

ANNUAL REPORT

(For the year ended 31 March 2020)

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Annual Financial Statements attached as separate document to this copy, and with Pages 1 – 43.

FOREWORD BY THE CHAIRPERSON

Violations of human rights in the country are an endemic challenge to society. We have dealt with the highest number of cases of reported violations during this financial year compared with the last five years. One of the persistent concerns is the inequalities, which also exacerbate racial tensions and racism in our country.

As the challenges are enormous, the Commission benefits from strengthened collaborations and partnerships with a range of stakeholders to ascertain pro-human rights discourses. Public outreach initiatives and engagements with community leaders enable the Commission to spread its education and awareness mission to empower most vulnerable and marginalised communities. This is enhanced with stronger liaison with community and mainstream media to increase our accessibility and reach to masses of the population.

The Commission has promoted the protection of rights for the victims of human rights violations through appropriate redress mechanisms. These included disputes resolution, strategic impact litigation and litigation at the equality courts. The challenges of inequalities remain a growing concern, particularly racism and hate speech, which remain the highest number of complaints received by the Commission.

In terms of its monitoring mandate, the Commission continued to assess the state of human rights in the country, including economic and social rights, civil and political rights, equality, and the international and regional human rights obligations. It observes much needed effort to improve the state of human rights significantly in the country. It is also clear that the Commission alone cannot turn the concerning trends of human rights violations around.

In spite of the endeavours to promote and protect human rights in the country, there remain huge challenges prohibiting greater impact of the work of the Commission. The broad mandate, coupled with resource constraints and an uncertain political environment present risks to the attainment and entrenchment of a human rights culture in our society.

We call on all relevant stakeholders, especially the Legislatures and the Executive to increasingly support and uphold the constitutional principles of accountability for human rights. We appeal for greater oversight and collaboration in support of the pro-human rights trajectory of our development by those tasked with the responsibility. We, in the Commission, unwaveringly declare our commitment to a Commission that is impactful in the promotion and protection of people's rights in society.

Advocate Bongani Majola
Chairperson

OVERVIEW BY THE CHIEF EXECUTIVE OFFICER

Institutional stability and good governance are of paramount importance for the effectiveness and efficiency in delivering on the mammoth task required of us by our constitutional mandate. Despite the constraints on financial and human resources, we have maintained a stable and effective administration to ensure sustainable delivery on our mandate. While areas of concern have been highlighted, the South African Human Rights Commission (Commission) has managed to secure a continuous unqualified audit opinion for the 2019/20 financial year.

The Human Rights situation in South Africa is volatile that it warrants constant dedication to constitutional principles and values as enshrined in the Bill of Rights. As the Commission we tirelessly strive to redress the ills in our society, as mandated by the constitution. The nature of human rights violations has persistently remained unchanged over the years, with complaints lodged largely including issues relating to equality, socio-economic rights, and human dignity. The continuous plague of violent expressions in response to limited opportunities for employment, access to higher education and consequent inequalities is one of the major concerns. Further exacerbating the situation are trends of violence against children, gender-based violence, hate crimes and violent protest action.

The Commission's endeavours at addressing the human rights challenges facing our country are underpinned by integration of our mandate elements. During the financial year under review, our promotional mandate efforts have yet significantly increased our public outreach and media visibility, reaching billions of people and with an average value equivalent approaching half-a-billion Rands. This has helped ascertain human rights awareness and advocacy of constitutional values in various communities, the general public and with key stakeholders.

Our protection mandate has seen us deal with the highest number of complaints and enquiries compared with the past five years, with more than 11 000 lodged with us, and 75% of these resolved during the period under review. This is evident of our concerted efforts at providing effective redress to human rights violations. We have successfully instituted litigation on certain strategic matters, including in equality courts across the country, to enforce adherence with the upholding of constitutional values.

The state of human rights in our society, as observed through our monitoring findings, is still far from ideal as embedded with the values of dignity, equality and justice for all. Lack of accountability and poor observance of human rights in various sectors of society seem entrenched. We continue to monitor observance and provide advisory recommendations with a view to influence the various actors towards promoting rights and entrenching a human rights culture in the country.

As the head of the Secretariat of the Commission, we are grateful for the guidance and support of our Commissioners and staff for the commitment and dedication demonstrated towards promoting the ideals of a constitutional democracy.

Advocate Tseliso Thipanyane
Chief Executive Officer

PART A: GENERAL INFORMATION

1. STRATEGIC OVERVIEW

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

1.1 *Vision*

To transform society, secure rights, and restore dignity.

1.2 *Mission*

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

1.3 *Values*

The values of the Commission are:

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

2. LEGISLATIVE AND POLICY MANDATES

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

2.1 *Constitutional mandate*

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

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

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

2.2 Other legislative and policy mandates

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

In this respect, the Commission must:

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

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

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

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

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

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

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

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

International and regional instruments

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

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

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

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

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

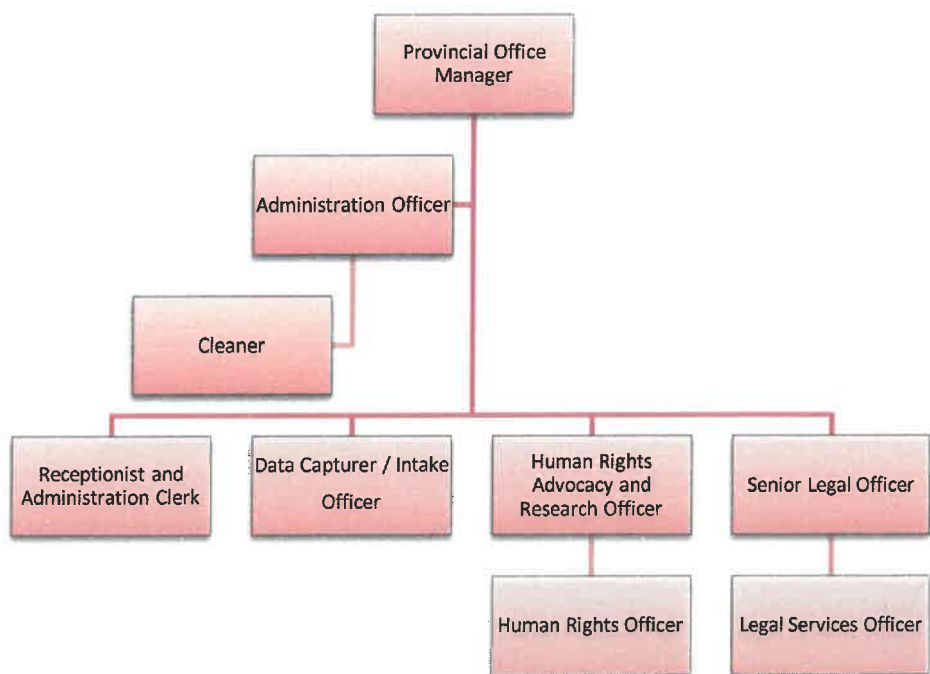
3. ORGANISATIONAL STRUCTURE

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

Figure 1: Head office structure



Figure 2: Provincial level generic structure:



PART B: PERFORMANCE INFORMATION

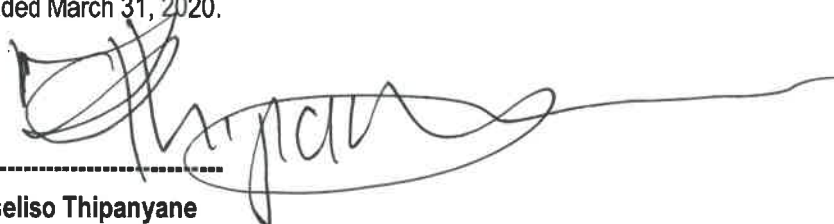
STATEMENT OF RESPONSIBILITY FOR PERFORMANCE INFORMATION

Statement of responsibility for performance information for the year ended March 31, 2020

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

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

In my opinion, the performance information fairly reflects the performance of the institution for the financial year ended March 31, 2020.

