2,259	1,245
Cash and cash equivalents at beginning of year		1,200	2,445
Cash and cash equivalents at the end of the year	6	3,459	1,200

Accounting Policy Notes for the Year Ended 31 March 2010

1. Accounting Policies

The following are the principal accounting policies of the Commission, which are in all material respects consistent with those applied in the previous year. The historical cost convention has been used, except where indicated otherwise. Management has used assessments and estimates in preparing the annual financial statements. These are based on the best information available at the time of preparation. The financial statements have been prepared on a going concern basis.

1.1 Reporting Institution

These financial statements are for the South African Human Rights Commission. The financial statements encompass the reporting as specified in the Public Finance Management Act 1 of 1999.

1.1.2 Functional and Presentation Currency

The financial statements are presented in South African Rands and the figures have been rounded off to the nearest thousand.

1.2 Basis of Preparation

The annual financial statements have been prepared in accordance with the effective Standards of Generally Recognised Accounting Practice (GRAP), including any interpretations and directives issued by the Accounting Practices Board.

During the current financial year, 17 GRAP Standards became effective. The adoption of these newly effected GRAP standards did not have a significant impact on the financial statements as the principles are similar to those already applied under the equivalent statements of SA GAAP.

Budget

The budget comparison to actual amount is presented separately by way of a note in the disclosure and explanation of material difference between the budget and actual amount. In order to ensure full compliance with GRAP 1, the National Treasury has prescribed the inclusion of reconciliation in the note to the statement of financial performance as the minimum compliance with GRAP 1.11-15.

1.3 Revenue Recognition

Revenue is recognised when it is probable that future economic benefits will flow to the Commission and these benefits can be measured reliably. Revenue is measured at fair value of the consideration received or receivable and represents the amounts receivable for services provided in the normal course of business.

Revenue from Non-exchange Transactions

Non-exchange transactions include government grants and donations.

Government Grants

Grants are recognised when there is reasonable assurance that:

- The Commission will comply with the conditions attached to them; and
- The grant will be received.

Conditional grants are recognised as income over the period necessary to match them with the related costs that they are intended to compensate.

Revenue from Exchange Transactions

An exchange transaction is one in which the Commission receives assets or services and gives approximate equal value in assets or services.

Finance Income, Gains and Losses

Finance income is accrued by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts the estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

1.4 Finance Cost

Finance cost comprises interest expense on borrowings, unwinding of the discount on provisions, changes in fair value of financial assets at fair value through profit or loss, and impairment losses recognised on financial assets. All borrowing costs are recognised in surplus or deficit using the effective interest method.

1.5 Irregular, Fruitless and Wasteful Expenditure

Irregular expenditure means expenditure incurred in contravention of or not in accordance with a requirement of applicable legislation. Fruitless and wasteful expenditure means expenditure that was made in vain and would have been avoided had reasonable care been exercised. All irregular, fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance in the period in which it is incurred and disclosed separately.

1.6 Property, Plant and Equipment

Property, plant and equipment are tangible assets which are held for use by an organisation in the production or supply of goods and services or for administrative purposes and are expected to be used during more than one financial period.

An item of property, plant and equipment is recognised as an asset if it is probable that economic benefits associated with the item will flow to the entity and the cost can be measured reliably. Cost includes expenditure that is directly attributable to the acquisition of the asset.

Property, plant and equipment are stated in the statement of financial position at cost less any subsequent accumulated depreciation and impairment losses. These assets are



depreciated on the straight-line basis at rates that will result in each asset being written off over its useful life. When parts 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.

Gains and losses on disposal of an item of property, plant and equipment are determined by comparing the proceeds from disposal with the carrying amount of property, plant and equipment, and are recognised within surplus or deficit.

Depreciation is recognised in surplus or deficit on a straight-line basis over the estimated useful lives of each part of an item of property, plant and equipment. The estimated useful lives and residual values are reviewed at the end of each financial year. The estimated useful lives of property, plant and equipment are:

Class	Estimated useful life in years
Computer equipment	5-14
Office equipment	5-13
Motor vehicles	5-10
Furniture and fittings	8-14
Finance lease assets	3-5
Leaseholds improvements	3-5
Library material	3-14

Subsequent Cost

The cost of replacing part of an item of property, plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Commission and its cost can be measured reliably. The carrying amount of the replaced part is derecognised. The costs of the day-to-day servicing of property, plant and equipment are recognised in profit or loss as incurred.

Leasehold improvements are capitalised as the Commission controls the assets for the period of the lease.

1.7 Intangible Assets

Intangible assets are recognised when it is probable that future economic benefits specifically attributable to the assets will flow to the Commission and the cost of the intangible assets can be measured reliably.

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

These assets are amortised on a straight-line basis over their useful lives.

Intangible assets with finite useful lives are amortised on a straight-line basis over their useful lives.

The amortisation period and the amortisation method for intangible assets are reviewed at the end of each reporting period. Amortisation is provided to write down the intangible

assets, on a straight-line basis, over their useful lives from the date that they are available for use, as follows:

Item	Estimated useful life in years
Computer software	3-9

1.8 Impairment of Assets

Non-financial Non-cash-generating Assets

The Commission assesses at each reporting date whether there is any indication that non-financial non-cash-generating assets may be impaired. If any such indication exists, the Commission estimates the recoverable service amount of the individual non-cash-generating assets as the higher of fair value less costs to sell and value in use. An impairment loss is then recognised, where the carrying amount exceeds the estimated recoverable service amount, for the amount by which the carrying amount exceeds the recoverable service amount. The carrying amount of the asset is written down to its recoverable service amount.

The Commission assesses at each reporting date whether there is any indication that an asset impairment loss recognised in prior periods may have decreased or may have ceased to exist. If any such indication exists, the Commission estimates the recoverable service amount of the individual non-cash-generating asset.

Only if the estimates used in the determination of the non-cash-generating asset's recoverable service amount have changed since the last recognition of an impairment loss is the previously recognised impairment loss on the related asset reversed by the Commission.

The carrying amount of the related asset will be increased to its recoverable service amount or the carrying amount (i.e. after amortisation or depreciation) that would have been applicable if no impairment losses had been applicable to the assets in prior period, if lower.

Impairment losses and the reversal of impairment losses are recognised immediately in net surplus or deficit.

Financial Assets

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

The appropriate impairment loss is recognised in surplus or deficit and is measured as the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the effective interest rate computed at initial recognition.

The carrying amounts of the impaired assets are reduced via an allowance account. Individually significant financial assets are tested for impairment on an individual basis.



The remaining financial assets are assessed collectively in groups that share similar credit risk characteristics.

An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognised. For financial assets measured at amortised cost, the reversal is recognised in surplus or deficit.

Non-financial Assets

The carrying amounts of the Commission's non-financial assets, other than biological assets, investment property and inventories, are reviewed at each reporting date to determine whether there is any indication of impairment. If any such indication exists, then the assets' recoverable amount is estimated.

The recoverable amount of an asset or cash-generating unit is the greater of its value in use and its fair value less costs to sell. In assessing value in use, the estimated future cash flows are discounted to their present value using a discount rate that reflects current market assessments of the time value of money and the risks specific to the asset. For the purpose of impairment testing, assets are grouped together into the smallest group of assets that generates cash inflows from continuing use that are largely independent of the cash inflows of other assets or groups of assets (the "cash-generating unit").

An impairment loss is recognised if the carrying amount of an asset or its cash-generating unit exceeds its estimated recoverable amount. Impairment losses are recognised in profit or loss.

An impairment loss in respect of goodwill is not reversed. In respect of other assets, impairment losses recognised in prior periods are assessed at each reporting date for any indication that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

The carrying value of property is reviewed for impairment when events or changes in circumstances indicate that the carrying amount may not be recoverable. If any such indication exists and where the carrying amount exceeds the estimated recoverable amount, the assets are written down to their recoverable amount.

Impairment losses and the reversal of impairment losses are recognised in the statement of financial performance.

Taxation

No provision is made for taxation as the Commission is exempt from tax in terms of Section 10(1)(CA) of the Income Tax Act.

1.9 Financial Instruments

The Commission's financial assets comprise trade and other receivables and cash and cash equivalents.

Initial Recognition

Financial assets and liabilities are recognised in the statement of financial position only when the Commission becomes a party to the contractual provisions of the instrument. Financial instruments are initially recognised at fair value plus for instruments not at fair value through profit or loss, any directly attributable transaction costs.

Measurement

Financial assets

Subsequent to initial recognition, non-derivative financial assets are measured as described below:

Trade and other receivables

Trade and other receivables originated by the Commission are stated at amortised cost using the effective interest method, less any impairment losses.

Cash and cash equivalents

For purposes of the cash flow statement as well as the statement of financial position, cash and cash equivalents comprise cash on hand, deposits held and other short-term investments. Cash and cash equivalents are stated at amortised cost.

Financial liabilities

The Commission's financial liabilities comprise trade and other payables and finance lease liabilities.

Trade and other payables are initially measured at fair value plus any directly attributable transaction costs, and are subsequently measured at amortised cost, using the effective interest method.

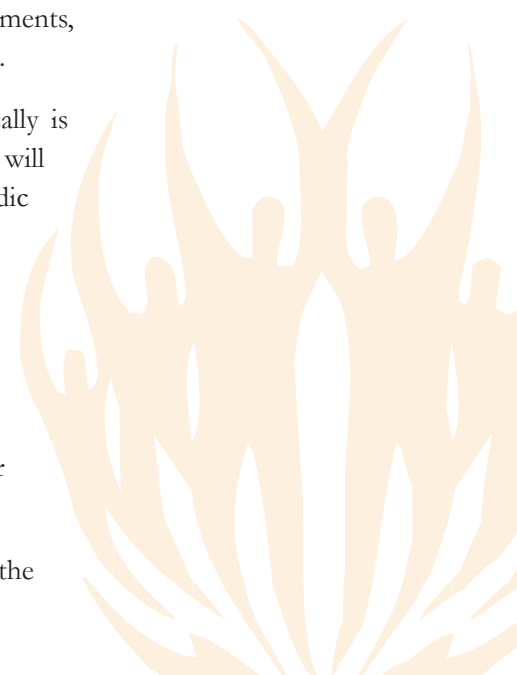
Finance lease liabilities are initially recognised at the commencement of the lease term at the fair value of the leased asset or the present value of the minimum lease payments (if lower). If it is not practicable to determine the interest rate implicit in the lease payments, the incremental borrowing rate of the Commission will be used in the calculation.

Subsequent to the initial measurement, the outstanding lease liability periodically is reduced over the lease term by that portion of the minimum lease payments that will result in finance charges being allocated over the lease term at a constant periodic interest rate on the remaining balance of the liability.

Method and Significant Assumptions in Determining Fair Value

Fair values of financial assets, non-financial assets and liabilities have been determined for measurements and/or disclosure purposes based on the methods indicated below. When applicable, further information about the assumptions made in determining fair values is disclosed in the notes specific to that asset or liability.

The carrying amount of cash and cash equivalents approximates fair value due to the relatively short-term maturity of these financial assets.



The fair value of trade and other receivables is calculated as the present value of future cash flows, discounted at a market rate of interest at the reporting date.

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

Trade and other receivables

Trade and other receivables are measured at amortised cost using the effective interest method. At the end of each reporting period, the carrying amount of trade and other receivables is reviewed to determine whether there is any objective evidence that the amount is not recoverable. If so, an impairment loss is recognised immediately on the statement of financial performance.

Trade and other payables

The Commission's trade and other payables relates to the amount owed to the suppliers, and other accruals. Trade and other payables are initially measured at fair value, and are subsequently measured at amortised cost, using the effective interest rate method.

The Commission's accrual amount represents goods and services that have been delivered, and an invoice has been received from the supplier but remains unpaid as at year-end.

Finance income, gains and losses

Finance income is recognised using the effective interest method with gains and losses recognised in the statement of financial performance (surplus or deficit).

Finance income includes interest earned on deposits and short-term investments. Finance cost includes interest on discounting of payables and on finance lease liabilities.

Derecognition of Financial Instruments

Financial assets are derecognised when the Commission loses control of the contractual rights that comprise the financial assets. The Commission loses control if the right to benefits specified in the contract are realised, the rights expire or the organisation surrenders those rights.

Financial liabilities are derecognised when the obligation is discharged, cancelled or expires.

1.10. Leases

Operating Leases as the Lessee

Leases of assets under which all the risks and rewards of ownership are effectively retained by the lessor are classified as operating leases. Payments made under operating leases are charged to the statement of financial performance on a straight-line basis over the term of the relevant lease.

Finance Leases as the Lessee

Leases are classified as finance leases whenever the terms of the lease transfer substantially to the lessee all the risks and rewards of ownership.

Assets held under finance leases are recognised as assets at their fair value at the inception of the lease or, if lower, at 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. Lease payments are apportioned between finance charges and reduction of the lease obligation so as to achieve a constant rate of interest on the remaining balance of the liability. Finance charges are charged to the statement of financial performance.

1.11 Inventories

Inventories are measured at the lower of cost or net realisable value. The cost of inventories is based on the first-in, first-out principle, and includes expenditure incurred in acquiring the inventories and other costs incurred in bringing them to their existing location and condition.

Net realisable value is the estimated selling price in the ordinary course of business, less the estimated costs of completion and selling expenses. Net realisable value for consumables is assumed to approximate the cost price due to the relatively short period that these assets are held in stock.

1.12 Prior Period Errors

Prior period errors are omissions from, and misstatements in, the Commission's financial statements for one or more prior period, arising from a failure to use (or misuse of) reliable information that was available when the financial statements for those periods were authorised for issue and could reasonably be expected to have been obtained and taken into account in the preparation and presentation of those financial statements. Such errors include the effect of mistake in applying the accounting policy, oversight or misinterpretation of facts.

1.13 Related Parties

Related party transactions are transactions that involve the transfer of resources, services or obligations between related parties, regardless of whether a price is charged. Implicit in the definition of related party, there are other government entity and joint ventures that have a significant influence on the South African Human Rights Commission and its activities.

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission directly or indirectly.

1.14 Unauthorised Expenditure

When unauthorised expenditure is discovered, it is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.



1.15 Commitments

Commitments represent the orders issued to the suppliers that have been approved, but where no delivery has taken place as at year-end.

Commitments are not recognised in the statement of financial position as liabilities and assets but are included in the disclosure notes (refer to annexure A to the financial statements).

1.16 Contingent Liabilities

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

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

Contingent liabilities are included in disclosure note 26.

1.17 Employee Benefit Cost

Short-term Employee Benefits

Short-term employee benefits are measured on an undiscounted basis and are expensed in the statement of financial performance in the reporting period that the payment is made.

Termination Benefits

Termination benefits are recognised as an expense when the entity is demonstrably committed, without the realistic possibility of withdrawal, to a formal detailed plan either to terminate employment before the normal retirement date, or to provide termination benefits as a result of an offer made to encourage voluntary redundancy. Termination benefits for voluntary redundancies are recognised as an expense if the Commission has made an offer of voluntary redundancy, it is probable that the offer will be accepted and the number of acceptances can be estimated reliably.

Retirement Benefits

Defined contribution plans

A defined contribution plan is a post-employment benefit plan under which an entity pays fixed contributions into a separate entity and will have no legal or constructive obligation to pay further amounts.

The Commission operates defined contribution retirement benefit plans for its employees. The assets of the plans are held separately from those of the Commission under the control of trustees. Where employees leave the plans prior to full vesting of the contributions,

the contributions payable by the Commission are reduced by the amount of forfeited contributions.

Payments to the defined contribution plan are charged as an expense as they fall due in the statement of financial performance and they represent the contribution paid to these plans by the Commission at a rate specified by the company policy.

Medical Benefits

The Commission provides medical benefits for its employees through a defined contribution plan. These benefits are funded by both employer and employee contributions at a rate specified in the rules of the plans.

Accrual for Leave Pay

Employee entitlements to annual leave are recognised when they accrue to employees. A provision based on the basic salary is raised for estimated liabilities as a result of services rendered by employees up to the balance sheet date.

1.18 Donor-funded Projects

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

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

1.19 Comparative Figures

Where necessary, comparative figures have been adjusted to conform to changes in the presentation of the period under review.

1.20 Effect of New GRAP Standards

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

GRAP 18: Segment Reporting

GRAP 23: Revenue from Non-exchange (Taxes and Transfers)

GRAP 21: Impairments of Non-cash-generating Assets

GRAP 24: Presentation of Budget Information in Financial Statements

GRAP 26: Impairments of Cash-generating Assets

GRAP 103: Heritage Assets

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



2. Property, plant and equipment

Balance as at 31 March 2010											
Own Assets	Gross Carrying Amount	Accumulated Depreciation and impairment	Net carrying amount	Additions	Disposal	Depreciation	Disposal Depreciation	Gross Carrying Amount	Accumulated Depreciation and impairment	Net Amount Carrying	
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Computer equipment	4,125	(1,891)	2,234	372	(61)	(453)	27	4,436	(2,317)	2,119	
Furniture fittings	3,479	(1,931)	1,548	44	(1)	(229)	1	3,522	(2,159)	1,363	
Library Material	2,733	(510)	2,223	119	(30)	(309)	6	2,822	(813)	2,008	
Motor vehicles	3,666	(1,003)	2,663	-	(234)	(242)	150	3,432	(1,095)	2,337	
Office Equipments	3,223	(1,667)	1,556	71	(7)	(326)	3	3,287	(1,990)	1,297	
Lease assets											
Leasehold improvements	1,116	(449)	667	6		(335)		1,122	(784)	338	
Finance Lease assets											
Office equipments	1,020	(303)	717	-	-	(338)	-	1,020	(641)	379	
TOTAL	19,362	(7,753)	11 609	611	(333)	(2,232)	187	19,641	(9,799)	9,841	

2008/09

Balance as at 31 March 2009										
Own Assets	Gross Carrying Amount	Accumulated depreciation and impairment	Net carrying amount	Additions	Reclassification	Disposal	Depreciation	Gross Carrying Amount	Accumulated Depreciation and impairment	Net Amount Carryin
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Computer equipment	4,278	(2,042)	2,236	464	-	(42)	(424)	4,125	(1891)	2,234
Furniture fittings	3 432	(1,731)	1,701	91	-	(4)	(240)	3,479	(1,931)	1,548
Library Material	2,367	(296)	2,071	368	-	(1)	(214)	2,733	(210)	2,223
Motor vehicles	3,711	(850)	2,861	104	-	(6)	(241)	3,666	(1,003)	2,663
Office Equipments	2,852	(1,397)	1,455	450	-	-	(351)	3,223	(1667)	1,556
Lease assets										
Leasehold improvements	1,068	(127)	941	48	-	-	-	-	(449)	667
Finance Lease assets							(322)	1,116		
Office equipments	1,391	(1,180)	211	775	-	(10)	(259)	1,020	(303)	717
TOTAL	19,099	(7,622)	11,76	2,300	-	118	(2 051)	19,362	(7,753)	11,609

3. Intangible Assets

2009/10

Balance as at 1 April 2009										Balance as at 31 March 2010				
	Gross Carrying Amount	Accumulated depreciation and impairment	Net carrying amount	Additions	Reclassification	Disposal	Depreciation	Gross Carrying Amount	Accumulated Depreciation and impairment	Net Amount Carrying				
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000				
Computer Software	948	(437)	511	28	-	0	(215)	976	(652)	324				
Total	948	(437)	511	28	-	-	(215)	976	(652)	324				

2008/09

Balance as at 1 April 2008				Balance as at 1 April 2009						
	Gross Carrying Amount	Accumulated depreciation and impairment	Net carrying amount	Additions	Reclassification	Disposal	Depreciation	Gross Carrying Amount	Accumulated Depreciation and impairment	Net Amount Carrying
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Computer Software	547	(243)	304	401		-	(194)	948	(437)	511
Total	547	(243)	304	401		-	(194)	948	(437)	511

Notes to the Annual Financial Statements for the Year Ended 31 March 2010

	2010 R'000	2009 R'000
4. Inventories		
Consumable stores	147	315
5. Trade and Other Receivables from Exchange Transactions		
Receivables Income (Ex-employees debt)	175	87
Sundry debtors	384	631
	559	718
Staff Loans		(3)
	559	715
Impairment		
Impairment	(41)	(22)
Discounting	(20)	(12)
Provision for bad debts	(164)	-
Discounting		(34)
Total trade and other receivables	330	681
Prepayment	69	-
Total	403	681

Age analysis of trade receivables

	2010			2009		
	Gross	Impairment	Discounting	Gross	Impairment	Discounting
	R'000	R'000	R'000	R'000	R'000	R'000
Not past due	200	-	-	628	-	-
Past due for Less than One month	(13)	-	-	-	-	-
Past due for longer than one month but for less than one year	284	15	7	87	22	12
Past due for longer than one year	87	25	13	-	-	-
Total	559	40	20	715	22	12

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

The Commission referred all the ex-employee debt to the State Attorney to consider recovery of the debt through legal processes. Should this process fail to recover the outstanding amounts, the debt will be impaired. The impairment relates to staff loans and advances not considered recoverable. The impairment can be reconciled as follows:

	2010 R'000	2009 R'000
5. Trade and Other Receivables from Exchange Transactions (continued)		
Impairment of trade and other receivables		
Opening balance	(22)	-
Impairment added during the year	(41)	(59)
Amounts utilised	22	37
Closing balance	(41)	(22)
Maximum credit risk	403	681

The maximum credit risk was calculated by deducting the allowance from the gross carrying amount. For the period under review, the amount exposed to maximum credit risk is for ex-employees' debt of R174, 278.

Amounts Past Due but not Impaired

Some of the unimpaired amounts are past due as at the reporting date. Amounts past due but not impaired are recovered as follows:

Not more than 3 months	-	-
More than 3 months but not more than 6 months	-	-
More than 6 months but not more than 1 year	-	-
More than one year	-	-
	-	-

Staff loans are in terms of a staff loan policy and are approved as per policy. All amounts are considered recoverable. Receivables not impaired are considered to be that of debtors with a high credit quality and management has no reason to doubt recoverability.

Fair Value	403	681
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The fair value of trade and other receivables is approximating the current values as interest is based on market-related rates.

	2010 R'000	2009 R'000
6. Cash and Cash Equivalents		
Current account	1,852	412
Call account	1,566	748
	3,418	1,160
Petty cash	41	40
	3,459	1,200

7. Finance Lease Liability

Finance lease liability	423	750
Less: Current portion	(224)	(326)
Long Term Portion	199	424

The South African Human Rights Commission has, during the period under review, made a total contribution of R326,541.22 to finance leases as defined in IAS 17 and National Treasury RT3. These payments are irregular but condoned.

The finance lease liability is secured by office equipment. The interest rate implicit in the lease was estimated to be the prime bank rate at the inception of the lease. The Commission leased photocopiers from both Minolta and Canon for 12, 36 and 60 month periods.

Reconciliation between the minimum lease payments and the present value:

Minimum lease payments

	423	750
Payable within 1 year	272	412
Payable within 1-5 year	215	489
Total Cash outflow	487	901
Less interest	(64)	(151)

Present value of minimum lease payments

	423	750
Payable within 1 year	224	326
Payable within 1-5 years	199	424

Terms and conditions

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

	2010 R'000	2009 R'000
8. Trade and Other Payables from Exchange Transactions		
Accounts payable	1,489	1,600
Accruals	2,965	774
	4,454	2,374
8.1. Employee Benefits Due	1,466	1,889
Leave accrual	622	469
13th cheque	844	1,209
Accrual for unpaid leave	-	211
	5,920	4,263

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

Assumptions used:

Interest rate	6,55%	6.55%
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The interest rate as at 31 March was used to discount the purchases.

For the period under review, the Commission changed its assumption of the interest rate used to discount the purchases. The interest rate as at 31 March 2010 was used whereas in the previous financial year an average of 12 months was used to discount purchases.

Fair Value	5,920	4,263
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Trade creditors are assumed to approximate fair value as market-related interest rates were used in calculating the financial liability.

9. Operating Lease Commitments

Operating lease payments represent the rentals paid by the Commission for the office buildings for Head Office and the provinces.

	7,820	7,432
Operating lease expenditure recognised in the statement of financial performance on a straight-line basis	745	823

Terms and conditions:

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

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

	2010 R'000	2009 R'000
Due within one year	8,821	8,686
Due within two to five years	3,475	13,172
Total	12,296	21,858

10. Deferred Revenue

Deferred revenue relates to unspent amount from conditional grants as follows:

NCF Roll Back Xenophobia project	-	21
Australian Aid Grant	177	-
Atlantic Philentropies	42	-
	219	21

Refer to note 23 for a detailed reconciliation of the projects relating to conditional grants.

11. Non-exchange Revenue

SA Government grant	69, 535	61,188
Other Income	996	745
	70,531	61,933

12. Exchange Revenue

Administrative fees	(15)	4
Interest revenue	632	293
Interest charged on outstanding debt	11	4
	628	301

13. Personnel Expenditure

Basic salaries	34,287	29,803
Performance Bonuses	861	-
Pension fund contribution	3,506	2,927
Travel allowance	2,287	2,452
Medical contribution	1,816	1,320
Housing allowance	966	807
Non-pension allowance	1,786	1,091
Other short term benefits	1,342	566
	46,851	38,966

2010
R'0002009
R'000

14. Administrative Expenditure

Audit fees:	External	1,198	786
	Internal	121	138
Bad debts written-off			37
Impairment for doubtful debts		147	16
Impairment of debtors		40	6
Computer expenses		20	55
Consulting fees		424	955
Courier and postage		93	122
Insurance		244	246
Lease and hire expenses		222	
Motor vehicle expenses		388	323
Printing and stationery		571	309
Recruitment fees		567	760
Operating lease expenses: land and buildings		7,820	7,432
Rental: Municipal services		2,809	1,482
Rental: Parking W/Cape		-	35
Repair and maintenance		254	246
Security and cleaning services		645	496
Staff development		71	216
Staff Relocation		-	79
Subscriptions		208	98
3g Subscriptions		36	249
Telephone, cell and fax		1,215	1,898
IT Upgrades, Licences & Maintenance		-	368
Theft and losses		-	38
Travel and accommodation		23	169
Other administrative expenditure		360	282
		17,477	16,872

14.1 Profit/Loss on Disposal

Loss on disposal of Computer Equipment	27	4
Loss on furniture	1	3
Loss on disposal of office equipment	6	1
Loss on disposal of motor vehicle	62	60
	95	68

	2010 R'000	2009 R'000
15. Depreciation, Amortisation and Impairment		
Depreciation	2,232	2,051
Normal depreciation	2,232	2,101
Change in estimate assets	-	(50)
Amortisation	216	194
Normal amortization	216	183
Change in estimate - assets	-	11
	2,448	2,245
16. Operating Expenditure		
Expensed donor funded project	985	495
Translation and project cost	4,297	3,627
Strategic planning	161	236
Internal and external liaison	105	190
Plenary, bosberaads, meetings	129	40
	5,677	4,588
17. Finance Cost		
Finance leases	102	93
Interest as a result of carrying purchases at fair value	85	143
Other interest	1	1
Interest as result of carrying revenue	20	7
	208	244



	2010 R'000	2009 R'000
18. Cash Flow from Operating Activities		
Deficit for the year	(1,596)	(749)
Adjusted for:		
Non-cash items	3,211	2,410
Depreciation, amortisation and impairment	2,448	2,245
Bad debts written off	0	37
Provision for doubtful debts	147	16
Loss on disposal of assets	95	68
Impairment of debtors	40	6
Write off uncleared accruals	458	-
Theft and losses	-	38
Separately disclosable items	(444)	(49)
Interest income	(652)	(293)
Finance Cost	208	244
Operating surplus before changes in working capital	1,171	1,612
Changes in working capital	2,335	(395)
Decrease/ (increase) in trade receivables	278	(548)
Decrease/(increase) in inventories	168	(174)
(Decrease)/increase in trade and other payables	2,080	(565)
(Decrease)/increase in employee benefits	(423)	518
(Decrease)/ Increase in deferred revenue	198	(400)
(Decrease)/increase in operating lease liability	(78)	774
Cash generated from operations	3,394	1,217

19. Subsequent Events

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

20. Financial Instruments

Introduction and Overview

This note represents information about the Commission's exposure to each of the risks mentioned below, the Commission's objectives, policies and processes for measuring and managing risk, and the Commission's management of capital. Further quantitative disclosures are included throughout these financial statements.

The following are definitions of terms used for the note on financial instruments:

Credit risk is the risk of financial loss to the Commission if a counterparty to a financial instrument fails to meet its contractual obligations.

Liquidity risk is the risk that the Commission will not be able to meet its financial obligations as they fall due.

Market risk is the risk that changes in market prices, such as interest rates, will affect the Commission's income or the value of its holdings of financial instruments.

Market risk comprises interest rate risk, currency risk and other price risk. The Commission has exposure to the following risks from its use of financial instruments:

- Credit risk
- Liquidity risk
- Market risk

The Chief Executive Officer has the overall responsibility for managing and monitoring the financial risks to which the Commission is exposed and how financial risks in general are managed and monitored.

Exposure to risks: Credit risk

Financial assets, which potentially subject the Commission to the risk of non-performance by counterparties and thereby subject the Commission to concentrations of credit risk, consist mainly of cash and cash equivalent and trade receivables. Credit risk with respect to trade receivables relates to an ex-employees' debt and the outstanding amount owed by the Department of Justice and Constitutional Development.

Credit risk associated with current and call accounts is limited due to all accounts being held at reputable banking institutions in South Africa. Given that these institutions are likely to have high credit ratings, management does not expect any counterparty to fail to meet its obligations.

The relationship with the ex-employees of the Commission is of such a nature that the Commission would raise a debt for employees who damaged the Commission's vehicle due to negligence, and also for all the employees who left the employ of the



Commission before the expiry of the period as stated in the relocation policy. A pro rata portion amount paid by the Commission in respect of the unexpired period is raised as debt.

Payment Terms

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

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

20. Financial Instruments (continued)

Exposure to risks: Liquidity risk

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

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

Exposure to risk: Market risk

Interest rate risk

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

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

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

	2010 R'000	2009 R'000
20. Financial Instruments (continued)		
Concentration of market risk		
Variable rate instruments		
Financial liabilities (accounts payable)	4,454	2,374
Total	4,454	2,374
Fixed rate instruments		
Financial assets (accounts receivable)	334	681
Total	334	681
Financial assets		
2009/10	Loans and receivables	Total
	R'000	R'000
Opening balance	3,752	3,752
Interest income	632	632
Impairments		
Net other movements	(632)	(632)
Closing balance	3,752	3,752
Maximum credit exposure	3,752	3,752
Sensitivity analysis:		
Effect of interest rate changes	(225)	(225)
Financial assets		
2008/09	Loans and receivables	Total
	R'000	R'000
Opening balance	1,841	1,841
Interest income	293	293
Impairments	-	-
Net other movements	(293)	(293)
Closing balance	1,841	1,841
Maximum credit exposure	1,841	1,841
Sensitivity analysis:		
Effect of interest rate changes	(55)	(55)
2009/10		
Financial liabilities	Financial liabilities	Total
	R'000	R'000
Opening balance	2,374	2,374
Interest expense		
Net other movements	2,080	1,969
Closing balance	4,454	4,343
Sensitivity analysis:		
Effect of interest rate changes	(205)	(202)

20. Financial Instruments (continued)

Assumptions:

The sensitivity analysis has been based on a decrease in interest rates of 1.50 basis points, which is based on the change in prime rates for the period under review. The Commission is not materially exposed to other price risks.

	2010 R'000	2009 R'000
2008/09	Financial Liabilities At amortised cost	Total
	R'000	R'000
Opening balance	2,939	2,939
Interest expense	(565)	(565)
Net other movements		
Closing balance	2,374	2,374
Sensitivity analysis:		
Effect of interest rate	(80)	(80)
Changes		

Assumptions:

The sensitivity analysis has been based on a decrease in interest rates of 1.50 basis points, which is based on the change in prime rates for the period under review. The Commission is not materially exposed to other price risks.

20. Financial Instruments (continued)

Line item	Note	Loans and receivables	Financial liabilities at amortised cost	Total carrying
		R'000	R'000	R'000
31 March 2010				
Trade and other receivables	5	334		334
Cash and cash equivalent	6	3,418		3,418
Trade and other payables	8		(4,454)	(4,454)
Employee benefit due	8.1		(1,466)	(1,466)
Finance lease liability (current)	7		(745)	(745)
Finance lease liability (non-current)	7		(199)	(199)
Deferred revenue	10		(219)	(219)
Total		3,752	(7,082)	(3,330)

20. Financial Instruments (continued)

31 March 2009	Note	Loans & Receivable	Financial Liabilities at amortised cost	Total carrying amount
Trade and other receivables	5	681	-	681
Cash and cash equivalent	6	1,160	-	1,160
Trade and other payables	8	-	(2,374)	(2,374)
Employee benefit due	8.1	-	(1,889)	(1,889)
Finance lease liability (current)	7	-	(326)	(326)
Finance lease liability (non-current)	7	-	(424)	(424)
Deferred revenue	10	-	(21)	(21)
Total		1,841	(5,034)	(3,193)

Fair value sensitivity analysis for fixed rate instruments

The Commission does not account for any fixed rate for financial assets and liabilities at fair value through profit and loss. Therefore, a change in interest rates at the reporting date would not affect the profit and loss.

Cash flow sensitivity analysis

A change of 50 basis points in interest rates at the reporting date would have increased (decreased) the surplus or deficit by the amounts shown below. This analysis assumes that all other variables remain constant.

	2010	2009
50 basis point decrease	(8)	(4)

The following changes in the prime overdraft rates of banks (as determined by the SA Reserve Bank) occurred between 1 April 2009 and 31 March 2010:

2009/10

Date of Change	Interest rates:	Change in basis Point (from previous rates)
31 March 2009	13.00	
4 May 2009	12.00	(1.00)
29 May 2009	11.00	(1.00)
14 August 2009	10.50	(0.50)
26 March 2010	10.00	(.50)
Total		(150)

20. Financial Instruments (continued)

2008/09

Date of change	Interest rates:	Changes in basis Points (from Previous rates)
12/07/2007	14.50	
14/11/2008	15.00	0.50
06/13/2008	15.50	0.50
12/12/2008	15.00	(0.50)
02/06/2009	14.00	1.00
3/25/2009	13.00	1.00
Total		1.5

Maturity analysis and data about exposure to liquidity risk.