A handwritten signature in black ink, appearing to read 'T. Thipanyane', is written over a horizontal dashed line.

Tseliso Thipanyane
Chief Executive Officer
Date: 31 July 2020

1. OVERVIEW OF INSTITUTIONAL PERFORMANCE AND ORGANISATIONAL ENVIRONMENT

1.1 Institutional delivery and organisational environment

The ongoing violations of human rights in the country remain an endemic challenge in society. The Commission had to deal with more than 11 000 cases during the period under review, the highest caseload over the last five years. The key human rights concerns based on top five complaints lodged with the Commission include rights relating to equality; Section 27 (health care, food, water, and social security); just administrative action; labour relations; and human dignity. In terms of the right to equality, the highest number of complaints received concerned the issue of racism.

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

Resource limitations amidst a very broad constitutional mandate for the Commission are always a significant restraint. Senior management resignations and vacancies within the period meant that delivery would be adversely affected. In addition, concerns of National Treasury effected budget reductions posed challenges for the 2020-21 planning processes and the rethinking of the strategic plan going forward. The institution had to continue with significant cost savings measures including operating without suspended senior posts during the financial year.

Institutional performance was adversely affected towards the end of the financial year and during human rights month, owing to the rapid spread of the Corona Virus of 2019 in South Africa, and the resultant declaration of the state of disaster.

1.2 Key policy developments and legislative changes

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

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

- 1.2.1 National Health Bill
- 1.2.2 PAIA Amendment Bill
- 1.2.3 Constitution Eighteenth (18th) Amendment

2 STRATEGIC FOCUS AREAS AND OUTCOME ORIENTED GOALS

2.1 Strategic focus areas

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

- 2.1.1 Children and migration
- 2.1.2 Civil and political rights
- 2.1.3 Disability and social security
- 2.1.4 Education
- 2.1.5 Equality and social cohesion
- 2.1.6 Healthcare
- 2.1.7 Land, environment and right to food
- 2.1.8 Water, sanitation and housing

2.2 Outcome-oriented goals and strategic objectives

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

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

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

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

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

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

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

To achieve these goals, the Commission set out five (5) strategic objectives that were used to measure programme performance. A detailed narrative on the realisation of these strategic objectives will be provided under the section on "Programme performance by strategic objective".

The Commission has reconfigured its programme structure to allow for meaningful execution and realisation of its outcome-oriented goals and strategic objectives. The Commission has four (4) main programmes, which include:

- (a) Administration
- (b) Promotion of human rights
- (c) Protection of human rights

(d) Monitoring of human rights

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

3 PERFORMANCE INFORMATION BASED ON STRATEGIC OBJECTIVES AND PROGRAMMES

3.1 Strategic objectives

The Commission adopted five (5) strategic objectives towards the realisation of its strategic outcome-oriented goals, which were as follows:

- 3.1.1 Strategic Objective 1: Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate;
- 3.1.2 Strategic Objective 2: Enhance advocacy, visibility and awareness programmes;
- 3.1.3 Strategic Objective 3: Take steps to secure appropriate redress where human rights have been violated;
- 3.1.4 Strategic Objective 4: Monitor, assess and report on the observance of human rights; and
- 3.1.5 Strategic Objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles.

3.2 Summary of programmes

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

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

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

Programme 1: Administration

This Programme consists of the following business units:

Finance:

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

Corporate services:

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

Internal audit:

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

Strategic support and governance:

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

Office of the Chief Executive Officer:

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

Programme 2: Promotion of human rights

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

Commissioners' programme (Office of the Commissioners):

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

Human rights advocacy and communications:

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

Provincial offices

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

Programme 3: Protection of human rights

Legal Services:

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

Office of the Chief Operations Officer:

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

Programme 4: Monitoring of human rights

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

Research:

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

3.3 Alignment of programme structure with strategic objectives

The Programmes of the Commission are aligned with the strategic objectives for the meaningful realisation of the Commission's outcome-oriented goals and priorities. The performance information for 2019-20 is presented based on these strategic objectives. Table 1 is a schematic presentation of alignment of programme structure of the Commission with strategic objectives.

Table 1: Alignment of strategic objectives with programmes

	Programme	Strategic Objective 1 (Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate)	Strategic Objective 2 (Enhance advocacy, visibility and awareness programmes)	Strategic Objective 3 (Take steps to secure appropriate redress where human rights have been violated)	Strategic Objective 4 (Monitor, assess and report on the observance of human rights)	Strategic Objective 5 (Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles)
1.	Programme 1: Administration	All programme performance indicators	-	-		
2.	Programme 2: Promotion	-	All programme performance indicators	-	-	Programme Performance Indicator 5.3
3.	Programme 3: Protection	-	-	All programme performance indicators	Programme Performance Indicator 4.6	
4.	Programme 4: Monitoring	-		-	All programme performance indicators	All programme performance indicators

Some of the programme and business units' operations contribute across the strategic objectives, hence the presentation of performance based on its alignment with strategic objectives.

3.4 Organisational performance by strategic objective

The intention of this section is to report on performance achievements against the planned organisational performance targets set for the 2019-20 financial year. The Commission achieved 88% (that is, 36 of 41) of its annual targets for the period under review. This is an improvement from 73% in the previous financial year. The overview breakdown of target achievement by objective is presented in Table 2 below.

Table 2: Summary of overall target achievement

Strategic Objective	Total Targets	Annual Targets Achieved	Annual Targets Under-Achieved	Annual Percentage achievement
Strategic objective 1 (Administration)	15	11	4	73%
Strategic objective 2 (Promotion mandate)	10	9	1	90%
Strategic objective 3 (Protection mandate)	4	4	0	100%
Strategic objective 4 (Monitoring mandate)	7	7	0	100%
Strategic objective 5 (Monitoring – International)	5	5	0	100%
Total	41	36	5	88%

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

In order to continuously improve effectiveness and efficiency, the Commission focuses on ensuring institutional compliance with key legislative requirements; effective and comprehensive management of human capital; review of administrative systems; policies and processes; effective risk management; resolution of audit findings; implementation of combined knowledge and information, and communications and technology management; and a review and enhancement of the governance framework and structures.

Table 3: Achievement on improving institutional governance and capacity to ensure the effectiveness and efficiency of the Commission to deliver on the mandate

Strategic Objective 1: : Improve institutional governance and capacity to ensure effective and efficient delivery on the mandate						
Objective Statement: Review governance framework and institutional policies, systems and processes, ensure comprehensive human resources planning, and comprehensive monitoring and evaluation						
Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20	Comment on variances/ corrective measures
Percentage compliance with key legislative requirements	100%	100%	100%	Target Achieved	None	None
Percentage implementation of risk management plans	95%	100%	100%	Target achieved	Improved from 95% to 100%	None
Percentage implementation of annual integrated human resources (capital) management plan	89%	100%	83%	17% less than targeted	Declined from 89% to 83%	Inadequate implementation of succession plan as a result of frozen posts. Employee Wellness aspects postponed due to scheduling challenges. Insufficient levels of compliance with the application of the Performance Management System (PMS). PMS will be revised to address some of the current challenges.