31 March 2010	Carrying amount	Total contractual cash flows	Not later than one year	2-5 years	5 years
	R'000	R'000	R'000	R'000	R'000
Finance lease liabilities	423	487	272	215	-
Trade and other payables	4,454	4,454	4,454	-	-
Employee benefit due	1,466	1,466	1,466	-	-
Deferred revenue	219	219	219	-	-
Total	6,561	6,625	6,410	215	-

31 March 2009

	Carrying Amount	Total Contractual cashflow	Not later than 1 year	2-5 years	5 years
	R'000	R'000	R'000	R'000	R'000
Finance lease liabilities	750	901	412	489	-
Trade and other payables	2,374	2,374	2,374	-	-
Employee benefit due	1,889	1,889	1,889	-	-
Deferred revenue	21	21	21	-	-
Total	5,034	5,185	4,696	489	-

20. Financial Instruments (continued)

	2010 R'000			2009 R'000		
Age analysis of trade receivables	Gross 2010 R'000	Impairment 2010 R'000	Discounting 2010 R'000	Gross 2009 R'000	Impairment 2009 R'000	Discounting 2009 R'000
Not past due	200	-	-	628	-	-
Past due for less than one month	(13)	-	-	-	-	-
Past due for longer than one month but for less than one year	284	15	7	87	22	12
Past due for longer than one year	87	25	13	-	-	-
Total	558	40	20	715	22	12

21. Related Parties

Relationships		
Other organs of state contracted with		
Related party transactions		
Amount paid to CSAP employees	-	498
Amount received from CSAP as a refund	-	504



22. Key Management

						2010 R'000	2009 R'000
Senior Management emoluments	Basic salary	Bonuses and performance payments	Expense allowances	Pension contributions	Other benefits: termination leave payout	Total amount paid	Total amount paid
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Executive management							
Accounting Officer (Dec 2009)	537	47	104	52.7	38	779	835
Deputy CEO (till May 2008)	-	-	-	-	-	-	151
Acting CEO (from Jan 2010)	46	-	-	-	-	46	-
Deputy CEO (from March 09)	552	-	233	-	-	784	62
Head of Finance Acting (from Jan 2010)	49	-	-	-	-	49	-
Head of Finance (till Dec 2009)	332	37	108	34.7	20	532	590
Head of Administration & SCM	437	37	172	47.1	-	693	568
Head of Human Resources	439	-	177	46.9	-	663	581
Head of Research & Documentation	476	-	64	42.6	10	592	548
Head of Legal	461	31	110	46.6	-	649	582
Head of Training & Education	498	31	90	47.6	-	667	658
Head of Information & Communication (till Jan 2009)	-	-	-	-	-	-	484
Head of Information & Communication: Acting (till Nov 09)	171	-	-	-	-	171	-
Head of Information & Communication (Dec 2009)	142	-	61	15.9	-	220	-
Head of Parliamentary and Monitoring	471	69	128	47.8	-	715	590
Head of Internal Audit:Acting (May to March 2010)	168	-	-	-	-	168	629
	4,779	252	1,247	382	68	6,728	6,278

22. Key Management (continued)

						2010 R'000	2009 R'000
Senior Management emoluments	Basic salary	Bonuses and performance payments	Expense allowances	Pension contributions	Other benefits: termination leave payout	Total amount paid	Total amount paid
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Non-executive management							
Other: Commissioners							
Chairperson (from 15 Oct 2009)	283	-	68	28	-	379	
Chairperson (30 Sept 2009)	373	33	93	30	45	575	771
Deputy Chairperson: (Sept 2009)	319	28	78	26	10	460	656
Deputy Chairperson (Jan 2009 and Deputy from Oct 2009)	638	38	126	-	-	802	104
Commissioner (Sept 2009)	189	26	85	-	5	304	607
Commissioner: T Manthata (Sept 2009)	299	26	57	24	29	435	598
Part-Time Commissioner (till Sept 2009)	158	-	-	-	-	158	136
Part-Time Commissioner (Jan 2010)	38	-	-	-	-	38	-
Part-Time Commissioner (Jan 2010)	37	-	-	-	-	37	-
Commissioner (15 Nov 2009)	284	9	-	22	-	314	-
Commissioner (15 Oct 2009)	187	-	37	-	-	224	
	2,805	160	544	130	89	3,726	2,872
Remuneration paid to audit committee members							
Chairperson: D Coovadia		-	-	-	-	27	41
Member V Skosana						-	2
						27	43

23. Projects

Conditional Grants

						2010 R'000	2009 R'000
Name of project balance	Opening balance	Grant Received during the year	Amount utilised to the donor	Amount returned	Amount transferred to other income	2010 Closing	2009 Closing
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
0941/014 UNHCR (Roll Back Xenophobia)	21	-	-	21	-		21
Raoul Wallenberg Insti- tute	-	560	532	28		-	-
Atlantic Philanthropie		497	455	-	-	42	21
Australian Aid Grant		177	-	-	-	177	21
Sub-total	21	1,234	987	49	-	219	21
Transferred to Rollover account	21	1,234	987	49	-	219	21
Total projects Projects sub-total	21	1,234	987	49	-	219	21
Projects Total	21	1,234	987	49	-	219	21

24. Significant Estimates and Judgements made by Management

The Commission has in the period under review assessed the useful lives of property plant and equipment. The assumption used in determining the useful lives and residual values were based on the following:

- (i) Asset type and what it is made of;
- (ii) Asset special features;
- (iii) Asset condition, i.e. the physical condition and age of the assets;
- (iv) The rate of use of assets, number of users and location; and
- (v) The residual value for vehicles set at the industry norm of 30%.

The assumption used regarding interest rates in the calculations of the fair value of the financial instruments:

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

25. Irregular, Fruitless and Wasteful Expenditure

	2010 R'000	2009 R'000
Other fruitless and wasteful expenditure incurred is as follows:		
Reconciliation of irregular expenditure		
Opening balance	25	33
Add irregular, wasteful expenditure current year	-	585
less amount condoned/reversed	-	65
Finance lease payments	327	527
Amount written off	-	28
Closing balance	352	25

26. Contingent Liabilities

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

Categories of contingent liability	Nature of contingent liability	Estimated amount R'000 2010
Guarantee issued to the bank	Guarantee issued to the bank to serve as a deposit to the rental deposit for office space for head office and Eastern Cape office	543
Claims against SAHRC (Adv Selala)	Unfair/ Constructive dismissal	897
Claim against SAHRC (IDASA)	Work performed during CSAP project run by SAHRC	3,600
Claim against SAHRC (European Union)	Unaccounted expenditure	3,333
North Gauteng High Court	Litigation matter (Roberts)	500
Total		8,873

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

27. Reconciliation Between Budget and Statement of Financial Performance

	2010 R'000	2009 R'000
Reconciliation of budget surplus/(deficit) with the surplus/deficit in the statement of financial performance		
Net surplus/(deficit) per the statement of financial performance		(1,596)
Adjusted for:		
Donor funds liability		(219)
Non-cash items (R'000)		2,938
Depreciation	2,448	
Finance cost	208	
Profit/(loss) on disposal of assets	95	
Impairment of doubtful debts	147	
Impairments of debtors	40	
Surplus for the year		1,561

Budget Statement

The Commission received an additional R1,257m for the Occupational Specific Dispensation for the eligible staff members.

28. Changes in estimates

For the period under review the Commission changed the accounting estimates in respect of the depreciation for computer equipment, office equipment furniture and motor vehicle since the previous pattern of depreciation differs from the actual pattern economic benefits from depreciable assets. This resulted in a decrease in depreciation for the year by R 97 136.

The effect on future periods is decrease in depreciation expenses and increase in accumulated profits of R 873 622.

Annexure A to the Annual Financial Statements as at 31 March 2010

Commitments Schedule for the Orders issued to the Suppliers as at 31 March 2010

Commitments schedule as at 31 March 2010	
	R
Acer Africa(Pty) Ltd	643
Amarhudula Trading	7,500
Auto Mall Nissan	4,104
Connex BCD Travel	164,560
Bravo Afrika	3,900
Burotime Office Furniture	13,003
Business Connexion (Pty) Ltd	123,030
Canon PABX Service	1,824
CCI Technology Solutions (Pty) Ltd	19,722
Cecil Nurse Business Furniture JHB	39,523
DP Chauffeurs	600
Exclusive Chauffeuring CC	2,700
Jam stationers (Pty) Ltd	2,231
Kalahari Telecoms	923
Kalalex Business Forms & System	7,480
Kwela Fleet Management	1,020
Laser Security	550
Lebonelitho	28,498
Miyelani Transport & Tourism	6,300
Norman Shuttle	1,000
Northwest Vehicle Tracking	399
Protea hotel-Parktonian	11,184
Shereno Printers	155,547
Solly Siema	2,400
Tat i-Chain Assetware	85,044
Telkom Government Sales (business)	194,132
The Learning Organisation	2,920
Khare Hails Municipality	5,326
Mangaung Local Municipality	1,160
Total	887,223

Part 4

Human Resources Management

4.1 Expenditure

The institution's budget in terms of clearly defined programmes. The following tables summarise the final audited expenditure by the programme (Table 4.1.1) and by salary bands (Table 4.1.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the department.

Table 4.1.1: Personnel costs by programme, 2009/10

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel cost as a percent of total expenditure	Average personnel cost per employee (R'000)
Commissioners	5,886	4,526		709	8.09%	35,033
Office of the CEO	3,042	2,757		429	4.18%	18,109
Financial Management	4,881	2,410		1,610	6.84%	29,619
Internal Audit	1,218	1,109	71	121	1.67%	7,250
Human Resources	18,526	16,106		850	25.46%	110,275
Administration and Supply Chain Management	16,313	2,757		-	22.42%	97,103
Education and Training	3,849	2,901		900	5.29%	22,910
Legal Services	3,175	2,654		151	4.36%	18,900
Research and Documentation and Policy Analysis	6,467	6,116		218	8.89%	38,491
Parliamentary and International Affairs	1,646	1,555		42	2.26%	9,799
Information and Communications	7,656	3,961		2,496	10.52%	45,574
Total	72,660	46,851	71	7,524	100%	433,064

Table 4.1.2: Personnel costs by salary bands, 2009/10

Salary bands	Personnel expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	73	0.15%	432
Skilled (Levels 3-5)	1,713	3.66%	10,199
Highly skilled production (Levels 6-8)	10,329	22.05%	61,485
Highly skilled supervision (Levels 9-12)	24,696	52.71%	147,000
Senior management (Levels 13-16)	10,040	21.43%	59,762
Total	46,851	100%	278,877

The following tables provide a summary per programme (Table 4.1.3) and salary bands (Table 4.1.4) of expenditure incurred as a result of salaries, overtime, homeowners allowance and medical assistance. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

Table 4.1.3: Salaries, overtime, home owners allowance and medical assistance by programme, 2009/10

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
Commissioners	5,301	12%			22	0%	132	2.49%
Office of the CEO	2,504	5%			104	4%	59	2.36%
Financial Management	2,489	5%	7	0.29%	33	1%	116	4.65%
Internal Audit	1,042	2%			11	1%	46	4.39%
Human Resources	14,719	32%			276	2%	583	3.96%
Administration and Supply Chain Management	2,611	6%	10	0.37%	134	5%	159	6.09%
Education and Training	2,635	6%	1	0.05%	60	2%	81	3.09%

Programme	Salaries		Overtime		Home owners allowance		Medical assistance	
Legal Services	2,992	7%	0	0.01%	75	3%	91	3.03%
Research and Documenta- tion and Policy Analysis	6,201	13%			72	1%	129	2.08%
Parliamentary and International Affairs	1,357	3%			61	4%	53	3.89%
Information and Communications	4,110	9%	3	0.08%	39	1%	139	3.39%
Total	45,961	100%	21	0.80%	886	25%	1,588	39.42%

Table 4.1.4: Salaries, overtime, home owners allowance and medical assistance by salary bands, 2009/10

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)	73	0%	-	0.00%	6	8%	9	13%
Skilled (Levels 3-5)	1,713	4%	1	3.66%	9	1%	143	8%
Highly skilled production (Levels 6-8)	10,329	22%	9	0.09%	216	2%	473	5%
Highly skilled supervision (Levels 9-12)	24,696	53%	12	0.05%	363	1%	786	3%
Senior manage- ment (Levels 13-16)	10,040	21%	-	0.00%	291	3%	176	2%
Total	46,851	100%	22	3.79%	886	15%	1,588	31%

4.2 Employment and Vacancies

The following tables summarise the number of posts at the establishment, the number of employees, the vacancy rate, and whether there are any staff who are additional to the establishment. This information is presented in terms of three key variables as follows: programme (Table 4.2.1), salary band (Table 4.2.2) and critical occupations (Table 4.2.3). The institution has identified critical occupations that need to be monitored. Table 4.2.3 provides establishment and vacancy information for the department's key critical occupations. The vacancy rate reflects the percentage of posts that are not filled.

Table 4.2.1: Employment and vacancies by programme, 31 March 2010

Programme	Number of vacant posts	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Commissioners	0	9	9	0	
Human Resources	0	8	8	0	
ICP	2	15	13	13.3%	
Legal Services	1	9	8	11.11%	
Research	2	16	14	12.5%	
Education	0	9	9	11.11%	
Provinces	6	44	38	13.67%	
Finance	1	8	7	12.5%	
Parliament	0	5	5	0	
Admin	0	13	13	0	
Internal Audit	1	4	3	25%	
CEO's Office	2	5	3	40%	
Total	15	145	130	10.56%	

Table 4.2.2: Employment and vacancies by salary bands, 31 March 2010

Salary band	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2)	1	1		
Skilled (Levels 3-5)	15	15		
Highly skilled production (Levels 6-8)	39	39		
Highly skilled supervision (Levels 9-12)	75	64	14.67%	
Senior management (Levels 13-16)	15	11	26.67%	

Table 4.2.3: Employment and vacancies by critical occupation, 31 March 2010

Critical occupations	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Legal	23	20	13.04%	0
Training	16	13	18.75%	0
Research	12	10	16.67%	0
Total	51	43	15.69%	

The information in each case reflects the situation as at 31 March 2010. For an indication of the changes in staffing patterns over the year under review, refer to Section 4.4 of this report.

4.3 Job Evaluation

The Public Service Regulations (PSR) of 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally.

The Public Service Regulations (PSR) of 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 their organisations. In terms of the PSR, all vacancies on salary levels 9 and higher must be evaluated before they are filled. This was complemented by a decision by the Minister for Public Service and Administration that all SMS jobs must be evaluated before 31 December 2002.

However, no jobs were evaluated during the year under review, and nor were any posts upgraded or downgraded. Moreover, in no instances did remuneration levels exceed the grade determined by the job evaluation.

4.4 Employment Changes

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

The turnover rates provide an indication of trends in the employment profile of the institution. The following tables provide a summary of turnover rates by salary band (Table 4.4.1) and by critical occupations (Table 4.4.2). (These 'critical occupations' should be the same as those listed in Table 4.2.3).

Table 4.4.1: Annual turnover rates by salary band for the period 1 April 2009 to 31 March 2010

Salary band	Number of employees per band as at 1 April 2009	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	1	-	-	
Skilled (Levels 3-5)	15	-	-	
Highly skilled production (Levels 6-8)	36	3	-	
Highly skilled supervision (Levels 9-12)	65	7	8	10.33%
Senior Management Service Band A	10	3	4	33.33%
Senior Management Service Band B	2	-	1	50%
Senior Management Service Band C	2	1	2	100%
Total	131	14	15	10.34%

Table 4.4.2: Annual turnover rates by critical occupation for the period 1 April 2009 to 31 March 2010

Occupation	Number of employees per occupation as at 1 April 2009	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Legal Services	21	2	3	0.12%
Education	14	1	1	5.88%
Research	11		1	7.69%
Total	46	3	5	9.09%

Table 4.4.3 identifies the major reasons why staff left the institution.

Table 4.4.3: Reasons why staff have left the department

Termination type	Number	% of total
Resignation	11	0.76%
Expiry of contract	4	2.76%
Total	15	10.34%

Table 4.4.4: Promotions by critical occupation

Occupation	Employees as at 1 April 2009	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	21	0		9	36%
Education	14	0		8	47.05%
Research	11	0		8	61.54%

Table 4.4.5: Promotions by salary band

Salary band	Employees as at 1 April 2009	Promotions to another salary level	Salary band 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)	1	0		0	
Skilled (Levels 3-5)	15	0		11	73.33%
Highly skilled production (Levels 6-8)	36	1		25	69.44%
Highly skilled supervision (Levels 9-12)	65	0		37	48.05%
Senior management (Levels 13-16)	14			7	43.75%

4.5 Employment Equity

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

Table 4.5.1: Total number of employees (including employees with disabilities) in each of the following occupational categories as at 31 March 2010

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	10	2			4	2	2	2	22
Professionals	11	2	1		8	1	3	2	28
Technicians and associate professionals	14		1	1	14	3	3	1	37

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Clerks	7	0	0	0	27	3	0	0	37
Service and sales workers									
Skilled agricultural and fishery workers									
Craft and related trade workers									
Elementary occupations	13	1			27	4			45
Total	55	5	2	1	80	13	8	5	169
Employees with disabilities	1						1		2

Table 4.5.2: Total number of employees (including those with disabilities) in each of the following occupational bands as at 31 March 2010

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2	1			1		1	1	6
Senior management	3				1	2		1	7
Professionally qualified and experienced specialists and mid-management	28	3	2	1	20	4	6	2	66
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	9	0	0	0	31	3	1	1	45
Semi-skilled and discretionary decision makers	10	1	0	0	15	3	0	0	29
Unskilled and defined decision makers	5	0	0	0	10	1			16
Total	57	5	2	1	78	13	8	5	169

Table 4.5.3: Recruitment for the period 1 April 2009 to 31 March 2010

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	2	1			1			1	5
Senior management		1							1
Professionally qualified and experienced specialists and mid-management	3	2			1	1		2	9
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents					3	1			4
Semi-skilled and discretionary decision makers	11	1		1	19	1			33
Unskilled and defined decision makers									
Total	16	5		1	24	3		3	52
Employees with disabilities									

Table 4.5.4: Promotions for the period 1 April 2009 to 31 March 2010

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management							1		1
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents					1			1	2
Total					1		1	1	3
Employees with disabilities								1	1

Table 4.5.5: Terminations for the period 1 April 2009 to 31 March 2010

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	1		2	1	1				5
Senior management	1				1			2	4
Professionally qualified and experienced specialists and mid-management	5	1			1	1		1	9
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents	1				2			1	4
Semi-skilled and discretionary decision makers	26	1		1	17	1			46
Unskilled and defined decision makers	2								2
Total	36	2	2	2	22	2		4	70
Employees with disabilities									

Table 4.5.6: Disciplinary action for the period 1 April 2009 to 31 March 2010

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

Table 4.5.7: Skills development for the period 1 April 2009 to 31 March 2010

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	5					1	2	2	10
Professionals	12	1	2		5		3	2	25
Technicians and associate professionals	34		1		24	4	2	2	67
Clerks	1				23	1		1	26
Elementary occupations	1				9	1			11
Total	53	1	3		61	7	7	7	139
Employees with disabilities	1							1	2

4.6 Performance Rewards

To encourage good performance, the institution has granted the following performance rewards during the year under review. The information is presented in terms of race, gender and disability (Table 4.6.1), salary bands (Table 4.6.2) and critical occupations (Table 4.6.3).

Table 4.6.1: Performance rewards by race, gender and disability, 1 April 2009 to 31 March 2010

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African	63	106	59.43%	1,794,113.62	28,477.99
Male	24	44		686,051.62	
Female	39	60		1,108,062.00	
Asian	4	10	40%	231,149.29	57,787.32
Male	0	4		-	
Female	4	6		231,149.29	
Coloured	9	11	81.82%	260,274.98	28,919.44
Male	2	2		82,872.02	
Female	7	9		177,402.96	
White	4	6	66.67%	126,622.63	31,655.66

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
Male	1	2		21,637.02	
Female	3	4		104,985.61	
Employees with a disability	3	3		80,914.85	26,971.62
Total	80	131	61.07%	2,355,780.50	29,447.26

Table 4.6.2: Performance rewards by salary band for personnel below Senior Management Service, 1 April 2009 to 31 March 2010

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)	-	1		-	-	
Skilled (Levels 3-5)	11	15	73.33%	119,696.11	10,881.46	0.25%
Highly skilled production (Levels 6-8)	25	36	69.44%	520,539.09	20,821.56	1.11%
Highly skilled supervision (Levels 9-12)	38	65	58.46%	1,645,960.91	43,314.76	3.50%
Total	74	117	63.25%	2,286,196.11	30,894.54	4.87%

Table 6.4.3: Performance rewards by critical occupations, 1 April 2009 to 31 March 2010

Critical occupations	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Legal	9	21	42.86%	393,175.13	43,686.13
Research	6	11	54.55%	337,974.43	56,329.07
Education and Training	8	14	57.14%	277,870.35	34,733.79
Total	23	46	50%	1,009,019.91	43,870.43

Table 6.4.4: 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)	5	10	50%	186,082.98	37,216.60	0.40%
Band B (14)	0	2	-	-	-	
Band C (15)	1	2	50%	14,028.00	14,028.00	0.03%
Band D (16)	-	-	-			
Total	6	14	42.86%	200,110.98	33,351.83	0.43%

4.7 Foreign Workers

No foreign nationals were employed in the institution in this financial year.

4.8 Leave Utilisation from 01/01/2009 to 31/12/2009

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave (Table 4.8.1) and disability leave (Table 4.8.2). In both cases, the estimated cost of the leave is also provided.

Table 4.8.1: Sick leave, 1 January 2009 to 31 December 2009

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)	3		1	100%	3
Skilled (Levels 3-5)	64		10	66.67%	6.40
Highly skilled production (Levels 6-8)	177		33	91.66%	5.36
Highly skilled supervision (Levels 9-12)	260		33	50.76%	7.88
Senior management (Levels 13-16)	63		10	71.43%	6.30
Total	567		87	15.34%	6.52

Table 4.8.2: Disability leave (temporary and permanent), 1 January 2009 to 31 December 2009

Salary band	Total days taken	% days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Lower skilled (Levels 1-2)						
Skilled (Levels 3-5)						
Highly skilled production (Levels 6-8)						
Highly skilled supervision (Levels 9-12)	30	100%	1	0.76%	30	23,374.95
Senior management (Levels 13-16)						
Total	30	100%	1	0.76%	30	23,374.95

Table 4.8.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of the termination of service.

Table 4.8.3: Annual leave, 1 January 2009 to 31 December 2009

Salary bands	Total days taken	Average per employee
Lower skilled (Levels 1-2)	21.62	21.62
Skilled (Levels 3-5)	327.08	21.08
Highly skilled production (Levels 6-8)	794.94	22.08
Highly skilled supervision (Levels 9-12)	1,524.58	23.46
Senior management (Levels 13-16)	283	20.21
Total	2,951.22	22.53

Table 4.8.4: Capped leave, 1 January 2009 to 31 December 2009

Salary bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2009
Lower skilled (Levels 1-2)			
Skilled (Levels 3-5)			
Highly skilled production (Levels 6-8)			
Highly skilled supervision (Levels 9-12)			
Senior management (Levels 13-16)	22	22	22
Total	22	22	22

The following table summarises the payments made to employees as a result of unused leave.

Table 4.8.5: Leave payouts for the period 1 April 2009 to 31 March 2010

Reason	Total amount (R'000)	Number of employees	Average payment per employee
Leave payout for 2009/10 due to non-utilisation of leave for the previous cycle			
Capped leave payouts on termination of service for 2009/10	45,487.64	1	45,487.64
Current leave payouts on termination of service for 2009/2010	153,516.25	12	12,793.02
Total	199,003.89	13	15,307.99

4.9 HIV and AIDS and Health Promotion

The following tables give details on the promotion of health within the workplace.

No steps were taken to reduce the risk of occupational exposure to HIV and AIDS over this period.

Table 4.9.1: Details of health promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.		No	
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		ER and Health and Safety Unit
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this programme.	Yes		ICAS Health Awareness Day
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.		No	
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		HIV Policy in place
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.	Yes		HIV Policy in place; Health Awareness Day Campaign

Question	Yes	No	Details, if yes
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have achieved.	Yes		
8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		Quarterly reports and appointment of Health and Safety staff

4.10 Labour Relations

No collective agreements were entered into with trade unions within the institution in the period in question.

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

Table 4.10.2: Misconduct and disciplinary hearings finalised, 1 April 2009 to 31 March 2010

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	1	0.76%
Not guilty	1	0.76%
Total	2	1.53%

Table 4.10.3: Type of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Poor performance		
Security, risk and insubordination	1	0.76%
Total	1	0.76%

Table 4.10.4: Grievances lodged for the period 1 April 2009 to 31 March 2010

	Number	% of total
Number of grievances resolved	1	0.76%
Number of grievances not resolved	2	1.53%
Total number of grievances lodged	3	2.29%

Table 4.10.5: Disputes lodged with Councils for the period 1 April 2009 to 31 March 2010

	Number	% of total
Number of disputes upheld	1	0.76%
Number of disputes dismissed	0	
Total number of disputes lodged	1	0.76%

In this period, no person working days were lost due to strike action.

Table 4.10.7: Precautionary suspensions for the period 1 April 2009 to 31 March 2010

Number of people suspended	1
Number of people whose suspension exceeded 30 days	0
Average number of days suspended	30
Cost (R'000) of suspensions	R4000

4.11 Skills Development

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

Table 4.11.1: Training needs identified from 1 April 2009 to 31 March 2010

Occupational categories	Gender	Number of employees as at 1 April 2009	Training needs identified at start of reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	8		1		1
	Male	7				
Professionals	Female	24		7		7
	Male	19		6		6
Technicians and associate professionals	Female	22		10		10
	Male	24		11		11
Clerks	Female	36		17		17
	Male	24		5		5
Elementary occupations	Female	10		5		5
	Male	5		4		4
Subtotal	Female					
	Male					
Total		179		66		66

Table 4.11.2: Training provided from 1 April 2009 to 31 March 2010

Occupational categories	Gender	Number of employees as at 1 April 2009	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	8		5		5
	Male	7		5		5
Professionals	Female	24		10		10
	Male	19		16		16
Technicians and associate professionals	Female	22		33		33
	Male	24		35		35
Clerks	Female	36		25		25
	Male	24		1		1
Service and sales workers	Female					
	Male					
Skilled agricultural and fishery workers	Female					
	Male					
Craft and related trade workers	Female					
	Male					
Plant and machine operators and assemblers	Female					
	Male					
Elementary occupations	Female	10		11		11
	Male	5				
Subtotal	Female					
	Male					
Total		179		141		141

4.12 Injury on Duty

In the period under review, no injuries were sustained on duty.

4.13 Utilisation of Consultants

No consultants were appointed using appropriated funds and nor were any appointed using donor funds in this period.

Part 6

Annexures

ANNEXURE A Legal Statistics

Primary Table All PROVINCES: Total Number of Complaints handled 01 April 2009 to 31 March 2010												
		H/O	WC	EC	FS	NW	KZN	MP	NC	LP	GP	Total
Not Accepted	Rejected	6	128	54	193	77	203	36	51	203	421	1372
	Referred	4	116	140	192	53	252	87	282	252	2687	4065
	Subtotal	10	244	194	385	130	455	123	333	455	3108	5437
Pending	Subtotal	0	193	11	3	0	20	2	1	20	0	250
Accepted	Current	138	708	309	311	147	92	66	126	134	179	2210
	Finalised	123	97	287	3	3	142	69	298	313	94	1429
	Subtotal	261	805	596	314	150	234	135	424	447	273	3639
Grandtotal		271	1242	801	702	280	709	260	758	922	3381	9326

Terminology

- Current/open complaints:** Refers to complaints that have been accepted but not yet closed or resolved
- Closed complaints:** Refers to complaints that have been accepted and processed but are closed because the complainant does not wish to proceed with the complaint
- Resolved complaints:** Refers to complaints that have been accepted and processed and that have been brought to a conclusion through the active intervention of the SAHRC. This intervention may take various forms such as mediation, final legal opinion and/or any other form of redress and/or resolution in terms of the complaints procedure of the SAHRC
- Finalised complaints:** Refers to the sum of the "closed" and "resolved" complaints
- Accepted complaints:** Refers to "current", finalised complaints
- Referred complaints:** Refers to complaints that have been referred to an agency or institution that may be better suited to deal with the complaint in question
- Rejected complaints:** Refers to complaints that do not meet the requirements to be regarded as a "human rights violation" that can be dealt with by the SAHRC or an associated agency or institution
- Pending complaints:** Refers to complaints that on the face of it will be accepted as alleged "human rights violation" but requires further investigation more information before it can be accepted. Pending complaints may become "accepted complaints", or are referred or rejected.

ANNEXURE B

Promotion of Access to Information (PAIA) Report

Set out in Section 184 of the Constitution and amplified by the Human Rights Commission Act 54 of 1994, the mandate of the Commission is further detailed in the Promotion of Access to Information Act 2 of 2000 (PAIA). This mandate can broadly be said to encompass the promotion of and education on PAIA, the monitoring of PAIA and the protection of the right of access to information.

The PAIA legislation provides the legal framework giving effect to the fundamental right of access to information, as set out in section 32 of the Bill of Rights. The promotion/education, monitoring and protection fields are detailed in sections 10, 83, 32, 14 and 51 of the PAIA legislation. The section 32, 14 and 51 provisions largely inform the formal monitoring function of the Commission by placing an injunction on the private and public sectors to submit reports and manuals to the Commission. In this instance, the Commission's mandatory function is expanded to include compliance monitoring and being a custodial repository of the reports and manuals submitted.

The awareness, training and educating fields are fulfilled by the injunction in PAIA for the Commission to undertake interventions to train and promote PAIA within the multiple levels of government, all 'other' public bodies, and communities nationally. Statistical data plotting the Commission's work in this regard are detailed below.

Section 83 requires the Commission to provide support to public bodies to enhance the implementation of PAIA in the sector. To this end the Commission employs a range of interventions informing the type of support it provides. Compliance auditing of public bodies has been instrumental in testing levels of implementation, supplementing awareness interventions, monitoring and providing focused support to the sector.

Together with the ongoing monitoring of new legislation, the Commission is actively engaged in scrutinising existing freedom of information models and global trends in freedom of information to advance law reform. The Commission's submissions to the Justice Portfolio Committee of Parliament and its annual recommendations for reform to the Department of Justice and Constitutional Development are detailed later in this report.

The protection of fundamental access rights is engaged through the assistance provided by the Commission to ordinary individuals, communities, civil society organisations and Deputy Information Officers (DIOs) in both the private and public sectors. Assistance provided to the latter two groups usually takes the form of advice on compliance matters, the interpretation and application of PAIA in relation to existing legislation, and on PAIA itself.

The range of the Commission's work with regard to PAIA, although separated into key outputs for strategic monitoring and evaluation purposes, is closely inter-related. The sub-programme ensures that these inter-related interventions are also integrated into the broader ongoing work of the Commission. To this end, the programme has made a number of interventions with visiting international delegations, study tours, public hearings convened by the Commission and the Commission's research and development projects. The sub-programme has also actively sought to secure the Commission's own organisational compliance with PAIA. These interventions are detailed later in the report.

Support and Assistance to Requestors

Assistance is provided to a range of requestors, including DIOs, private individuals, the private sector, and civil society organisations. Requests for assistance are received electronically through the PAIA mailbox as well as telephonically, via referral by the Commission's provincial offices and programmes, through regular postal mail, and 'walk-in' clients.

Most requests from the public sector hinge on matters of compliance interpretation of PAIA provisions and application. Issues of application in the face of existing legislation and regulations that govern specific departments pose the most significant application challenges in the sector. Assistance has also been sought on the operational implementation of PAIA within certain bodies such as SASSA and the pension fund. Request trends are analysed and recurring problem areas are incorporated into training sessions with public bodies.

Civil society and individual requestor trends range from interventions directed primarily at supporting requests already submitted where information holders have simply ignored the request (mute refusals) or where information holders unjustifiably refuse access. The Commission responds in these instances through engaging on behalf of requestors with the public body in question to hasten or facilitate the gaining of access to information, or by submitting requests on behalf of requestors to begin the process of accessing information.

Most private sector requests relate to issues of compliance with the provisions of Section 51 and the development of the manual required in terms of Section 51. Practising attorneys and auditing firms have often requested assistance in interpreting the exemption which exists until 2011 in determining the compliance needs of their private sector clients.

During the financial year, a total of 278 requests were responded to by the sub-programme. The number of requests per category of requestor is tabled below.

Requestor	Number of requests
Public bodies	99
Private bodies	87
Individuals	120
Total	306

Audits

The audit process remains a key tool through which the Commission is able to gain accurate insight into the levels of PAIA implementation and barriers to effective implementation within public bodies. It facilitates a closer engagement with senior officials and implementers within public bodies and allows for a candid exchange on perceived and actual impediments to compliance and implementation. The audits have therefore been instrumental in enhancing formal monitoring and in shaping the Commission's responses to the needs of the sector in providing it with support for optimal delivery in terms of PAIA.

Public bodies are randomly selected from strategic focal areas for auditing. These areas are determined on the basis of the level of service delivery the body is engaged in, its position of influence in relation to other public bodies, and where monitoring by the Commission evidences general tensions connected with service delivery. Only five audits were undertaken during this financial year due to budgetary constraints.

The lack of an adequate budget has meant that audits were limited to the Gauteng region, which was inexpensive for the Commission to reach. The range of audits clearly has an impact on the reach of the Commission's work and the reliability of the data generated for general application in determining common challenges to implementation of PAIA in the sector. Ideally, the Commission should be able to audit key departments within all regions and local government structures in the country. In keeping with its strategy, this will have the effect of encouraging lead departments to set and drive best practice for PAIA implementation in their respective regions. It will also provide the Commission with data identifying region-specific challenges, if any.

The audit process is initiated through notice by the Commission and the administration of a questionnaire. The latter is a comprehensive tool covering the following areas for engagement with the body being audited:

- Human resources and accountability of DIOs
- PAIA budgetary allocations
- Formal compliance with sections 14, 15, 16 and 32
- Awareness levels and proficiency of personnel
- Proactive disclosure levels
- Integration of PAIA in Integrated Development Planning (IDP)
- Systems and policies supporting PAIA implementation
- Challenges and identified needs for support
- Records management.

After submission of the questionnaire, responses are tested through independent research undertaken by the Commission prior to the audit meeting. These submissions and research findings are then examined more closely during the actual audit meeting.

Audit Findings

The trends identified during the initial audits conducted in 2007 remain largely unchanged during 2009. Key findings emerging from the focus areas of the audit areas listed above reveal that compliance and implementation remain generally poor within multiple levels of government.

Summary of Findings

Most DIOs have been delegated PAIA functions over and above their key portfolios. These usually entail record management or corporate service portfolios. The identity of DIOs is generally not readily known by personnel within an organisation, in particular by frontline officials.

None of the public bodies audited have clear budgetary allocations for PAIA implementation. The lack of an adequate PAIA implementation budget impacts on the levels of responsiveness of the public body to requestors, the accessibility of forms for requests, the production and development of information manuals in terms of Section 14, levels of awareness and proficiency of staff, and the integration of PAIA into the mainstream work of public bodies.

Community and personnel awareness interventions have not been accommodated in budgetary planning and systems to facilitate expeditious responses to requests, and compliance reporting through the tracking and monitoring of requests has not been invested in. Most public bodies view the allocation of a budget for the implementation of PAIA to be dependant on the volumes of requests they receive.

Formal compliance by the audited public bodies remains low and linkages between formal compliance and the PAIA objectives do not appear to have been fully appreciated by public bodies. Most demonstrated attempts at beginning the process of developing their information manuals in terms of Section 14, but have not finalised these due to delays in obtaining the necessary approval from senior management and councils, as well as delays in translating services provided by the Department of Arts and Culture, and poor records management. No manuals had been produced in braille. None of the public bodies audited had been compliant with Section 32 reporting obligations in terms of PAIA.

Levels of proficiency with PAIA were in general extremely poor, with some prior knowledge of application evidenced by the legal services personnel in the respective public bodies, but this knowledge did not extend beyond formal compliance. Prior knowledge in these instances was limited to specific application on a case-by-case basis. An understanding of the objectives of the legislation and its implications for their organisations and individuals was poor. Most personnel who were charged with processing requests were completely unaware of the legislation. Personnel also indicated and affirmed previous findings that the legislation is perceived as onerous and complex. None of the public bodies engaged with had undertaken any internal training or awareness activities. Similarly, frontline staff were unaware what a request for access to information meant or to whom requestors could be referred to for assistance.