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

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

Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20	Comment on variances/ corrective measures
Automation of supply chain management system	-	Full (100%) automation of identified areas	(Full) 100%	Target achieved	None	None
Completion of Monitoring Report on compliance and effectiveness of institutional policies	Complete institutional policy monitoring report	Monitoring Report completed	Monitoring Report completed	Target achieved	None	None
Percentage adherence with Corporate Services Charter	93%	100%	100%	Target achieved	None	None
Percentage implementation of Organisational Renewal Plan	100%	100%	93%	7% Less than targeted	Declined from 100% to 93%	Labour Engagement Framework and Revised Recognition Agreement could not be concluded due to emergence of a new union and therefore need for renegotiation processes. Employee Award Programme delayed by the need for an SAHRC based remuneration structure, the development of which is underway.
Percentage implementation of knowledge management plan	100%	100%	100%	Target achieved	None	None

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

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

Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20	Comment on variances/ corrective measures
Percentage implementation of annual ICT Plan	93%	100%	93%	7 % less than targeted	No change from previous year	Data recovery rehearsals not conducted. To proceed in the new financial year.
Percentage implementation of Internal Audit Plan	100%	100%	100%	Target Achieved	None	None
Percentage resolution of audit findings	81%%	100%	59% resolved	41% less than targeted	Reduced from 81% to 59%	Delays in resolution of findings due to capacity constraints.
Completion of institutional performance monitoring and evaluation report	Completed 1 report	Report completed	Report completed	Target achieved	None	None
Completion of report on compliance with governance framework	Complete governance compliance report	Report completed	Monitoring report completed	Target achieved	None	None
Development of standard operating procedures for synergy and integration of processes	-	Develop operating procedures for synergy	Synergy of work proposal approved.	Target achieved	New Target	None
Implementation of fundraising plan	-	Full implementation (4 proposals)	150% (Distributed 6 of targeted 4 proposals)	Target exceeded by 2 proposals	New Target	Target exceeded by 2 proposals due to need for additional funding.

3.4.2 Strategic Objective 2: Enhance advocacy, visibility and awareness programmes

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

Table 4: Achievements on enhancing advocacy, visibility and awareness programmes

Strategic Objective 2: Enhance advocacy, visibility and awareness programmes						
Objective Statement: Effective advocacy for the adoption of human rights- based positions and approaches, intensify capacity building, public education and awareness- raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights, ensure accessibility of human rights educational material in different formats and languages, comprehensive communications strategies which include all media, as well as strategic collaborations to promote human rights.						
Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievement	Comment on variances/ corrective measures
Hosting of the Schools Moot Court Competition	New target	Host the Competition by Dec 2019	National Schools Moot Court hosted by September 2019, and International Leg by Jan 2020.	Target exceeded with participation in International Leg.	New target	Commission was invited to participate in International Leg in recognition of its role in National Leg.
Hosting of the national annual human rights dialogue	New target	Host national annual human rights dialogue	Annual human rights dialogue hosted	Target achieved	New target	None
Hosting of provincial annual human rights dialogues	New target	Host 9 provincial annual human rights dialogues	4 provincial human rights dialogues hosted	Target not achieved	New target	Annual Target Not Achieved due to COVID-19 Challenges ¹ . Commission will review plans to include less targeting for the last month of the year.

¹ In terms of the SAHRC Annual Performance Plan for 2019-20, the provincial dialogues were targeted for hosting by Quarter 4, and mostly as the main Commission events during the Human Rights month of March 2020. Many of these would have taken place closer to Human Rights Day of 21 March 2020. The Health Minister confirmed the spread of the virus to S.A. on 05 March 2020. The President declared a national state of disaster on 15 March 2020, and announced measures including restrictions on travel and public gatherings, social distancing, and cancellation of government's own Human Rights month commemoration event. While our provincial offices were at advanced preparatory stages for the hosting of the dialogues, which were based on large public stakeholder gatherings, the announced measures thwarted the plans to proceed with the actual hosting of the outstanding dialogues.

Strategic Objective 2: Enhance advocacy, visibility and awareness programmes

Objective Statement: Effective advocacy for the adoption of human rights- based positions and approaches, intensify capacity building, public education and awareness- raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights, ensure accessibility of human rights educational material in different formats and languages, comprehensive communications strategies which include all media, as well as strategic collaborations to promote human rights.

Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievement	Comment on variances/ corrective measures
Number of public outreach engagements conducted	1132 outreach and key stakeholder engagements	Conduct 90 public outreach engagements	224	Target exceeded by 134.	Reduced by 908 due to reconfigured targeting, separating public outreach from key stakeholder engagements	Annual Target Exceeded due to performance improvements and innovative engagements.
Number of key stakeholder engagements conducted	1132 outreach and key stakeholder engagements	360	752 engagements	Annual target exceeded by 392 engagements	Reduced by 380 due to reconfigured targeting, separating public outreach from key stakeholder engagements	Annual Target Exceeded due to performance improvements and collaborative engagements.
Number of media and communications activities conducted	3847	803 activities	1724 activities	Annual target exceeded by 921	Target exceeded in 2018/19 and 2019/20	Annual target exceeded due to multiplier effect of media activities.
Completion of media monitoring report	New target	Complete 4 quarterly media monitoring reports	All quarterly media monitoring reports completed.	Target achieved	New target	None
Creation of accessible educational material	8 pamphlets	Create 4 educational material	4 material produced	Target achieved	Reduced from 8 to 4 based on differentiated nature of material – from pamphlets only to including video clips.	None

Strategic Objective 2: Enhance advocacy, visibility and awareness programmes

Objective Statement: Effective advocacy for the adoption of human rights- based positions and approaches, intensify capacity building, public education and awareness- raising initiatives through public outreach engagements at community levels to empower people to effectively realise their rights, ensure accessibility of human rights educational material in different formats and languages, comprehensive communications strategies which include all media, as well as strategic collaborations to promote human rights.

Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievement	Comment on variances/ corrective measures
Number of calendar day events hosted	35 events	10 events	20 events	Target exceeded by 10	Reduced by 15 due to focus diverted to other higher impact engagements	Target exceeded due to collaborations and performance improvements
Completion of advocacy and communication report	1 report completed	Complete first draft report by 20 May 2019, and final by 30 June 2019.	1 report completed	Target achieved	None	None

National and International Schools Moot Court Competitions

The Commission hosted the flagship advocacy National Schools Moot Court Competition with the Department of Basic Education and the Department of Justice and Constitutional Development, supported by key stakeholders including the University of Pretoria's Centre for Human Rights (CHR), the legal fraternity, civil society organisations and academic institutions.

The competition broadly aims to educate and create awareness among learners in schools about the Constitution and the values that it embodies; the rule of law and Institutions Supporting Democracy by utilizing hypothetical, but topical examples rooted in real human rights praxis. It additionally aims to encourage learners to contribute towards civic education in the social justice of all young people.

A total of 6 000 secondary schools participated and 82 qualified to proceed. A Joint Team of two (2) schools from the Eastern Cape and KwaZulu-Natal won the national final in the Constitutional Court. The Joint Team represented South Africa and competed with 11 other countries in the International Moot Court Competition in Poland. Team South Africa won the international finals against the United States of America.