Proactive disclosure: PAIA places an obligation on public bodies to provide free access to certain records; in this instance, access in terms of PAIA is termed ‘automatic access’. The Commission found that very few public bodies had gone beyond making annual reports, promotional material and media releases automatically available to the public. Development planning and project-related information had in general not been made public and implementers demonstrated their reluctance in deciding whether documents such as strategic plans could be made public. The IDPs, Imbizo processes, Community Development Worker (CDW) structures and ward councilors had not in any way been conscientized on PAIA injunctions to share as much information as is possible with communities. Furthermore, none of the public bodies audited demonstrated firm plans or policies relating to proactive disclosure.

Integration of PAIA into IDP processes: The audit revealed that none of the public bodies audited had mainstreamed PAIA into their daily operations. Levels of awareness and commitment from senior management appear to have significantly impacted on the level of priority accorded to PAIA in the general scheme of delivery. The audit process itself created an opportunity for the Commission to advance and highlight the connection between PAIA, public participation and enhanced service delivery. Most respondents demonstrated a fuller appreciation of the role information sharing can play in the integrated development planning process and how this in turn impacts on the level of accountability and transparency, and degree of confidence their constituents can place in their structures and delivery.

Systems, policies and supporting implementation: Apart from a chain of accountability during the referral process of a request from records management to corporate legal services, none of the sample had clear policies or systems specifically for access to information. Other research by the Commission suggests that internal policies, which are actively communicated and supported within public bodies, remain key to improved implementation and compliance with PAIA. Again, most public bodies expressed the view that the allocation of resources for systems aiding the processing of PAIA was dependant on the PAIA demands placed on the public body.

Records management: Most of the sample group had basic records management policies and plans in place. Over 90% of the sample indicated, however, that actual implementation had been hampered by a buy-in from personnel and delayed responses from the Provincial and National Archives. These delays have impacted on

registry activities and the disposal of records, etc. The merging of and changes to departments were also cited as key challenges in the effective implementation of records management practices and policies. All respondents within the respective bodies demonstrated a clear appreciation of the need to manage records to facilitate their referral and production in response to PAIA requests.

Challenges and Recommendations

All of the sample groups audited were in agreement that awareness and training was necessary to increase confidence and to appreciate more fully the PAIA objectives in their daily spheres of operation. They also expressed the desire to have senior management trained to facilitate the integration of PAIA into their organisations' strategic planning.

The Commission issued each of the public bodies audited with comprehensive recommendations for improved implementation in the focus areas. The most commonly recurring recommendations have focused on the need for compliance, creating accessibility to information for a diverse range of people, sustained personnel training cycles, budget allocations, and the need for PAIA to be integrated through IDP processes into the mainstream activities of the work of public bodies.

Law Reform, Legislation and Case Law Monitoring

Interventions directed at law reform as well as legislation and case law monitoring seek to ensure that emerging and existing legislation is in harmony with PAIA and that access to justice for ordinary individuals is facilitated through reform interventions. These usually include submissions on emerging legislation to the Justice Portfolio Committee and the Department of Justice and Constitutional Development, and engaging in litigation where resources permit.

The Commission submitted substantive recommendations on the Protection of Personal Information Bill to the Justice Portfolio Committee during 2009. These submissions were supported by oral presentations before the Committee. The nub of the Commission's submissions in this regard centred on the mandate of the envisaged Information Protection Regulator in so far as PAIA is concerned. The Bill proposes a transfer of the Commission's current mandate in terms of PAIA to the envisaged Information Protection Regulator. While the Commission is firm in its support of an intermediary dispute resolution mechanism for PAIA matters, it expressed concern over the maturity of the new body to simply take over its PAIA mandate, and the potential for a conflict of interest in instances where both data protection and access to information are presided over by the same body.

In addition, the Commission expressed concern over the lack of substantive provisions in the Bill identifying the duties, powers and obligations of the Regulator in relation to PAIA, as these matters have been relegated in the bill and are to be pronounced on at an unidentified future date. In the submissions of the Commission, this position will have the effect of increasing uncertainty in the sector and nullify gains it has already achieved. The recommendations to the Committee were therefore directed at securing substantive changes to the bill before PAIA is moved over, in the alternative that an independent Commission be located with the Commission to mediate PAIA matters, together with the resources necessary for these functions to be executed.

The Commission also submitted substantive recommendations to the Department of Justice and Constitutional Development during 2009. These submissions in essence reiterated the request for clarity on the moratorium on private bodies reporting to the Commission in terms of section 51 of PAIA. The Commission is inundated with calls from the private sector seeking clarity on the status of section 51 manual submissions.

Other recommendations emphasized the need for access to justice to be improved in terms of PAIA. The Commission highlighted the barriers to accessing justice and asserting access to information rights through magistrates' courts. Although extending the jurisdiction of the Magistrates Courts in PAIA matters is welcomed, factors such as costs, perception and attitudinal barriers, time and congested court rolls still mitigate against the traditional court system as an appropriate forum for PAIA-based dispute resolution.

The need for a review of the penalty provision for non-compliance with PAIA was restated. The Commission expressed the need for an amendment to PAIA to include sanctions for non-compliance with section 32 reporting obligations, as is presently done with section 14. Together with a non-compliance penalty provision for section 32, the Commission has requested clarity from the Department of Justice and Constitutional Development on the process of enforcing the penalty provision for non-compliance with section 14.

The Commission stressed that the Department of Justice and Constitutional Development needs to undertake a review of certain PAIA provisions with some urgency – in particular, section 22(8)(a) of Schedule One, which sets threshold limits to be considered when exemption from fee payments can be claimed by persons who earn below a certain limit annually. The schedule amounts were determined in 2004. The amounts that can be considered for deductions include R1000 for rentals and mortgage installments. The Commission is of the view that these amounts are unrealistic given inflation over time and should be increased to ensure that indigent persons and low income earners are not adversely affected by the thresholds currently in place.

The submissions with regard to fees have been expanded to include a recommendation that the Department of Justice and Constitutional Development reconsider the imposition of fees for the purposes of lodging a request. Fee payments should be restricted to the search for, and reproduction (if any) and preparation of records only.

Based on the monitoring of comparative freedom of information regimes, the Commission also recommended that the Department of Justice and Constitutional Development consider amending the legislation to permit the submission of anonymous requests. This trend, which has enjoyed success in comparative jurisdictions such as India, has a number of advantages for freedom of information. Key amongst these is that it addresses both perceived bias and actual prejudice or bias in the processing of and response to requests.

The Commission's lack of resources to deliver on its PAIA mandate in the range and quality which it deems necessary has been central to submissions to the Justice Portfolio Committee in previous reports and in presentations on the POPIA Bill, as well as to the Department of Justice and Constitutional Development. The Commission emphasized the impact that resource constraints have on its capacity to monitor and promote PAIA adequately.

These constraints impact on the undertaking of community-based and local government interventions and also impact on rights assertion and the demand for information at the grassroots level. Compliance auditing is severely hampered by the inability to include public bodies in audit samples in other provinces. Similarly, limited resources have a negative impact on monitoring with regard to adequately harnessing Information and Communication Technologies (ICTs) and physical infrastructure for the administration of reports and manuals. Resources have also been a key factor informing the Commission's capacity to litigate on behalf of ordinary members of the public in so far as access to information is concerned.

Case Law and Litigation

While a few PAIA matters were litigated during 2009, the most important decision of the year was a pronouncement by the Constitutional Court in the matter of *Brummer v the Minister of Social Development*.

Despite a severe lack of resources, the Commission was able to join the proceedings as *amicus curiae* by virtue of the support of *pro bono* attorneys and counsel. These resources were fortuitous to the extent that both the attorneys of record and counsel found the matter to be of sufficient public interest as to waive standard costs in the matter. The litigation, however, highlighted the impact that a lack of resources has on the Commission's capacity to litigate on behalf of ordinary individuals in PAIA matters, where the issues being disputed are based on fact and not strategic issues of law.

Poor litigation rates by the Commission in so far as PAIA is concerned have a number of adverse implications for the Commission and for the manner in which PAIA is perceived by the public and by information holders. At present, the number of instances where litigation is embarked on for strategic purposes far out-numbers instances of ordinary litigation. In this sense, the perception that PAIA rights are luxury rights and that it is elitist in nature are reinforced, dropping demand and permitting information holders to withhold information with relative impunity. Ordinary requestors will therefore continue to be deterred from seeking assistance in asserting their access rights through bodies such as the Commission.

The Brummer matter highlighted the difficulties inherent in attempting to secure access rights and emphasized the constraints experienced by poorly funded organisations and individuals in using the PAIA framework to assert their rights in terms of court processes, complexity, resources and timeframes. These challenges with the PAIA framework reveal that although PAIA is a law that is celebrated internationally as being a 'gold standard', the barriers to its effective implementation will only become clear in time and with use.

The Constitutional Court was aware of these factors. It found that the contested 30-day period cited in Section 78(2) of PAIA was unconstitutional in that ordinary requestors would not be able to access courts adequately within the short time frame prescribed. It ruled that the 30-day period be extended to 180 days to give requestors the time needed to be able to seek assistance for representation and access the courts. Formal amendment to the provision is awaited from the Department of Justice and Constitutional Development.

Publications

The Human Rights Development Report is published annually by the Commission. The sub-programme contributed to the publication, providing a snapshot of the state of access to information during 2009. The report included statistical data and analysis and is cited as an important resource on access to information.

The Commission submitted a chapter to Femnet on the status of women's organisations and access to information in South Africa. The chapter is included with other country studies on the theme and identifies strategies women's rights organisations can adopt in using access to information to achieve their objectives. The book was launched by UNESCO, to much acclaim. The Commission also participated in panel presentations at the launch and engaged in subsequent 'brainstorming' sessions that followed thereafter on advancing freedom of information in Africa.

A chapter entitled *Barriers to Effective Implementation – 10 Years On* was commissioned by the Open Democracy Advice Centre (ODAC) as part of its 10-year review of PAIA. The Deputy Chairperson of the Commission participated in the panel discussions of experts during the presentations of the various chapters on access to information. The event and compilation provided a number of interesting insights, including case law and litigation, private sector compliance and the Protected Disclosures Act (whistle-blowing).

PAIA infoshare is a quarterly publication of the Commission, directed at members of the information community. The publication carries topical news on both local and regional developments with regard to information sharing,

insight into interpretation and application, best practice models and updates on PAIA events. Due to resource constraints, the Commission produces the publication internally and distribution occurs electronically.

Compliance monitoring and auditing, as detailed above, have revealed consistently low levels of awareness of PAIA within public bodies. Low awareness is particularly pronounced in the case of frontline officials who are often the interface between the requestor and the public body in question. The Commission has, together with ODAC, developed a training reference manual for frontline officials in response to these findings. The manual is to be launched mid 2010.

Monitoring Compliance

Formal monitoring by the sub-programme is undertaken primarily on the basis of the submission of section 32 reports and section 14 manuals.

Over time, monitoring has consistently yielded data that provides a barometer on the levels of formal adherence to PAIA in the public sector. Section 32 reports provide a fair example of its utility as a monitoring tool. The Commission emphasizes, however, that section 32 reports in themselves provide only limited insight into the levels of compliance and responses of public bodies to requests processed by them. Limitations in securing higher submission volumes have also proved to be a drawback in the depth of analysis that can be drawn from them. The low compliance rates however permit one unqualified conclusion, and that is that most public bodies remain unaware of their compliance obligations.

An analysis of compliance with section 32 reports for multiple levels of government over the decade since PAIA's passage into law has provided clear evidence of poor levels of compliance with its provisions. These levels of compliance point to a low level of awareness, a lack of accountability for non-compliance and the importance (or lack thereof) accorded to PAIA in the sector. It may therefore be surmised that if mandatory reporting obligations are being ignored despite interventions by the Commission to secure reports, then public bodies accord implementation the same importance as they do reporting.

Formal monitoring by way of section 32 has, in this sense, reinforced and supported other monitoring interventions undertaken by the Commission through audits, training sessions and research.

Section 32 Compliance: Limitations

The mandatory annual submission of Section 32 reports to the Commission requires public bodies to provide the Commission with statistical data on their responses to the requests they processed during the financial year.

Despite repeated reports to Parliament and the Department of Justice and Constitutional Development, the Commission has not been allocated adequate resources with which to drive compliance to section 32. These constraints have meant that the Commission has not been able to harness the advantages of ICTs to communicate with public bodies *en masse*, nor to issue automatic acknowledgements, and so forth. This mode of operation is undertaken by public bodies submitting reports and it is extremely labour intensive.

Resource constraints have meant that the veracity of reported statistics cannot be tested. This inability to test the accuracy of reports means that many public bodies submit reports reflecting zero returns, despite evidence from civil society organisations that requests had indeed been lodged with the specific public body. Such limitations defeat the objectives of the legislation and the monitoring of compliance.

Section 14 Compliance: Limitations

The Commission has been unable to adequately monitor progress and compliance with section 14 of PAIA. Based on current monitoring data generated primarily through one-on-one contact with public bodies, compliance rates remain extremely low.

Website research undertaken in the course of the year reveals that under five percent of all public bodies have updated PAIA section 14 manuals. Most public bodies indicate that the development of updated, accurate manuals is hampered by poor records management practice and policy. The absence of approved file plans and registries is cited as a key impediment.

Changes to various departments have also hampered the development of manuals, which requires records of bodies to be reconciled and of changes to Information Officer details.

Other recurring challenges cited by public bodies with regard to section 14 manuals include the absence of a budget to reproduce manuals for distribution and production in braille, and a delay in the approval of manuals by the executive and political heads of departments.

Section 14 monitoring by the Commission needs to be bolstered by the necessary physical infrastructure and human resources. These are required in order to evaluate the content of manuals and the provision of guidance to public bodies on a range of issues including accessibility, translation and the physical housing of the manuals in a registry designed for this purpose.

Integrating PAIA into the Work of the Commission

The sub-programme has worked actively to ensure that other interventions by the Commission are aligned with and integrate PAIA in their outputs. It has also been engaged in ensuring the Commission's organisational compliance with PAIA.

The scope and range for PAIA integration has been diverse and comprises a wide range of activities. The key impetus within the Commission for PAIA being included in its various platforms and spaces of engagement emanates from an increased internal appreciation of its role in facilitating and advancing public participation, as well as enhanced service delivery, and its utility in addressing corruption and increasing transparency. The usefulness of PAIA in facilitating the attainment of these objectives has meant it has increasingly been integrated into the work of the Commission's various programmes.

As a result, the sub-programme has participated actively in the public hearings on economic and social rights, and has made substantive submissions in its subsequent report on the role that PAIA can play in policy formulation through informed public participation, transparency and accountability within the public sector. Special interest was accorded to PAIA with regard to the extractive industries during the hearings and these were responded to in the Commission's report on the hearings.

The sub-programme was invited to assist the Department of Social Development (DSD) with drafting its new rights-based policy. Through this process, the Commission was able to include information sharing as a central issue in the processes of the DSD's policy. Further engagement with the DSD at the regional and local levels created an opportunity for the sub-programme to raise awareness of PAIA with the different stakeholders within the department.

The sub-programme undertook a number of further interventions with regard to the work of the Commission. These included submissions in its Health Report, development of the HIV and AIDS resource manual, submissions to its portfolios on crime and national security, participation at internal lekgotlas, reviews of internal policies and the Commission's general compliance with PAIA. Presentations on PAIA were made to visiting delegations, while a study tour was undertaken of the Office of the Information and Privacy Commissioner of Canada. The latter provided valuable insight into the submissions of the Commission on the data protection legislation before the Justice Portfolio Committee during October 2009.

At present, the sub-programme participates in a group of experts that provides and shares information on access to information with three other African countries. The purpose is to create an opportunity for peer learning, as each of the three countries is currently located at a different point in the process. South Africa has had legislation in place since 2000, but has had to be creative in finding solutions to implementation challenges; Uganda has recently passed such legislation, but has yet to implement it; while Ghana was giving serious consideration to passing such legislation. These sessions are facilitated by the International School of Transparency via the University of Cape Town. They provide a critical resource for countries in the region that have legislation in place but have yet to enact and implement it.

These interventions have had the added advantage of expanding the ongoing work of the Commission, and have heightened awareness of PAIA internally.

Awareness, Training and Education

Section 83(2) of PAIA requires the Commission to develop educational programmes aimed at heightening awareness of the right to access information. Section 83(e) further requires the Commission to provide training to information and deputy information officers within public bodies to enable them to implement and administer the legislation accordingly. The Commission's mandate in so far as promotion of the right of access to information is concerned is not limited to public bodies, but extends to private bodies and members of the public.

In response to its mandate, the Commission has developed educational material and provided training to Information Officers (IOs) and DIOs in the public sector as well as the private sector. The Commission has extended its reach by providing training to community groups and community-based organisations. Taking into consideration the scarcity of human and capital resources, the Commission has been strategic in its response to training requests and awareness-raising interventions. The primary mechanism through which awareness of access to information is raised are through requests for training emanating from all tiers of government as well as CBOs, parastatals and private bodies.

The Commission has been strategic in its response to requests for training to ensure that the maximum output is achieved from minimal resources. The Commission has therefore prioritised the public sector to ensure that implementers are equipped with the necessary knowledge and skills for proper implementation and administration of the right to access information. Monitoring of the implementation of PAIA within the public sector by the Commission has shown that users are often unable to fully exercise their right to access information, largely because public bodies are unable to assist users.

Groups targeted for training include frontline staff and implementers (DIOs, who are responsible for processing the requests). These groups are targeted on the basis of research which reveals that users are unable to access government institutions easily when wanting to access information, as frontline officials are not aware of this right to request information. The Commission has developed a training manual for frontline officials in state institutions.

Using simple everyday language and illustrations, the manual provides a step-by-step guide for frontline officials who are at the interface between state institutions and requesters. Through the distribution of the manual it is envisaged that frontline officials will gain an understanding of PAIA and be better placed to assist requesters in exercising their right to access information.

The second group identified by the Commission comprises DIOs and other officials within public institutions who are charged with administering and processing requests for information. Monitoring conducted by the Commission has shown that these officials are not formally trained on PAIA, and in many instances they are inclined to refuse access or to refer requests to legal departments and in doing so, frustrate the access objectives. Training sessions are therefore structured to increase the confidence of implementers in their work with the legislation. Furthermore, the training sessions are aimed at sensitizing implementers to the importance of access to information in a democratic era, by associating access to information with the Batho Pele principles of transparency, accountability, public participation and service delivery.

The third target group within the public sector largely comprises senior and executive management of institutions. This group is of critical importance as it informs an institution's commitment to implement and deliver on its mandate in terms of PAIA. Compliance audits conducted by the Commission reveal that a lack of buy-in from senior management is often the cause of non-compliance with PAIA, which often leads to maladministration or ignorance of the legislation. In response to this shortcoming, the Commission has developed presentations specifically for officials in senior and executive management positions. These presentations provide a snapshot of the right to access information and PAIA, and focus on operational requirements for the implementation of PAIA. Institutions perform better in instances where compliance is driven by the leadership of the institution.

During the reporting period, the PAIA sub-programme facilitated thirty six (36) workshops, reaching an audience of 1080 people. Training was provided across the board nationally, including the Office of the Presidency and the Offices of the Limpopo and the Eastern Cape Premiers. Key service delivery agents, such as the Northern Cape Department of Human Settlements, Gauteng Department of Health and Gauteng Department of Education, received training. Interventions on behalf of various municipalities and community groups were also undertaken. These interventions were the key mechanism for raising awareness in lead institutions, including the Presidency and the Offices of the Limpopo and Eastern Cape Premiers. Through this approach, it is anticipated that securing compliance and raising awareness within the lead institutions will result in the filtering down of information to all other national, provincial and local departments. The Office of the Premier in Limpopo is an example of best practice through its active championing of PAIA within provincial departments. The province secured one hundred percent (100%) compliance with reporting obligations for the second consecutive year. The Commission's continuous training of its officials and the commitment of provincial departments has led to the Limpopo province being one of the best performers with regard to access to information.

Other training interventions with government departments, such as Environmental Affairs and Tourism, have yielded fruitful results. In particular, this department has requested ongoing training for its officials, based on the volume of requests being processed and the nature of the information generated by the department. The department has, since its interaction with the Commission, committed resources to ensuring that requests are processed accordingly. Moreover, the development of an electronic system to track and process requests for information has demonstrated the impact of the training sessions provided by the Commission and the department's commitment to PAIA implementation.

Research conducted by the Commission and an analysis of the requests for assistance by DIOs has shown that some areas of the legislation are perceived as problematic and that levels of compliance with Section 14 of PAIA are low. In response to these challenges, the PAIA sub-programme developed a guide on how to compile a Section 14 manual, and developed hypothetical case examples and reporting templates to help DIOs understand the legislation and to meet compliance obligations.

Seminars and interviews on various community and local radio stations have accelerated general awareness of PAIA and other legislation impacting on PAIA. During this reporting period, the PAIA sub-programme in collaboration with the Commission's legal services programme hosted a seminar on Cyber Law and Access to Information. The seminar was in response to cyber-related complaints received by the Commission. The seminar explored cyber law, the right to privacy and the right to access information.

Radio interviews were of critical importance in enhancing efforts to raise awareness. In particular, through interviews broadcast by community radio stations, rural communities were reached and the legislation was more effectively popularised. Articles were submitted to popular newspapers in the course of the year on the International Right to Know Day on compliance and access to justice.

The Commission's training interventions have led to the development and sustaining of fruitful relations with key stakeholders. The Commission has collaborated with institutions such as ODAC with ongoing training for community development workers, partnered with the South African History Archives in providing training to Community Based Organisations (CBOs) such as the Khulumani Support Group, and worked with the Department of Health and Social Development in developing human rights-based policies.

Training interventions have afforded the Commission an opportunity to engage with implementers and to provide the support that is needed for the implementation of PAIA. The PAIA sub-programme will, in the coming year, continue with awareness-raising interventions, with a specific focus on communities, CDWs and CBOs.

Information Officers (IO) Forum and Golden Key Awards

The 2009/10 financial year saw the continuation of a successful partnership between the Commission and ODAC in hosting the National Information Officers Forum and the Golden Key Awards. Launched in 2003, the forum of information and deputy information officers gathers annually to commemorate the international Right to Know Day, celebrated on the 28th of September. The forum is served by a coordinating committee (CC) of representatives elected from the DIO membership, with the Commission serving as the secretariat. This framework affords the CC an opportunity to influence the work of the Commission in terms of PAIA, through consistent engagement on DIO issues and the development of interventions aimed at responding to the needs of DIOs.

The 2009 forum provided a platform for members of the information community to share information and best practice models on implementation, and to establish networks amongst themselves to discuss the challenges they face when implementing PAIA.

The focus of the 2009 forum was access to information and service delivery. The theme, enhanced service delivery through access to information, was informed by the widespread service delivery protests in the country. Noting the crucial role played by government in making services available to communities, the Commission and its partners deemed it fit that the 2009 Forum highlights access to information as a fundamental tool in accelerating and enhancing service delivery.

Key participants included Advocate P Tlakula, special rapporteur on Access to Information and Freedom of Expression to the African Commission and Advocate N. Ramatlodi, Chairperson of the Justice Portfolio Committee of Parliament. Highlighting the importance of the right to access information, both speakers urged implementers to remain committed to the principles of transparency and to commit to advancing democracy by properly implementing PAIA within their institutions.

Robust discussion highlighted persistent implementation challenges and provided further insight into administrative shortfalls. The 2009 forum also saw the election of a new CC. The CC comprises five individuals from various government departments and non-government institutions. Members will serve for a period of two years and the election of a new CC will take place at the 2011 Forum.

The Golden Key Awards ceremony brought closure to the day's proceedings. The awards ceremony has become the key accolade for DIOs in the public sector. Aimed at incentivising openness and transparency, the awards are presented to individuals and organisations for outstanding performance in terms of PAIA implementation.

Awards are accorded on merit and the performance of institutions is measured by research conducted by ODAC and the Commission prior to the ceremony. An expert panel picks the winners based on the findings of the research. The selection criteria and categories of the awards are tabled below.

The Commission and ODAC have produced a report on the National Information Officers Forum and the Golden Key Awards ceremony. The reports provide extensive detail on the proceedings, research and findings, and serve as a yardstick for measuring implementation of access to information within the public sector.

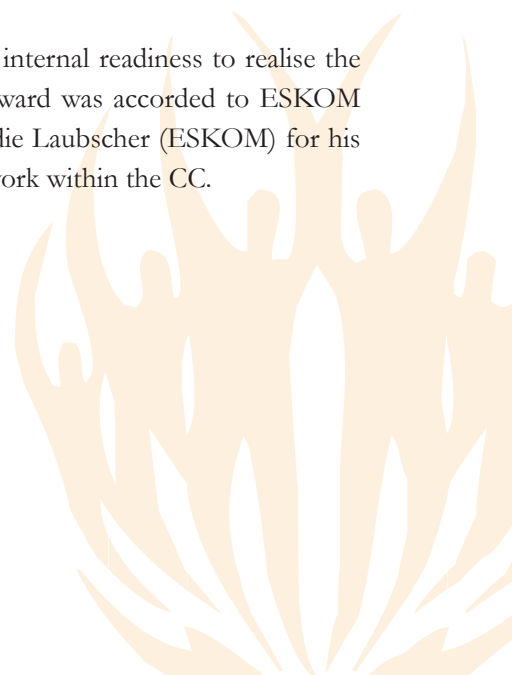
Having reached a critical mass of 180 participants, the Information Officers Forum remains a prominent and critical event in the information community. The Commission and ODAC look forward to increased participation at the 2010 Forum.

Criteria and Category Assessments

Winners were assessed for the following award categories in terms of the Access to Information Index.

a) The Openness and Responsiveness Award (Best Institution)

This award is accorded to the institution that demonstrates the highest level of internal readiness to realise the PAIA objectives in terms of policies, systems, processes and resources. This award was accorded to ESKOM for its commitment to the PAIA objectives. An award was also presented to Eddie Laubscher (ESKOM) for his commitment to PAIA, and for driving compliance within his institution and his work within the CC.



The following criteria were used in deciding the recipients of the award:

	Guiding question
Roadmap	<p>Is there a list of all documents which can be disclosed and those which cannot?</p> <p>Is the process for submitting requests readily available to requestors?</p> <p>Are contact details regarding the office which handles requests provided? Are there provisions for receiving requests using different methods?</p>
Records management	<p>How are records organised and stored?</p> <p>What are the rules governing the generation of information?</p> <p>Is there a practice of automatic disclosure where records are disclosed as soon as they are generated?</p>
Reporting	<p>Is there a system for recording and reporting on the number of requests received?</p> <p>Does the report reflect open practice?</p>
Internal mechanisms	<p>Are requests recorded accurately?</p> <p>What internal guidelines exist for frontline officials on how to handle requests?</p> <p>What internal procedures exist for processing requests and communicating with requestors?</p> <p>What is the procedure for assisting disadvantaged requestors?</p> <p>Is there an implementation plan which operationalises the Act?</p>
Resources	<p>What financial resources are allocated to implementing the Act?</p> <p>What human capacity has been appointed/trained to facilitate access to information?</p> <p>Is there a unit established to monitor and co-ordinate the implementation of the Act?</p> <p>What incentives are in place to ensure that staff comply with the Act?</p> <p>What sanctions are in place to ensure that staff comply with the Act?</p>

b) The Deputy Information Officer of the Year Award

The best performing public official working with PAIA is the recipient of this esteemed award.

In assessing the nominees for best DIO, Ms S Maumela from the Limpopo Department of Health and Ms Gomomo from the City of Cape Town were ranked highest in terms of their interaction with requestors, the availability of internal PAIA guidelines for members of the public, the transfer of requests to other departments where necessary, support provided to other DIOs within the institution, and ability to engage with broader issues that influence the implementation of PAIA.

Ms Maumela and Ms Gomomo were awarded cash prizes of R10,000.

In addition to the criteria mentioned above, the following assessment was used as a guideline.

Guidelines

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

c) Requestor Award

This award is in recognition of an organisation or person prominently using and promoting PAIA in any capacity. There was no best requestor category for 2009.

d) The Best Media Engagement Award with PAIA

This award acknowledges the most engaging media coverage on access to information.

The award for best journalist recognises media practitioners who have engaged with PAIA either by covering the Act itself and news relating to it or by using it for investigative purposes.

The following elements are considered in assessments for this award:

- Efforts made to expose issues that structures of government, business and civil society may have intended to keep secret;
 - Public interest in the media coverage of the issue;
 - The extent to which the journalist's work has contributed to creating more public awareness on issues of accountability, transparency and openness;
 - The number of PAIA requests submitted in investigating matters for reporting; and
 - The number of times the journalist has covered the usage of PAIA.
- For his active interest in and writing on access to information matters, Earnest Mabuza of The Business Day newspaper was awarded R10,000 as the best journalist.

Special Recognition Awards

Special recognition was accorded to the following:

- ✎ Municipalities: The Theewaterskloof Municipality
- ✎ Most Improved: The Frances Baard District Municipality
- ✎ Consistently outstanding performance from a DIO: Amelda Crooks (South African Police Service)

Section 32 Statistics

Section 32 Compliance

The PAIA provisions create mandatory obligations for the public and private sectors to submit manuals on an annual basis. Public bodies must also submit annual returns to the Commission in terms of section 32 of PAIA. These section 32 reports are largely statistical in content and provide a snapshot of the number of requests submitted to public bodies, projecting the responses of the entities to these requests statistically.

Despite their potential as a tool for monitoring and evaluation, section 32 reports also carry substantive limitations. Some of these vulnerabilities are evidenced in the potential for inaccurate or deliberately misleading information. Reports are also limited to the extent that they may not reflect requests processed telephonically. In as much as this type of request is not formal, it accounts for a percentage of the requests for access to information.

The accuracy of submitted reports may be affected by a lack of resources and the inadequacy of systems in recording data. The vulnerability of recorded information is further evidenced by the lack of formal mechanisms to enable the testing of the veracity of these reports. These problems are exacerbated by the fact that in as much as PAIA requires public bodies to submit section 32 reports to the Commission, it imposes no sanction on public bodies which do not submit reports. Submissions are therefore based largely on cooperation between the public body/entity and the Commission.

The graphs, tables and reports below reflect compliance rates with section 32 per tier of government from 2002. Local government structures are reflected separately in Table 3, with projections for each type of local government reflected for the 2009/2010 period in Graph 3. The total number of requests received, granted and declined is projected for the eight-year period of monitoring in Graphs 4, 5, 6 and 7. All tables showing the names of public bodies in highlighting reflect consecutive or repeated non-compliance. Section 32 statistics are considered, together with information obtained from audits and training sessions, as well as the monitoring of Section 14, to provide insight into the challenges experienced in implementing PAIA in this sector.

Section 32 statistics

Despite attempts by the Commission to drive compliance within multiple levels of public bodies, the rate of compliance with reporting obligations was low. The Commission placed advertorials in the Government Digest, issued repeated electronic reminders and provided telephonic assistance to assist public bodies with the completion of their section 32 reports. These interventions resulted in submissions by a small number of public bodies and even then, 80 percent of these submissions were submitted six weeks after the reporting deadline. The ongoing low level of compliance strongly suggests that PAIA is not accorded the same priority as other legislation such as the PFMA. It is possible that this apathy may be addressed only if non-compliance with mandatory reporting obligations is met with penalties or sanctions equivalent to those of the PFMA.

While the statistics continue to indicate widespread non-compliance with section 32 reporting obligations, the high concentration of non-compliance at the provincial and local government levels warrant particular concern. The offices of the Premiers in most provinces did not comply and there is a reasonable expectation that these offices should have set standards and driven implementation.

Similar leadership roles could reasonably have been anticipated from all metropolitan municipalities, which serve as the leading institutions within metropolitan cities and district municipalities. Despite a number of awareness-raising interventions undertaken with the offices of the Premiers and metro municipalities, their compliance with section 32 has not increased significantly in the past two years. Only three out of six metro municipalities submitted section 32 reports. The Ekurhuleni and City of Tshwane municipalities were audited by the Commission and both gave their assurances that formal reporting obligations would be met, but they have repeatedly ignored their reporting obligations.

In stark contrast to the other provinces, Limpopo Province showed One hundred percent (100%) compliance for the second consecutive year. Successful compliance from this province was attributed largely to its political leadership and support for access to information from the Premier and personnel tasked with PAIA implementation within Limpopo's various provincial departments. Driven through an organised structure from the Office of the Premier, all PAIA and records management personnel are trained regularly and are accorded supportive internal environments through which to deliver on PAIA. This model has evidenced the success that may be attained through the commitment of the leadership and executive management in the public sector.

Provincial compliance for the rest of the country is concentrated within three of the most densely populated provinces, with 44 percent of all provincial departments submitting section 32 reports in 2009/10 (See Table 2 and Graph 2 below). The Western Cape accounted for three submissions, with Gauteng submitting five and KwaZulu-Natal submitting two provincial reports. The Eastern Cape, Northern Cape, Mpumalanga and North West provincial blocks submitted no section 32 reports. The Eastern Cape has been non-compliant for five consecutive years while North West has been non-compliant for two consecutive years. Compliance with section 14 mirrors these trends within the provinces.

Although the reconfiguration of the provincial departments may have had a role in the low response rates, the Commission is of the view that the executive leadership at the provincial level needs to play a firmer oversight role on the issues of compliance and implementation of PAIA.

National department section 32 statistics are reflected in Table 1 and Graph 1 below. While compliance rates at the national level have increased minimally, of cause for concern is the large number of key national departments that continue to ignore their reporting obligations in terms of PAIA. No less than 13 national departments have repeatedly ignored their compliance obligations. Key service delivery departments such as Home Affairs, Public Works, Finance and Social Development rank amongst these errant public bodies. Their non-compliance is exacerbated by the fact that many have been trained in and audited on PAIA implementation and compliance in the past.

Exhibition, Evaton



Request Statistics

Graphs 4, 5, 6 and 7 illustrate the total number of requests received, granted in full and declined respectively. The empirical data in these graphs are composite statistics from 2002 to 2010 for all three tiers of government.

Interestingly, the statistics (Tables and Graphs 4 and 5) show that national and provincial request volumes have decreased sharply since 2007/08, with local government remaining quite steady. These drops may be attributable to generally low levels of implementation, poor response rates and a concomitant drop in requestor confidence.

The statistics appear to indicate that the refusal rates at the national and provincial levels are dropping. The refusal rate at the provincial level has dropped by approximately 50%. This rate is line with decreases in refusal rates noted at this level last year. Refusal rates at the local government level have risen, however. The average number of requests per department at the national and provincial levels is approximately 45 per year. This average would decline considerably if the SAPS statistics were excluded from the calculation.

Both provincial and national departments are now less inclined to grant requests in full. The national statistics for requests granted in full have dropped by a worrying total of 3500 when compared to the previous financial year. Local government appears to be granting more requests in full this year, however.

The low demand volumes continue to pose a concern for levels of transparency, accountability and public participation. It is quite clear that the low volume of requests often forms the justification for the lack of resource allocation to PAIA implementation within public bodies. Low volumes evidenced by the high number of zero request returns from local government in particular do not bode well for demand-based responses to provide an impetus for improved implementation.

Local Government

Most metros that had been audited and trained and that participated in the Golden Key Award ceremony detailed earlier complied with reporting obligations. These metros reported relatively high demand volumes in terms of formal requests submitted. Many also submitted request registers, which is of significant value to the Commission.

In general, trends at the local government level remain of some concern, however. District municipalities, which comprise 18 percent of the total number of local government bodies, remained largely non-compliant across the country. Many of the district municipalities have been non-compliant in the past as well (see Table 3). Only one percent of the total of 18% of district municipalities complied with reporting obligations this year.