Public outreach and stakeholder engagements

The Commission participated in more than 700 key events including stakeholder and public outreach engagements, and commemoration of human rights Calendar Days during the period under review. The engagements involved a range of stakeholders across all sectors of society, including community based organisations; civil society; academia; the Executive; Parliament; and Constitutional institutions. Key issues of engagement included the following:

- a) Popularisation and hosting of the Schools Moot Court Competition.
- b) Promotion of civil and political rights in view of the national and provincial elections.
- c) Access to information – records management as a tool to promote accountability.
- d) Equality – awareness and protection against gender based violence.
- e) Capacity building and awareness raising on a range of human rights issues.
- f) Launch of the National Policy Framework on Trafficking in Persons.
- g) International learning visit on children's rights.
- h) Corruption and human rights, including consideration of collaboration with Human Rights Watch.
- i) Service delivery protests in Alexandra.
- j) Undocumented matters at the Department of Home Affairs.
- k) Issues of disability, accessibility and safety at schools for children with disabilities.
- l) Monitoring in terms of the Optional Protocol to the Convention against Torture National Preventive Mechanism.
- m) Social cohesion.
- n) Housing, water and sanitation service delivery.
- o) Commemoration of Human Rights Calendar Days: Freedom Day; Workers' Day; World Press Freedom Day; International Day against Homophobia, Transphobia, and Biphobia. (IDAHOT); Africa Day; International Day of the African Child / Youth Day; World Refugee Day; Women's Day; Heritage Day; International Older Persons Day; World Food Day; Africa Human Rights Day; International Day of Persons with Disabilities; and International Human Rights Day.

Effectiveness and outcomes of the engagements

The Commission's reach through the various engagements conducted during this quarter, increased from approximately 34 000 people and / or stakeholders in the last quarter to more than 40 000. The Commission has generally received positive feedback from the various participants and stakeholders.

Table 5: Number of engagements and people reached

No.	Nature of Engagement	Number of Engagements	Number of People and / or Stakeholders Reached
1.	Public outreach engagements	224	19551
2.	Stakeholder engagements	624	13865
3.	Other collaborative engagements (SAHRC as participant in events hosted by other stakeholders)	128	7007
4.	Calendar Day events	20	2897
	Totals	996	43320

The key outcomes of the engagements included:

- a) Opportunities for collaboration on public outreach programmes; and the need for satellite offices to expand the reach of constitutional institutions in marginalised areas.
- b) Opportunities for collaboration with identified stakeholders, including:
 - a. The South African Police Services on the protection of foreign Nationals.
 - b. Various Foundations on support for SAHRC positions and approaches, as well as possible funding.
 - c. The Mental Health Review Board on the need to promote understanding and awareness on mental health issues.
 - d. The Northern Cape Inter-governmental Forum to strengthen relations and collaborate on various programmes.
- c) Strengthened relationships with various government structures at all spheres of government, especially so at the provincial and local levels.
- d) Agreements on the need for capacity building and human rights awareness workshops with municipal councillors and Speakers' offices, and in identified communities.
- e) Agreements on the need to promote visibility of the Commission in identified areas.
- f) Successful subpoena hearing resulting in the granting of permanent residence.
- g) Moot Court engagements and the need for intensified awareness workshops for educators and learners in rural areas.
- h) Signing of 4 Memoranda of Understanding during this financial year.

Provincial offices continuously engage with civil society stakeholders and communities, and undertake follow-up activities to assess progress with the commitments and proposed interventions, as well as the potential and actual impact of the engagements. They would also engage with government to ensure that any issues raised were appropriately addressed.

While this is commendable and should be encouraged, there are no clear internal processes or substantial resources allocated for such monitoring and evaluation activities. These are usually not factored into the annual plans of the respective provinces and thus not budgeted for. This can be considered an opportunity missed unless Commission planning incorporates impact evaluation studies and ongoing monitoring activities in this regard.

Implementation of Memoranda of Understanding

In total, the Commission has 23 existing Memoranda of Understanding to date. However, only 4 of them are currently being implemented. The institution needs to review the MoU approach, and consider seeking collaborative agreements based on agreed and specific actions to be undertaken.

Communications and media

Table 6: Communications and media activities

No.	Activity	Annual Target	Q1 Year to Date Progress	Q2 YTD Progress	Q3 YTD Progress	Q4 YTD Progress
1.	Opinion pieces	20	0	1	3	10
2.	Media industry engagements	9	0	1	1	3
3.	Interviews and queries (includes community media)	310	137	293	382	518
4.	Media statements	260	45	110	141	175
5.	Press Briefings	4	0	1	1	2
6.	Facebook Posts	100	89	248	336	429
7.	Twitter Posts	100	120	312	451	587
	Totals	803	391	966	1315	1724

While the overall annual target (803) for media and communications activities was exceeded to more than double (1724), the specific targets for opinion pieces, media industry engagements at provincial level, media statements, and Press Briefings were not realised. This may be due to internal capacity inadequacies within the institution.

Coverage and reach through the media

During the period under review the Commission has substantially expanded its reach and visibility in the media with more than 10 000 media items published, broadcast, or communicated electronically on the work of the SAHRC and human rights in South Africa. Coverage of the SAHRC reached an audience of more than 9 billion people across print, broadcast and online media.

Table 7: Media Coverage of SAHRC

Media Type	Number of media items	Audience reached	(Average Value Equivalent) AVE
Print	1 917	1 475 932 625	R 48 224 364.76
Broadcast	2 506	4 391 011 420	R 97 080 922.30
Online	6 120	3 714 670 258	R 266 928 592.40
Grand Total	10 543	9 581 614 303	R 412 233 879.46

The Average Value Equivalent (AVE) of the total media coverage of the SAHRC amounted to approximately R 412 million. This amount reflects the total cost the SAHRC would have paid if it had purchased the media space.

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

This strategic objective is mainly concerned with the protection mandate of the Commission and involves responsiveness to human rights concerns in the country through handling complaints; conducting investigations; instituting litigation and hosting hearings to address systemic challenges.

Table 8: Achievement on steps taken to secure appropriate redress where human rights have been violated

Strategic Objective 3: Take steps to secure appropriate redress where human rights have been violated						
Objective Statement: Responsive to human rights concerns, analysing human rights complaints and trends, as well as monitoring implementation of court orders and report recommendations						
Performance indicator	Actual achievement 2018/19	Annual Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievements	Comment on variances/ corrective measures
Number of complaints and enquiries finalised	8491	7000	8 891	Target exceeded by 1891	Improved by 400.	Annual Target Exceeded due to greater efficiency of work methods
Number of strategic impact litigation matters instituted	4	2	3	Annual target exceeded by 1	Reduced from 4 to 3 due to nature and availability of matters necessitating litigation.	Annual Target Exceeded due to availability of matters necessitating litigation for greater impact.
Completion of annual complaints trends analysis report (2018-19)	0 report completed	Complete one report	1 report completed	Target Achieved	Target achieved in current year, as opposed to previous year's non-achievement.	None
Review of Complaints Handling Procedures (CHP) and protection mandate policies	New target	Revise CHP and protection mandate policies	Revised CHP completed	Target achieved	New target	None

Table 9: Finalisation of cases

Province	Enquiries	Finalised complaints	Complaints Received	Complaints and Enquiries Received	Complaints and Enquiries finalised	Percentage
EC	197	364	492	689	561	81%
FS	189	468	666	855	657	77%
GP	2000	380	544	2544	2380	94%
KZN	702	447	783	1485	1149	77%
LP	331	422	674	1005	753	75%
MP	603	358	519	1122	961	86%
NC	399	137	265	664	536	81%
NW	344	341	557	901	685	76%
WC	946	263	1592	2538	1209	47%
TOTALS	5711	3180	6092	11803	8891	75%

Table 10: Year-on-Year finalisation of cases

Financial year	Total caseload	Finalised cases	Percentage achievement
2015-16	9 238	8 200	89%
2016-17	9 730	8 498	87%
2017-18	9 450	7 843	83%
2018-19	10 448	8 491	81%
2019-20	11 803	8 891	75%

Table 11: Top six human rights complaints lodged

No.	Nature of Rights Violated	Q1 Year to Date Number of cases	Q2 Year to Date Number of cases	Q3 Year to Date Number of cases	Q4 Year to Date Number of cases
1.	Equality	501	619	744	827
2.	Health Care, Food, Water and Social Security	375	505	611	702
3.	Just Administrative Action	237	386	502	641
4.	Labour Relations	172	304	376	457
5.	Human Dignity	216	313	385	446
6.	Education	201	287	329	418
	Totals	1702	2127	2947	3491

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

The strategic objective relates to the Commission giving effect to the constitutional monitoring mandate of assessing the state of human rights in the country. The Commission fulfils the objective through pursuing various research outcomes and outputs as set out in its strategic plan and annual performance plan.