Of the remaining sample, 79% comprises local municipalities. Only four percent of this 79% complied with Section 32. The rate of non-compliance with Section 32 has also increased since last year. Local municipalities form the highest percentage of repeat offenders since 2007. Together with other bodies, they also account for the highest number of zero returns on request volume data.

Despite concerted interventions at the local government level, to date most have not demonstrated adequate budgetary planning for PAIA implementation. A lack of internal policies and the absence of adequate resources have in turn impacted on the degree and quality of responsiveness and transparency at this level. Poor operational environments within most local government structures and a lack of senior management buy-in continue to present the primary impediments to PAIA compliance and implementation.

Overall, more than 80% of the local government structures remain non-compliant with PAIA. More significantly, reports from local government also reveal a worrying trend of reports indicating zero requests. There are a number of conclusions to be drawn from such returns at the local government level. The most obvious is that members of the public are not using the legislation enough and that local government is not contributing to increasing community awareness through its integrated development planning initiatives, designed especially with this objective in mind. Alternatively, zero returns are simply a form of malicious compliance. Both of these conclusions warrant concern, particularly because local government remains the first interface between communities and government.

The key tenets of participatory democracy require active communities and mutually constructive relationships between key service delivery agencies, structures and government. If local government is not able to fully embrace the objectives of PAIA, service delivery – which is its mainstay – will continue to be critically impeded.

Key areas for accelerating compliance with and implementation of PAIA at the local government level and which merit urgent attention include the following:

- measures to sustain fully capacitated personnel, including frontline staff and staff at customer care service centres;
- improved records and document management systems;
- adequate budgetary allocations;
- reporting and accountability on PAIA delivery;
- improved systems and processes to administer requests;
- monitoring and evaluation of specific requirements to address impediments to delivery;
- increased commitment from senior management contextualising PAIA within service delivery priorities and standards; and
- the integration of PAIA into the IDP process and community structures within each geographical area.

These changes address both operational and orientation needs to enhance PAIA compliance and implementation but need to be addressed urgently to overcome entrenched patterns of behaviour within local government structures.

Other Bodies and Chapter 9 Institutions

Compliance rates for ‘other bodies’ rose significantly against postings for 2008. Most other bodies complying cited pressure from the Auditor General as the key reason for their submission of Section 32 reports. While other bodies’ reporting rates have increased, two trends merit consideration. One of these is that most of these bodies required assistance in completing their submissions and secondly, most of them posted zero returns for requests received values. A number of entities which have consistently submitted reports in the past have not submitted reports this year, however.

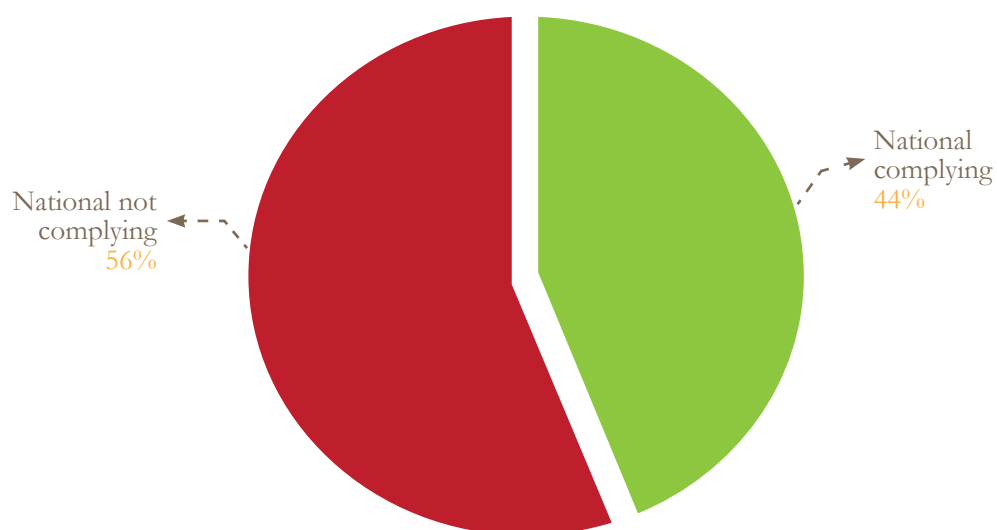
Chapter 9 institutions have also demonstrated a worrying trend with regard to Section 32 compliance. All chapter 9 institutions listed in the table have been non-compliant with reporting obligations for more than three consecutive years. This trend is of particular concern since these institutions are regarded as champions of human rights. There is an expectation that openness, transparency and accountability prescribed by PAIA would have secured an increased commitment from them to comply with PAIA as a whole.

Public Bodies NOT Complying with Section 32 of PAIA National Government Departments (2009/2010)

Table 1

National	
Department of Transport REPEAT	Department of Defense and Military Veterans REPEAT
Department of Rural Development and Land Reform	Department of Water Affairs and Forestry REPEAT
Department of Tourism REPEAT	Independent Complaints Directorate REPEAT
Department of Home Affairs REPEAT	Secretariat for Safety and Security REPEAT
Department Arts and Culture REPEAT	Department of Cooperative Governance and Traditional Affairs
Department of Minerals and Energy	Department of Social Development REPEAT
Department of Public Works REPEAT	Department of Mining
Department of Basic Education (new department but previously non compliant)	Department of Higher Education and Training REPEAT
Department of Finance REPEAT	Department of Energy REPEAT
Department of Economic Development REPEAT	
Department of Public Enterprises REPEAT	

Graph 1: National Departments Compliance



Provincial Departments:

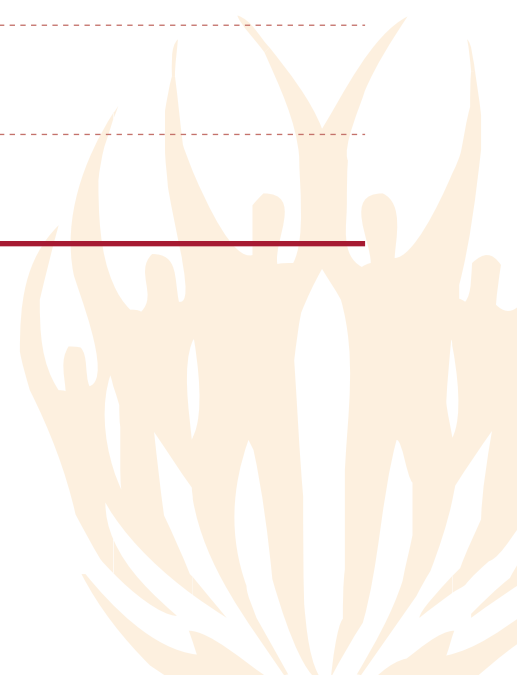
Repeat Offenders
 First time non-compliant departments

Table Two

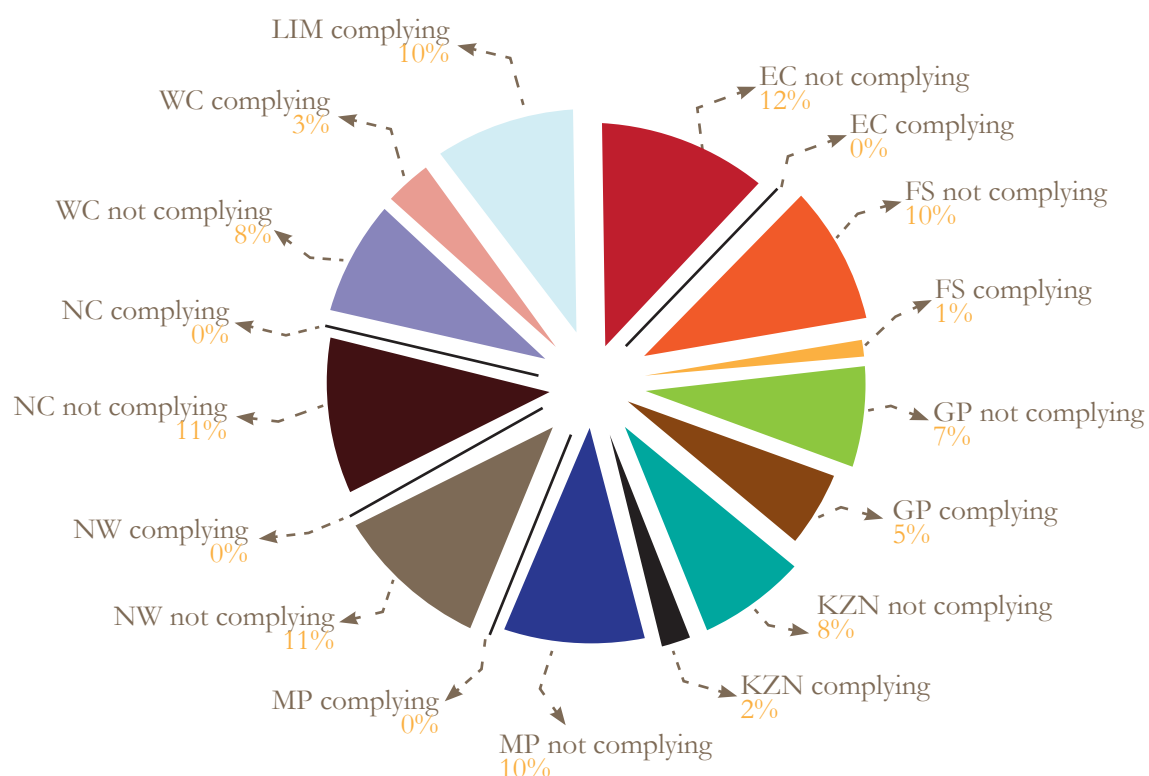
Eastern Cape	Free State	Gauteng	Kwazulu-Natal	Mpumalanga
Office of the Premier*	Cooperative Governance and Traditional Affairs	Sport, Arts, Culture and Recreation*	Office of the Premier*	Office of the Premier*
Agriculture and Rural Development*	Agriculture*	Housing*	Social Development	Agriculture and Land Administration*
Finance, Economic Development and Environmental Affairs*	Provincial Treasury	Economic Development and Planning	Education*	
Finance	Education*	Community Safety*	Transport and Community Safety and Liaison*	Cultural Affairs, Sport and Recreation*

Eastern Cape	Free State	Gauteng	Kwazulu-Natal	Mpumalanga
Housing	Police, Roads and Transport	Infrastructure Development	Public Works*	
Education*	Health*	Local Government	Finance	Economic Development and Planning*
Health*	Public Works and Rural Development	Roads and Public Transport	Human Settlements	
Local Government and Traditional Affairs	Social Development*		Local Government and Traditional Affairs	Education*
Roads and Public Works*	Sports, Arts, Culture and Recreation		Health*	Health and Social Development*
Safety, and Liaison	Economic Development and Tourism and Environmental Affairs			Finance*
Social Development*	Human Settlements			Safety and Security*
Sport, Recreation, Arts and Culture *				Public Works*
Transport				Roads and Public Transport*
				Housing

North West	Northern Cape	Western Cape
Office of the Premier*	Office of the Premier*	Office of the Premier*
Agriculture, Conservation and Environment and Rural Development*	Agriculture , Land Reform and rural Development*	Education*
Human Settlements	Treasury	Finance, Economic Development and Tourism
Economic Development and Tourism*	Environment Affairs and Nature Conservation*	Local Government, Environmental Affairs and Development Planning
Education*	Education*	Social Development*
Finance*	Finance, Economic Affairs and Tourism*	Cultural Affairs and Sport *
Health Social Development**	Health*	Transport and Public Works*
Local Government And Traditional Affairs*	Co-operative Governance, Human Settlements and Traditional Affairs*	Agriculture
Public Works, Roads and Transport*	Transport, Safety and Liaison*	Treasury
Public Safety*	Social Services and Population Development*	
Sport, Arts and Culture	Sport, Arts and Culture*	
	Roads and Public Works*	



Graph 2: Provincial Departments Compliance Rates



Municipalities Not Complying

Municipalities per Province

Table 3

Western Cape				
Breede Valley Local	Swellendam Local	Kannaland Local	Oudshoorn	Knysna Local
Breede Rivier/ Winelands Local	Witzenberg Local	Cederberg Local	Bitou Local	Prince Albert Local
Cape Agulhas Local	Beaufort West Local	Matzikama Local	Swartland	Eeden District
Stellenbosch Local	Laingsburg Local	George	Bergervier	West Coast District

Northern Cape				
Thembelihle Local	Magareng Local	Siyancuma Local	Kgatelopele Local	Khai – Ma Local
Tsantsabe Local	Phokwane Local	Gamagara Local	Khara Hais Local	Kamiesberg Local
Namakwa (district)	Kareeberg Local	Renosterberg Local	Hantam	Dikgatlong Local
Mier Local	Sol Plaatjie Local	GA Segonyana Local	Kheis local	Kgalagadi District
KA Garib Local	Karoo Hoogland Local	Moshaweng Local	Richtersveld Local	Siyanda District

North West			
Mafikeng Local	Ramotshere Moiloa Local	Malopo Local	Tswaing Local
Kgetleng River Local	Greater Taung Local	Naledi Local	Ventersdorp Local
Moretele Local	Kakgiso Local	Ratlou Local	City of Matlosana Local
Moses Kotane Local	Mamusa Local	Ditsobotla Local	Maquassi Local
Merafong Local	Tlokwe	Bophirima (district)	
Ngaka Modiri Molema-Southern (district)	Bojanala (district)	Central District	Southern District

Mpumalanga			
Mkhondo Local	Thembisile Local	Govan Mbeki Local	Thabo Chweu Local
Msukaligwa Local	Lekwa Local	Albert Luthuli Local	Emakhazeni local
Emalahleni Local	Bushbuckridge Local	Depaleseng Local	DR J Moroka Local
Nkangala District	Gert Sibande District	Ehlanzeni (District)	Nkomazi
Umjendi Local	Delmas Local		

Limpopo				
Mogalakwena Local	Groblersdal Local	Greater Letaba Local	Mookgophong Local	Thulamela Local
Aganang Local	Greater Marble Hall Local	Greater Tzaneen Local	Fetagkomo Local	Modimolle Local
Blouberg Local	Tubatse Local	Maruleng Local	Thabazimbi Local	BA-Phalaborwa Local
Lepelle – Nkumpi local	Makhudutamaga Local	Makhado Local	Motale Local	Greater Letaba Local
Molemole Local	Capricorn (district)	Waterberg (district)	Greater Giyani Local	Sekhukhune (district)
Polokwane Local				

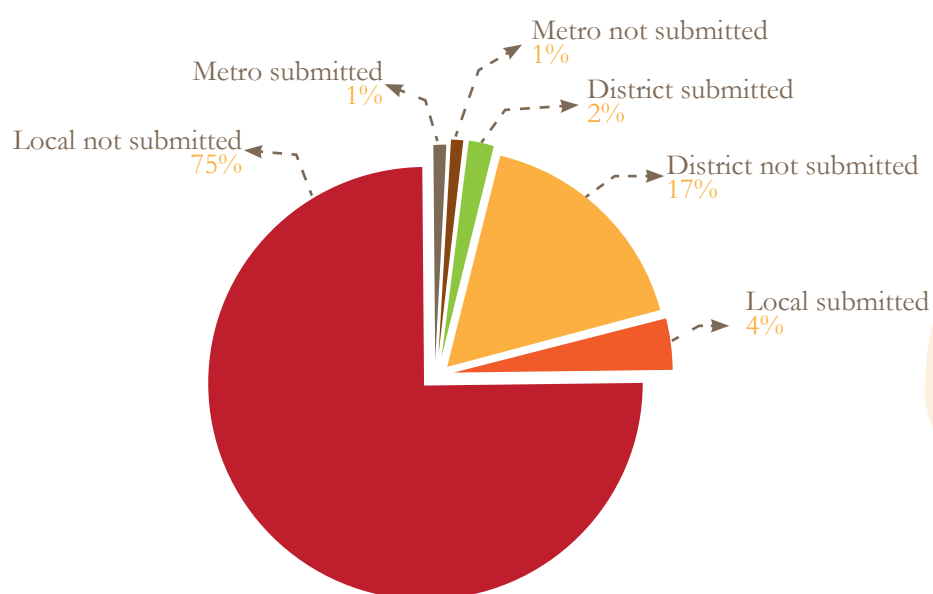
KwaZulu-Natal				
Nkandla local	Izingoleno Local	Ndwendwe Local	Ubuhlebezwe Local	Umtshezi Local
Dannhausser Local	Umziwabantu Local	Mbonambi Local	Umzimkhulu Local	
Indaka Local	Mthonjaneni Local	Greater Kokstad Local	Ntambanana Local	Mkhambathini Local
Emadlangeni Local	Mandeni Local	Okhahlamba Local	Umdoni Local	Mpofana Local
Hibiscus Coast Local	Kwadukuza Local	Umvoti Local	Umzumbe Local	Msunduzi local
Umgeni Local	Maphumulo Local	Edumbe local	Vulamehlo Local	Richmond Local
Umshwati Local	Umhlabuyalingana Local	Emnambithi-Ladysmith Local	Uphongolo	Msinga local
Nongoma Local	The Big Five False ay Local	Imbabazana Local	Endumeni	Nquthu Local
Hlabisa /Impala Local	Abaqulusi Local	Ingwe local	Umlalazi	Mtubatuba Local
Jozini Local	Endumeni Local	Newcastle local	Amajuba District	Umzinyathi
Umkhanyakude District	Ugu District	Uthukela District	Ilembe District	Sisonke District
Umgungundlovu District	Zululand			

Eastern Cape				
Ntabankulu Local	Nxuba Local	Ndlambe Local	Elundini Local	Mnquma Local
Matatiele Local	Port St Johns Local	Sunday's River Valley Local	King Sabatha Dalindyabo local	Ngqushwa Local
Umzimvubu Local	Baviaans Local	Ingquza Hill Local	Mbizana Local	Nkonkobe Local
Nyandeni Local	Blue Crane Route Local	Engcobo Local	Mhlonto Local	Tsolwana Local
Maletswai Local		Senqu Local	Lukhanji	Amathole District
Buffalo City Local	iKhwezi local	Inkwanca Local	Sakhisizwe Local	OR Thambo District
Great Kei Local	Kouga Local	Intsika yethu Local	Nelson Mandela Bay	Ukhahlamba District
Mbhashe Local	Kou Kamma Local	Sakhisizwe Local	Makana Local	Alfred Nzo District
			Nelson Mandela Bay	Cacadu District