Table 12: Achievement on planned targets for monitoring, assessing and reporting on the observance of human rights

Strategic Objective 4: Monitor, assess and report on the observance of human rights						
Objective Statement:						
Performance indicator	Actual achievement 2018/19	Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievements	Comment on variances/ corrective measures
Completion of State of Human Rights in South Africa report	Three ESR research briefs completed; Equality report completed; Civil and Political Rights Report completed	Complete 1 Report	1 Report completed	Target achieved	None	None
Completion of provincial state of human rights reports (SOHR)	Three ESR Research Briefs completed (New target)	Complete 9 provincial SOHR	9 reports completed	Target achieved	New Target	None
Number of research seminars hosted	3	2 seminars	4 seminars	Annual target exceeded due to need based on arising issues	Increased by 2	Annual target exceeded due to need based on arising issues
Completion of PAIA Annual report by 30 Sept 2019	One report completed by Sept 2018	Complete one report by 30 Sept 2019	Completed 1 report by 30 Sept 2019	Target achieved	None	None
Updating of PAIA Section 10 Manual	New Target	Update Manual	Manual Updated	Target achieved	New target	None
Percentage submission on draft legislation	100%	100%	100%	Target achieved	None	None
Completion of monitoring report on the implementation of reports recommendations	1 Report completed	Complete annual monitoring report	1 Report completed	Target achieved	None	None

Research information seminars

A round table seminar brought together by the South African Human Rights Commission (SAHRC) and the Thabo Mbeki Foundation, with the support of the Centre for Human Rights, University of Pretoria, discussed South Africa's attitude towards global and regional accountability mechanisms. Discussions focused on international criminal accountability, and on the ease of access to regional justice for human rights violations. Reasons for South Africa's position on these issues were provided and interrogated.

The seminar which took place on 11 September 2019 in Pretoria, South Africa, drew participants from the government, civil society and academic institutions.

The issues discussed included, firstly, South Africa's relationship with the International Criminal Court (ICC). South Africa has attempted to and again publicly announced its intention to withdraw from the ICC. The government has indicated its intention to resuscitate the International Crimes Bill, with a view to engage in nationwide public consultations on it. This process may culminate in South Africa reinstating its withdrawal from the ICC. Many concerns were raised about the possibility of South Africa's withdrawal.

Secondly, and related to the first issue, was the concern that South Africa has not ratified the Malabo Protocol, and whether the Malabo Court provides an alternative to the ICC.

Thirdly, concerns that South Africa has not made the declaration under Article 34(6) of the Protocol establishing the African Court, which allows individuals and organisations to access the African Court directly.

Lastly, the relationship between the African Union (AU) human rights organs, in particular between the African Court and African Commission on Human and Peoples' Rights (African Commission), was also considered. In this context, the relationship between sub-regional courts and the African Court was touched upon. As part of this discussion, the demise of the SADC Tribunal received some attention.

These four issues present a problem for the protection of human rights at the continental level given South Africa's position.

Monitoring implementation of recommendations

The Commission identified and targeted to monitor the implementation of recommendations, by relevant stakeholders, emanating from some of its previous reports. The following reports were the subject of monitoring activity during the period under review.

Table 13: Reports on which recommendations monitoring activity was conducted

	Issue / Activity
1.	Monitoring the implementation of the recommendations of the Water and Sanitation Research Brief, March 2018
2.	Monitoring the implementation of the recommendations of the Report on the Status of Mental Health Care in South Africa, November 2017
3.	Monitor implementation of the recommendations of the Report on Racism and Social Media in South Africa, August 2017
4.	Monitor implementation of the recommendations of the Report on the Underlying Socio-Economic Challenges of Mining affected Communities in South Africa, November 2016
5.	Monitor implementation of the recommendations of the Report on the 'Human Rights Situation of the Khoi and San People in South Africa', April 2016
6.	Monitoring implementation of the recommendations of the Report on Systemic Complaints relating to the Treatment of Older Persons, May 2015
7.	Monitoring the implementation of the recommendations of the Report on the Right to Access to Sufficient Water and Decent Sanitation, 2014
8.	Monitoring implementation of the recommendations of the Report on Public Violence against Foreign Nationals, 2008

The Commission completed a Recommendations Monitoring Report summarising the responses with respect to reports mentioned in Table 13. The responses were varied in process, acceptance and substance. There was generally low responsiveness, with fewer stakeholders providing their responses than addressed by the recommendations. While many stakeholders generally positively received and accepted the recommendations, others, notably the Western Cape Department of Health, rejected the mental health care report recommendations.

Several of the responses from most of the stakeholders were partial and inconclusive, thereby limiting the Commission's assessment of the extent of implementation and state of human rights in this regard. Nevertheless, the Commission is continuously studying the responses and would engage with the relevant stakeholders as may be necessary. It was found that the instances where the Commission relied on physical engagements through provincial visits and meetings provided greater opportunity for probing and elaboration on the issues of concern raised. It may be advisable for the Commission to increasingly utilise mixed methodologies of monitoring the implementation of recommendations to mitigate against non-responsiveness.

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

The strategic objective relates to the Commission giving effect to the legislative monitoring mandate of assessing the state of human rights in the country, and giving particular emphasis to international and regional obligations.

Table 14: Achievement on planned targets for meeting obligations under the Constitution, the SAHRC Act, and the Paris Principles

Strategic Objective 5: Meet obligations under the Constitution, the SAHRC Act, and the Paris Principles						
Objective Statement:						
Performance indicator	Actual achievement 2018/19	Planned target 2019/20	Actual achievement 2019/20	Reasons for deviation from planned target for 2019/20	Variance from 2018/19 to 2019/20 achievements	Comment on variances/ corrective measures
Percentage submissions of NHRI reports to supranational bodies	100%	100% submissions by deadline	100%	Target achieved	None	None
Hosting of learning exchanges	New target	Host 4 exchanges	4 exchanges hosted	Target achieved	New target	None
Participation in international and regional stakeholder engagements	New target	Participate in 8 international and regional stakeholder engagement	Participated in 10 engagements	Target exceeded	Increased from 8 to 10	Target exceeded due to number of invitations received
Establishment of monitoring system as envisaged in OPCAT	New target	Establish monitoring system	Monitoring system established	Target achieved	New target	None
Development of monitoring system as envisaged in CRPD	New target	Develop monitoring system	Monitoring system developed	Target achieved	New target	None

National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment

Following ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (OPCAT), the Commission was designated as both a coordinating and functionary structure for the National Preventive Mechanism (NPM) under the OPCAT with other related oversight bodies, such as the Judicial Inspectorate for Correctional Services; Independent Police Investigative Directorate; Military Ombudsman; and the Health Ombudsman.

For the period under review, the Commission set out to establish a monitoring system as envisaged in the designated role. Since then it has made great strides engaging with varied stakeholders to ascertain an appropriate model and monitoring system towards fulfillment of this new mandate. The range of strategic stakeholders engaged include, the following:

- a) Monitoring visits and oversight inspections at various centers including police stations, correctional services and other related centers across the country.
- b) Appearance before the Committee against Torture.
- c) Engagement with National Preventive Mechanisms across Africa.
- d) Meeting with the Sub-Committee on the Prevention of Torture.
- e) Engagement with the Southern Africa Regional Office of the High Commissioner for Human Rights.
- f) Engagement with the Global Alliance of National Human Rights Institutions.
- g) Engagements on State review and replies.
- h) Engagements with various Offices of Special Rapporteurs.
- i) Engagements with civil society on the NPM.
- j) Engagement with the Civilian Secretariat for Police.
- k) Engagement with the Community Policing Forum.
- l) Engagement with the South African Ambassador to the United Nations in Geneva.
- m) Engagement with the European Union.
- n) Engagements with various national and provincial government departments.

NPM Detention Architecture Scoping

The NPM unit visited places of deprivation of liberty in all the 9 provinces to assess the treatment of persons deprived of their liberty, as well as to promote awareness of the NPM's mandate among stakeholders. The visited places of deprivation of liberty include police stations, child and youth care centres, mental health institutions and correctional centres. Following the visits, the SAHRC as the NPM believes that there is a need for all frontline departments responsible for places of detention to establish better coordination to ensure that access to such facilities is rapid, and information about the mandate of the NPM is disseminated more widely.

More specific observations made at the places are contained in the *Institutional NPM-OPCAT Report for the financial year 2019-20*, broadly including poor hygiene conditions; poor maintenance and inadequate infrastructure; overcrowding and related hazards; and food and security concerns.

Through the NPM's systemic analysis before, during and after monitoring visits (as well as follow-up visits), the NPM is able to identify trends, improvement or deterioration of the conditions of detention and provide recommendations to reinforce/implement protective measures as underscored by international and domestic human rights law. The NPM's preventive approach also focuses on cooperation and constructive dialogue with the authorities in order to contribute to positive changes.

Implications of the Corona Virus Disease of 2019 on the NPM

The NPM received advice from the United Nations Sub-Committee on the Prevention of Torture (SPT) on the implication of COVID-19 Lockdowns instituted by various states and how the NPM mandate should be achieved during period. In summary, the SPT has advised as follows:

- The SPT considers that NPMs should continue to undertake visits of a preventive nature, respecting necessary limitations on the manner in which their visits are undertaken. It is particularly important at this time that NPMs ensure that effective measures are taken to reduce the possibility of detainees suffering forms of inhuman and degrading treatment as a result of the very real pressures which detention systems and those responsible for them now face.
- Since quarantine facilities are *de facto* a form of detention, all those so held should be able to benefit from the fundamental safeguards against ill-treatment, including information of the reasons for their being quarantined, the right of access to independent medical advice, to legal assistance and to ensure that third parties are notified of their being in quarantine, in a manner consonant with their status and situation;
- That all appropriate measures are taken to avoid those who are in quarantine, or those who have been in quarantine, from suffering any form of marginalisation or discrimination, including once they have returned to their communities.

The declaration of a state of national disaster has resulted in several restrictions on the freedom of movement of persons including a suspension of visitation to places of deprivation of liberty such as correctional centres, and police cells. Consequently, this has had an impact on those deprived of their liberty with limited capacity to take the necessary precautionary measures. The Commission recognises the need to effectively manage the spread of COVID-19, which has necessitated the limitation of various constitutional rights of the public and particularly those in places of deprivation of liberty. It is important to reiterate that these restrictions should never result in torture, inhuman or degrading treatment or punishment of persons deprived of their liberty. Within correctional centres, police station detention cells and other detention facilities, many of which are severely overcrowded and

with poor sanitation. As such, the NPM is finalising its advisory guidelines to be issued to all places of deprivation of liberty in an effort to strengthen the protection of those in detention.

Emanating from the scoping exercise, the first set of recommendations will be issued by the NPM. This will also guide the thematic approach of the NPM. However, there is still a need for extensive public engagements and outreach to popularise the NPM's mandate vis-à-vis the SAHRC as provincial offices have highlighted the fact that some stakeholders appeared to be confused regarding the separation of the two mandates.

While the NPM has been launched, a strong system of cooperation and coordination amongst relevant stakeholders is essential for the effective functioning of the NPM. It is then useful to examine the legislative and policy framework governing the institutions which have been identified to undertake the NPM functions. Similarly, further discussions are necessary to identify possible roles and responsibilities, including areas for collaboration and challenges in operationalising the NPM mandate. The challenge for the SAHRC as an existing NHRI with an additional NPM mandate is that it would require additional human and financial resources.

Independent Monitoring Mechanism under the Convention on the Rights of People with Disabilities

Article 33 (2) of the Convention on the Right of Persons with Disabilities (CRPD) requires that

"State parties shall in accordance with their legal and administrative systems maintain, strengthen, designate or establish within the state party, a framework, including one or more independent mechanisms, as appropriate to promote, protect and monitor the implementation of the present convention".

In September 2018, the United Nations (UN) Committee on Persons with Disabilities made specific recommendations in its concluding observations on South Africa's initial state report submitted in 2015. The committee recommended that the state should expedite the designation of an Independent Monitoring Mechanism (IMM), proposing the South African Human Rights Commission (SAHRC) as the most suitable institution. In response to this call, the European Union (EU) awarded a grant to the SAHRC for a project focusing on the establishment of an IMM under the CRPD in South Africa. The project to establish an IMM commenced in April 2019, made up of the following phases:

Phase 1: Pre-study tour meetings between 16 May 2019 and 6 August 2019;

Phase 2: Study tour of European Countries in 7-14 September 2019;

Phase 3: Post study tour meeting 6 November 2019; and

Phase 4: The workshop on Establishing the IMM on 30 January 2020.

Partners and key stakeholders on the project included, from South Africa, the SAHRC, the Department of Women, Youth, and Persons with Disabilities (DWYP), Department of Justice and Constitutional Development (DOJ), Disabled People South Africa (DPSA) and the South African Disability Alliance (SADA). Stakeholders from the EU included the EU Agency for Fundamental Rights, The European Disability Forum, National Disability Rights Coordinating Mechanisms, the Global Alliance of NHRIs, as well as representatives of EU country NHRIs from Ireland and Spain.

The key component of the project was the study tour for benchmarking purposes. The study tour focused on Independent Monitoring Mechanisms (IMM) under Article 33 (2) in three countries that were signatories to the CRPD, namely Ireland, Spain, and Belgium. It also included the European Union (EU) Monitoring Mechanism to assess regional structures. The key areas of study were the legal or other means of IMM establishment; organisational arrangements and funding; and methods used to fully integrate persons with disabilities into the monitoring processes.

Lessons from the Study Tour

All parties involved benefited greatly from the study tour with all expected outcomes being achieved. Although the SAHRC has in the past submitted parallel reports to the UN as the 'A' status National human rights institution in the country, it had not done so as a recognised IMM. In light of this, and the learnings from the study tour, there was a common understanding amongst all who attended that the SAHRC was best placed to carry out this function and hence subsequently duly formally designated as an IMM.

The delegates also agreed that the advisory committee model is the best way forward for the disability sector, as long as it is established in a transparent manner, and is adequately resourced for its effective operation.

Furthermore, the IMM requires dedicated capacity in terms of human resources to prioritise disability rights in terms of investigations, consultations, and research, training and / or public hearings. With regards to this, it is vital that the SAHRC begin to mould its workflows in order to compensate for this function.