Free State				
Mantsopa	Mafube	Moqhaka	Masilonyana	Matjhabeng
Mohokare	Metsimaholo	Ngwathe	Thabo Mofutsanyane	Tokologo
Setsoto	Nketoana	Phumelela	Thabo Mofutsanyane (District)	Manguang
Lejweleputswa (district)	Xhariep (local)	Naledi	Letsemeng	Dihlabeng
Fezile(district)	Motheo(district)	Xhariep (district)		Kopanong

Gauteng				
Kungwini Local	Emfuleni	Westonaria (Local)		
Nokeng Tsa Taamane (Local)	Lesedi	Randfontein		
Ekhuruleni Metro	West Rand District			
City of Tshwane Metro				

Graph 3: Local Government Compliance

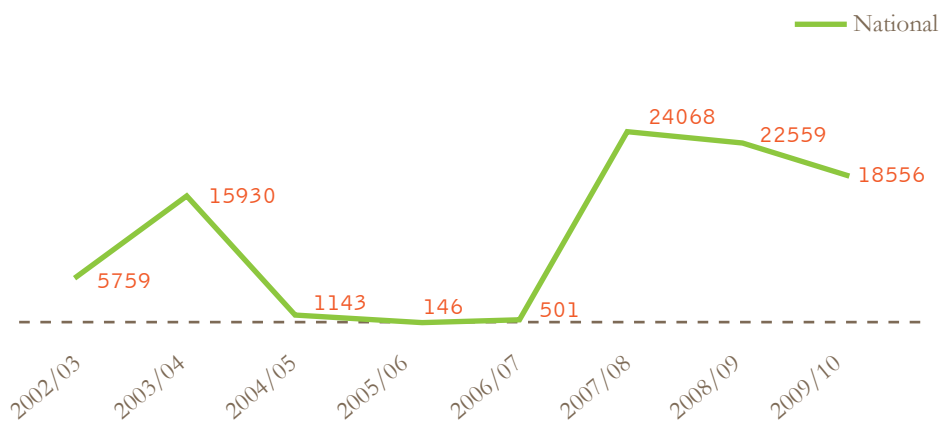


Chapter 9 Institutions

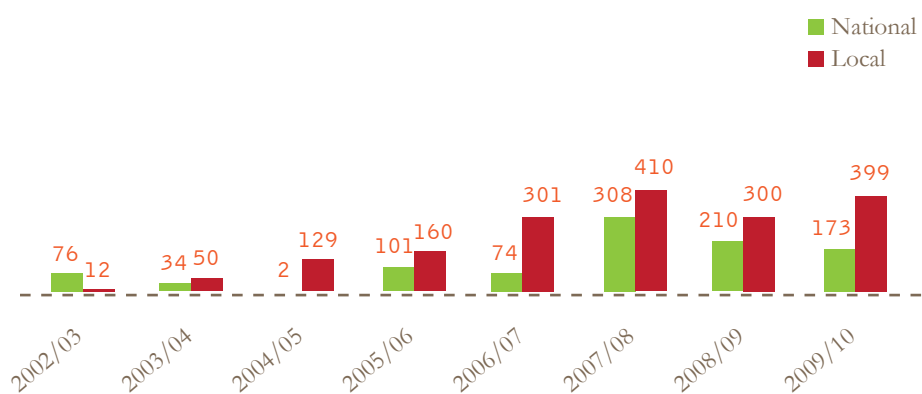
Table 4

Commission for Gender Equality
Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
Independent Electoral Commission
Youth Commission

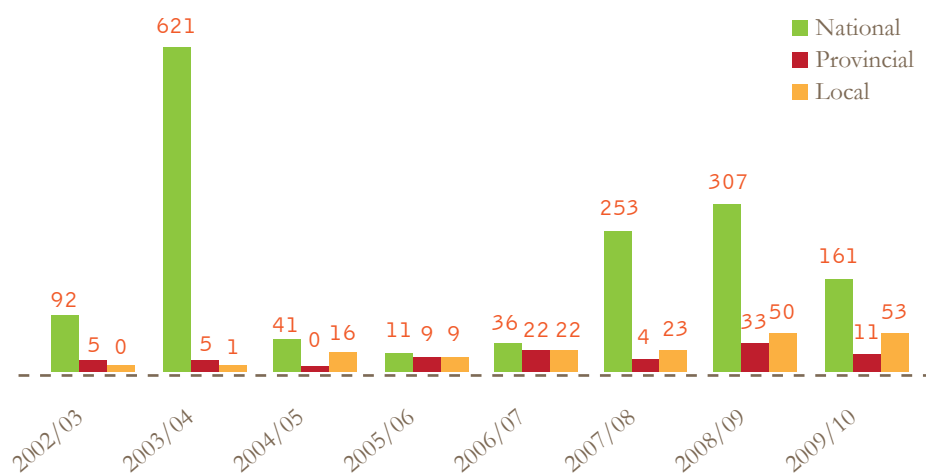
Graph 4: Total Requests Received at National Level



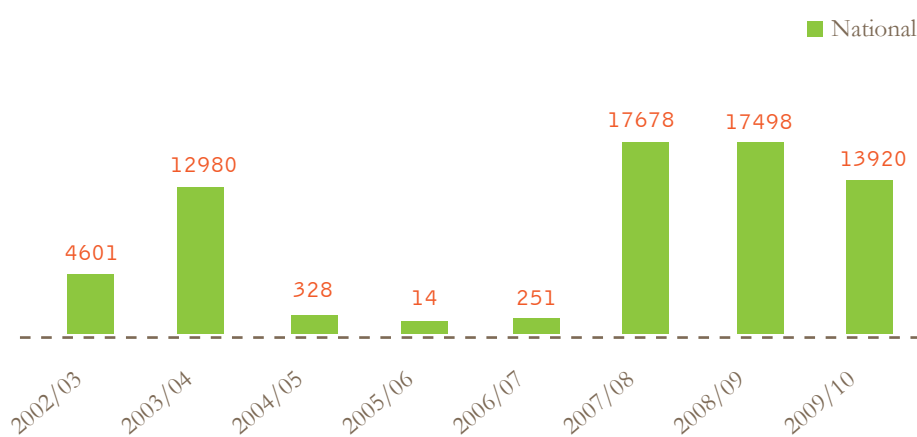
Graph 5: Provincial and Local Government requests received



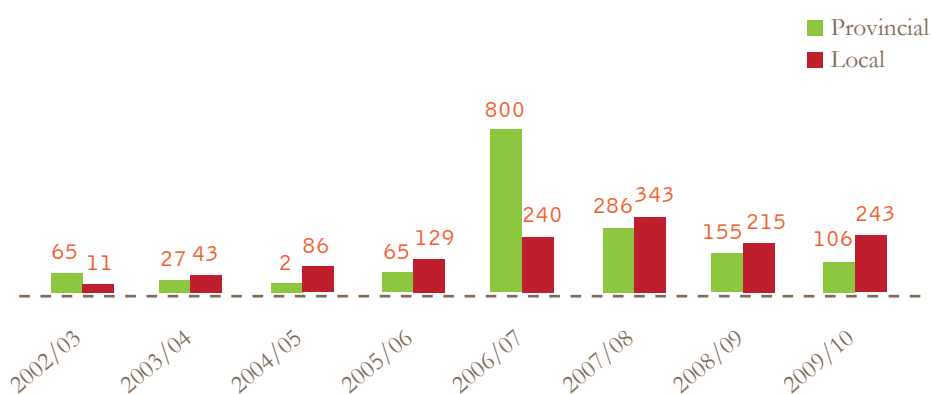
Graph 6: Requests Refused in Full



Graph 7: National requests granted in Full



Graph 8: Provincial and Local Government Requests Granted in full



Local Government Complying with Section 32

Reports by Public Bodies

All reports submitted to the Commission up to and including the 20th of May 2010 are reflected in this report. Later reports are not reflected. Three unknown reports were also submitted but have been excluded from the report statistics.

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46	Number of requests for access:			Number of cases in the period stipulated in s25(1) were extended in terms of s26 (1)	Number of internal appeals (a) lodged with the relevant authority	(b) number of cases in which an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that the internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				A	B	C						
Eastern Cape												
Local												
Camdeboo District	0	0	0	0	0	0	0	0	0	0	0	
Chris Hani	0	0	0	0	0	0	0	0	0	0	0	
Free State												
Local												
Tswelopele *	0	0	0	0	0	0	0	0	0	0	0	
Gauteng												
District												
Metsweding *	0	0	0	0	0	0	0	0	0	0	0	
Mogale City (Loc) check	1	0	0	0	0	0	0	0	0	0	0	
Metro												
City of Johannesburg*	53	43	0	0	1	0	3	0	0	0	0	6 re-quests pending

Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46	Number of requests for access:			Number of cases in the period stipulated in s25(1) were extended in terms of s26 (1)	Number of internal appeals lodged with the relevant authority	(b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal has been dismissed in terms of section 77 (7) s32 (h)	Other information
			(a) refusal in full	(b) refused partially	(c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)						
			A	B	C	S32(c)					
KwaZulu-Natal											
<i>Local</i>											
Impendle	0	0	0	0	0	0	0	0	0	0	
KwaSani	0	0	0	0	0	0	0	0	0	0	
City of uMhlathuze*	4	3	0	1	0	0	0	0	0	0	
<i>District</i>											
Uthungulu District * Municipality	2	1	1	0	0	0	0	0	0	0	
<i>Metro</i>											
Ethekwini	81	60	0	9	2	11	19	2	0	2	0
Mpumalanga											
<i>Local</i>											
<i>District</i>											
North West											
<i>Local</i>											
<i>District</i>											
Northern Cape											
<i>Local</i>											
<i>District</i>											
Pixley ka Seme	0	0	0	0	0	0	0	0	0	0	0
Sivanda *	0	0	0	0	0	0	0	0	0	0	
John Taolo Gaetsewe District Municipality*	2	1	0	1	0	0	0	0	0	0	

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46	Number of requests for access:			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1)	Number of internal appeals lodged with the relevant authority	(b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access has been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				A	B	C	S32(e)					
Frances Baard *	6	6	0	0	0	0	1	1	0	0	0	
Western Cape												
<i>Local</i>												
Theewaterskloof *	6	6	0	0	0	0	2	0		0	0	3
Drakenstein	4	4	0	0	0	0	0	0	0	0	0	
Overstrand*	38	24	3	14	14	0	0	0	0	0	0	
Mossel Bay*	1	1	0	0	0	0	0	0	0	0	0	
Hessequa	0	0	0	0	0	0	0	0	0	0	0	
<i>District</i>												
Central Karoo District Municipality *	4	4	0	0	0	0	1	0	0	0	0	
Cape Winelands * District Municipality	0	0	0	0	0	0	0	0	0	0	0	
<i>Metro</i>												
City of Cape Town*	197	94	0	27	19	46	3	3	1	1	0	

Other Public Bodies

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32e)	Number of internal appeals (a) lodged with the relevant authority	(b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal has been dismissed in terms of section 77 (7) s32 (h)	Other information
				(a) refusal in full	(b) refused partially	(c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)						
				A	B	C						
Airports Company South Africa*	4	4	0	0	0	0	0	0	0	0	0	0
Central University of Technology, Free State*	8	7	0	0	1	0	0	0	0	0	0	0
Media, Advertising, Publishing, Printing and Packaging SETA	0	0	0	0	0	0	0	0	0	0	0	0
Eskom Holdings Limited*	48	21	No entry	10	4	0	16	2	0	0	0	6 requests are still pending
FoodBev SETA *	0	0	0	0	0	0	0	0	0	0	0	0
Magistrates Commission*	14	11	0	0	0	1	1	1	0	0	0	0
South African Reserve Bank *	4	0	0	1	0	0	0	0	0	0	0	0
Special Investigating Unit*	1	0	0	1	0	0	0	0	0	0	0	0
University of Johannesburg*	217	139	47	31	0	0	0	0	0	0	0	0
University of Pretoria*	1	0	0	0	1	1	0	0	0	0	0	0

Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32e)	Number of internal appeals (a) lodged with the relevant authority	(b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal has been dismissed in terms of section 77 (7) s32 (h)	Other information
			(a) refusal in full	(b) refused partially	(c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)						
			A	B	C						
South African Veterinary Council*	3	0	0	0	0	0	0	0	0	0	0
Agricultural Research Council	1	0	1	0	1	0	0	0	0	0	
Limpopo Economic Development Enterprise	0	0	0	0	0	0	0	0	0	0	
City Power Johannesburg	1	Request pending, intending to grant in full	0	0	0	0	0	0	0	0	
South African Qualifications Authority	0	0	0	0	0	0	0	0	0	0	0
CSIR	0	0	0	0	0	0	0	0	0	0	0
Financial Services Board	3	2	1	0	1	0	0	0	0	0	0
National Research Foundation*	1	1	0	0	0	0	0	0	0	0	
Transport, Education and Training Authority	1	0	1	0	1	0	0	0	0	0	
FASSET	0	0	0	0	0	0	0	0	0	0	

Number of request for received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32e)	Number of internal appeals lodged with the relevant authority	(b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal has been dismissed in terms of section 77 (7) s32 (h)	Other information
			(a) refusal in full	(b) refused partially	(c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)						
			A	B	C						
Housing Development Agency	1	1	0	0	0	0	0	0	0	0	
Agri Seta	0	0	0	0	0	0	0	0	0	0	
Seta for Finance, Accounting, Management Consulting and Other Financial Services	0	0	0	0	0	0	0	0	0	0	
Bank Seta	0	0	0	0	0	0	0	0	0	0	
Transnet Limited	11	10	1	0	0	0	0	0	0	0	
Khula Enterprise Finance Limited	0	0	0	0	0	0	0	0	0	0	
State Information Technology Agency	4	3	1	0	0	0	0	0	0	0	
Clothing, Textiles, Footwear and Leather Seta	0	0	0	0	0	0	0	0	0	0	
SARS	9	5	4	9	4	1	1	0	0	0	
Wholesale and Retail Seta	0	0	0	0	0	0	0	0	0	0	
Forest Industries Education and Training Authority	0	0	0	0	0	0	0	0	0	0	

Chapter 9 Institutions

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals lodged with the relevant authority	(b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that the internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				Number of requests for access:								
				(a) refusal in full	(b) refused partially	(c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)						
				A	B	C						
Auditor General South Africa *	1	1	0	0	0	0	0	0	0	0	0	
Office of the Public Protector*	7	5	0	0	2	0	1	0	0	1	0	
South African Human Rights Commission	1	1	0	0	0	0	0	0	0	0	0	
Public Service Commission	2	1	1	0	0	0	0	0	0	0	0	

Provincial Government

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that the internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				A	B	C					
Limpopo											
Economic Development, Environment and Tourism *	5	4	0	1	0	0	2	0	0	0	

[illegible]

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access:(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that the internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				A	B	C					
Western Cape											
Housing*	9	7	0	0	1	1	0	0	0	0	
Community Safety	3	1	0	1	1	1	1	0	0	0	
Health	17	7	0	0	2	2	1	0	0	0	
Free State											
Premier *	24	10	0	0	0	0	0	0	0	0	13 transfers, 1 withdrawn
Gauteng											
Health and Social Development	0	0	0	0	0	0	0	0	0	0	0
Agriculture and Rural Development *	31	22	1	7	2	3	3	4	1	4	
Education*	14	13	0	1	0	0	11	0	0	0	0
Office of the Premier*	5	1	0	1	1	0	0	0	0	0	0
Finance*	6	6	0	0	0	0	0	0	0	0	

National

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially S32(d)			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal was regarded as having been dismissed in terms of section 77 (7) s32 (h)	Other information
				A	B	C					
Agriculture, Forestry and Fisheries	20	13	0	1	5	6	2	1	1 pending	0	0
Science and Technology	1	1	0	0	0	1	0	0	0	0	0
Justice and Constitutional Development	215	133	0	11	6	65	8	1	0	No response	
Government Communications	2	1	0	1	0	0	0	0	0	0	
Trade and Industry	6	2	0	2	1	1*	0	0	0	0	
The Presidency	11	0	0			6	5	2	2	0	
Human Settlements	3	2	0	0	0	0	0	0	0	0	1 transferred
Environmental Affairs and Tourism*	109	66	0	7	3	1	1	4	0	0	
Labour	1	1	0	0	0	0	0	0	0	0	
PALAMA	0	0	0	0	0	0	0	0	0	0	
South African Police Services	18 145	13679	573	133	27	160	2178	4	0	1 (requester did not lodge an internal appeal)	

	Number of request for access received s32(a)	Number of request for access granted in full s32(b)	Number of request for access granted in terms of s46 s32(b)	Number of requests for access(a) refusal in full (b) refused partially (c) number of times each provision of the act was relied on to refuse access in full or partially			Number of cases in which the period stipulated in s25(1) were extended in terms of s26 (1) S32(e)	Number of internal appeals (a) lodged with the relevant authority (b) number of cases in which as a result of an internal appeal access was given s32(f)	Number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of s27 section 32 (g)	Number of applications to a court which were lodged on the ground that internal appeal has been dismissed in terms of section 77 (7) s32 (h)	Other information
				A	B	C					
Public Service Administration *	4	1	0	0	0	0	0	0	0	0	3 requests transferred in terms of s20(1) (b)
International Relations and Cooperation	3	2	0	0	0	0	1	0	0	0	
Sport and Recreation	0	0	0	0	0	0	0	0	0	0	
Health	13	6	0	3	3	0	0	0	0	0	0
Correctional Services	23	13	0	3	0	2	5	0	0	0	7 requests withdrawn

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