Following the study tour, the SAHRC convened a workshop to consult with the disability sector on the findings and obtain input on the proposed monitoring model. The workshop was attended by 50 representative within the sector. Input received was consolidated into draft terms of reference for the proposed Disability Advisory Committee (DAC). The Commission seeks to establish the DAC for purposes of monitoring implementation of the CRPD.

CRPD Monitoring activities

While exploring modalities for establishment of the IMM, the Commission in parallel conducted monitoring activities at provincial level. During the financial year the office responsible for disability conducted 4 provincial visits in the Free State; North West; Mpumalanga; and Northern Cape to assess the implementation of the CRPD.

The main places of focus included special and mainstream schools; facilities for mental health care; and residential facilities for persons with disabilities and older persons.

Amongst the overall findings were the following:

- a) **Poor safety and security:** in the majority of schools it was found that the safety and security requirements were not met. This included the provision of smoke detectors and serviced fire extinguishing equipment.
- b) **Inadequate Transport:** the transportation of children from home areas to school remains a key challenge for schools in terms of poor maintenance of vehicles, lack of reasonably accommodative vehicles, and lengthy distances to be covered.
- c) **Financial management challenges:** in almost all the institutions visited, there were significant challenges relating to financial management.
- d) **Poor Infrastructure:** all of the institutions visited were not being maintained and accommodated for by Department of Public Works, resulting in unhygienic, dangerous, and dilapidating infrastructure.
- e) **Lack of support staff.** None of the institutions visited had the necessary support staff to assist with teaching and care of persons with disabilities. In most schools visited there were no support staff at all for very long periods of time.

Through the monitoring activities, it was determined that future initiatives at national level should focus on the department of public works in terms of inclusion, and on the department of basic education in terms of the provision of inclusive education.

3.4.6 Strategies to deal with areas of under-performance

The following planned performance targets were not achieved during the 2019- 20 financial year:

Table 15: Areas of under-performance

PPI	Performance Indicator	Annual Target	Annual Achievement	Reasons for Variances and Corrective Actions
1.3	Percentage implementation of annual integrated human resources (capital) management plan	100%	83%	Inadequate implementation of succession plan as a result of frozen posts. Employee Wellness aspects postponed due to lack of scheduling challenges. Insufficient levels of compliance with the application of the Performance Management System.
1.7	Percentage implementation of organisational renewal plan	100%	93%	Labour Engagement Framework and Revised Recognition Agreement could not be concluded due to emergence of a new union and therefore need for renegotiation processes. Employee Award Programme delayed by the need for a SAHRC based remuneration structure, the development of which is <u>underway</u> .
1.9	Percentage implementation of annual ICT Plan	100%	93%	CPT re-cabling withheld until further notice since the office may be relocating. Super-user training on SharePoint was outstanding. Aspects Disaster Recovery for the last quarter delayed.
1.11	Percentage resolution of audit findings	100%	59% Resolution 26% In Progress 15% Open	Some areas can only be tested during auditing after the end of the financial year.
2.2	Hosting of provincial annual human rights dialogues	Host 9	Hosted 4	Annual Target Not Achieved due to COVID-19 Challenges ² . Commission will review plans to include less targeting for the last month of the year.

² In terms of the SAHRC Annual Performance Plan for 2019-20, the provincial dialogues were targeted for hosting by Quarter 4, and mostly as the main Commission events during the Human Rights month of March 2020. Many of these would have taken place closer to Human Rights Day of 21 March 2020. The Health Minister confirmed the spread of the virus to S.A. on 05 March 2020. The President declared a national state of disaster on 15 March 2020, and announced measures including restrictions on travel and public gatherings, social distancing, and cancellation of government's own Human Rights month commemoration event. While our provincial offices were at advanced preparatory stages for the hosting of the dialogues, which were based on large public stakeholder gatherings, the announced measures thwarted the plans to proceed with the actual hosting of the outstanding dialogues.

PART D: HUMAN RESOURCES MANAGEMENT

HUMAN RESOURCES MANAGEMENT

Expenditure

The following tables summarise final audited expenditure by programme (Table 16) and by salary bands (Table 17). In particular, these tables provide an indication of the amount spent on personnel costs in terms of each programme or salary band within the department.

Table 16: Personnel costs by programme for 2019 to 2020

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel cost as a percentage of total expenditure	Average personnel cost per employee (R'000)
Chief Executive Officer	12,082	10,923	39	1,120	90%	1,214
Commissioners	20,704	20,189	96	418	98%	961
Corporate and financial support services	54,179	23,573	334	30,261	44%	655
Programme support	90,593	80,374	401	9,819	89%	788
Total	177,558	135,059	870	41,618	76%	804

Table 17: Personnel costs by salary bands for 2019 to 2020

Salary bands	Personnel expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (levels 1- - 2)	2,670	2%	243
Skilled (levels 3-5)	2,215	2%	369
Highly skilled production (levels 6-8)	32,231	24%	520
Highly skilled supervision (levels 9-12)	69,431	51%	1,021
Senior management (levels 13-16)	28,512	21%	1,357
Total	135,059	100%	804

The following tables provide a summary per programme (Table 18) and salary bands (Table 19), of expenditure incurred as a result of salaries, overtime, home owners' allowance, and medical assistance. In each case, the table provides an indication of the percentage of personnel budget used for these items.

Table 18: Salaries, overtime, home owners' allowance, and medical assistance by programme for 2019 to 2020

Programme	Salaries		Overtime		Home owners' allowance		Medical assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical assistance as a % of personnel cost
Chief Executive Officer	10,923	8%	-	-	66	1%	362	3%
Commissioners	20,189	15%	7	-	406	2%	305	2%
Corporate and financial support services	23,573	17%	33	-	631	3%	1,178	5%
Programme support	80,374	60%	147	-	1,375	2%	2,345	3%
Total	135,059	100%	188	0%	2,478	2%	4,190	3%

Table 19: Salaries, overtime, home owners allowance, and medical assistance by salary bands for 2019 to 2020

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)	2,670	2%	-	-	182	7%	147	5%
Skilled (levels 3-5)	2,215	2%	2	0.1%	99	4%	152	7%
Highly skilled production (levels 6-8)	32,231	24%	50	0.2%	998	3%	1,847	6%
Highly skilled supervision (levels 9-12)	69,431	51%	136	0.2%	832	1%	1,676	2%
Senior management (levels 13-16)	28,512	21%	-	-	367	1%	370	1%
Total	135,059	100%	188	0.1%	2,478	2%	4,192	3%

Employment and vacancies

The following tables summarise the number of posts on establishment of the Commission, the number of employees, the vacancy rate, and whether there are any staff additional to those on establishment. This information is presented in terms of three key variables: programme (Table 20), salary band (Table 21), and critical occupations (Table 22). Departments have identified critical occupations that need to be monitored. Table 22 provides establishment and vacancy information for the key critical occupations of the department.

Table 20: Employment and vacancies by programme at March 31, 2020

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Chief Executive Officer	12	9	25%	-
Commissioners	23	21	9%	-
Corporate and financial support services	40	36	10%	-
Programme support	123	102	17%	-
Total	198	168	15%	-

Table 21: Employment and vacancies by salary bands at March 31, 2020

Salary band	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (levels 1-2)	11	11	0%	-
Skilled (levels 3-5)	6	6	0%	-
Highly skilled production (levels 6-8)	74	62	16%	-
Highly skilled supervision (levels 9-12)	78	68	13%	-
Senior management (Levels 13-16)	29	21	28%	-
Total	198	168	15%	-

Table 22: Employment and vacancies by critical occupation as at March 31, 2020

Critical occupations	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Legal	55	51	7%	-
Advocacy and Communications	24	19	21%	-
Research	13	8	38%	-
Total	92	78	15%	-

Job evaluation

The Public Service Regulations 1999, introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in an organisation. In terms of the regulations, all vacancies on salary levels nine and higher must be evaluated before they are filled.

The following table (Table 23) summarises the number of jobs evaluated during the year under review. The table also provides statistics on the posts that were upgraded or downgraded.

Table 23: Job evaluation for April 1, 2019 to March 31, 2020 (including vacant positions)

Salary band	Number of posts	Number of jobs evaluated	% of posts evaluated by salary bands	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (levels 1-2)	-	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-	-
Highly skilled production (levels 6-8)	62	1	2%	-	-	-	-
Highly skilled supervision (levels 9-12)	68	1	1%	-	-	-	-
Senior management service, band A	-	-	-	-	-	-	-
Senior management service, band B	3	1	33%	-	-	-	-
Senior management service, band C	-	-	-	-	-	-	-
Senior management service, band D	-	-	-	-	-	-	-
Total	133	3	2%	-	-	-	-

Employment changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the department. The following tables provide a summary of turnover rates by salary band (Table 24) and by critical occupations (Table 25).

Table 24: Annual turnover rates by salary band for April 1, 2019 to March 31, 2020

Salary band	Number of employees per band at April 1, 2019	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (levels 1-2)	11	-	-	-
Skilled (levels 3-5)	6	-	-	-
Highly skilled production (levels 6-8)	63	-	1	2%
Highly skilled supervision (levels 9-12)	70	2	4	6%
Senior management service, band A (level 13)	20	-	2	10%
Senior management service, band B (level 14)	3	-	1	33%
Senior management service, band C (level 15)	1	-	-	-
Total	170	2	8	5%

Table 25: Annual turnover rates by critical occupation for April 1, 2019 to March 31, 2020

Occupation	Number of employees per occupation at April 1, 2018	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Legal services	55	0	2	4%
Advocacy and Communications	24	2	2	8%
Research	13	0	1	8%
Total	85	2	5	5%

Table 26: Reasons why staff are leaving the department

Termination type		
Death	2	
Resignation	5	
Retrenchment	-	
Expiry of contract	-	
Dismissal – operational changes	-	
Dismissal – misconduct	1	
Dismissal – inefficiency	-	
Discharged due to ill-health	-	
Retirement	-	
Transfers to other public service departments	-	
Other (voluntary separation package)	-	
Total	8	
Total number of employees who left as a % of the total employment	5%	

Table 27: Promotions by critical occupation

Occupation	Employees at April 1, 2019	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Legal services	55	-	-	52	95%%
Advocacy and Communications	24	-	-	22	92%
Research	13	-	-	13	100%
Total	92	-	-	87	95%

Table 28: Promotions by salary band

Salary band	Employees at April 1, 2019	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progressions as a % of employees by salary band
Lower skilled (levels 1-2)	11	-	-	11	100%
Skilled (levels 3-5)	6	-	-	6	100%
Highly skilled production (levels 6-8)	62	-	-	59	95%
Highly skilled supervision (levels 9-12)	68	-	-	65	96%
Senior management (levels 13-16)	21	-	-	12	57%
Total	168	-	-	142	85%

Employment equity

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

Table 29: Total number of employees in each of the following occupational bands at March 31, 2020 (including part-time Commissioners)

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	4	1	1	1	1	0	2	0	10
Senior management	9	0	0	0	2	0	0	0	11
Professionally qualified and experienced specialists and mid-management	24	3	0	2	26	5	2	4	66
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	9	0	1	0	29	2	1	2	44
Semi-skilled and discretionary decision- making	2	0	0	1	17	1	0	0	21
Unskilled and defined decision-making	3	0	0	0	12	1	0	0	16
Total	51	4	2	4	87	9	5	6	168

Table 30: Recruitment (including employees with disabilities and research associates) for April 1, 2019 to March 31, 2020.

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

**Table 31: Terminations (including employees with disabilities, interns, and contractors) for
April 1, 2019 to March 31, 2020**

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	1	0	0	0	0	0	0	0	1
Senior management	0	1	0	0	0	1	0	0	2
Professionally qualified and experienced specialists and mid-management	2	0	0	0	1	1	0	0	4
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	0	0	0	0	0	0	0	0	0
Semi-skilled and discretionary decision-making	0	0	0	0	1	0	0	0	1
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
Total	3	1	0	0	2	2	0	0	8
Employees with disabilities	0	0	0	0	0	0	0	0	0

Table 32: Disciplinary action for April 1, 2019 to March 31, 2020

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	1	1	-	-	1	-	-	-	3

Table 33: Skills development for April 1, 2019 to March 31, 2020

Occupational categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials, and managers	12	1	1	1	2	1	2	0	20
Professionals	4	1	0	0	1	5	3	1	15
Technicians and associate professionals	10	1	1	1	15	2	1	1	33
Clerks	1	0	0	0	8	1	0	0	9
Elementary occupations	1	0	0	0	6	0	0	0	7
Total	28	3	2	2	33	9	6	2	84
Employees with disabilities	0	0	0	0	0	0	0	0	0

Performance rewards

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 34), salary bands (Table 35) and critical occupations (Table 36).

Table 34: Performance rewards by race, gender, and disability for April 1, 2019 to March 31, 2020

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
Total African	128	138	93%	1 476	12
Male	48	51	94%	651	14
Female	80	87	92%	825	10
Total Asian	6	7	86%	77	13
Male	1	2	50%	8	8
Female	5	5	100%	69	14
Total Coloured	15	13	115%	229	15
Male	3	4	75%	37	12
Female	12	9	133%	192	16
Total White	10	10	100%	150	15
Male	3	4	75%	30	10
Female	7	6	117%	120	17
Employees with a disability	2	2	0%	0	0
Total	159	168	95%	1 932	62

Table 35: Performance rewards by salary bands for personnel below senior management service for April 1, 2019 to March 31, 2020

Salary bands	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (levels 1-2)	8	11	73%	21	2.625	0
Skilled (levels 3-5)	6	6	100%	45	8	0.0%
Highly- skilled production (levels 6-8)	60	62	97%	597	10	0.4%
Highly skilled supervision (levels 9-12)	69	68	101%	1 066	15	0.8%
Total	143	147	97%	1 729	12	1.3%

Table 36: 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	21	62%	595	46	0%
Band B	2	3	67%	71	36	0%
Band C	0	1	0%	0	0	0%
Band D	0	1	0%	0	0	0%
Total	15	26	58%	666	44	1%

Foreign workers

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

Table 37: Foreign workers for April 1, 2019 to March 31, 2020 by salary band

Salary band	April 1, 2019		March 31, 2020		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled (levels 1-2)	-	-	-	-	-	-
Skilled (levels 3-5)	-	-	-	-	-	-
Highly- skilled production (levels 6-8)	-	-	-	-	-	-
Highly- skilled supervision (levels 9-12)	5	83%	5	83%	-	-
Senior management (levels 13-16)	1	17%	1	17%	-	-
Total	6	100%	7	100%	-	-

Table 38: Foreign workers for April 1, 2019 to March 31, 2020 by major occupation

Major occupation	April 1, 2019		March 2 31, 2020		Change	
	Number	% of total	Number	% of total	Number	% change
Legal	1	17%	1	17%	0	0%
Education	0	0%	0	0%	0	0%
Research	5	83%	5	83%	0	0%
Total	6	100%	6	100%	-	0%

Leave utilisation for January 1, 2019 to March 31, 2020

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 and disability leave. In both cases, the estimated cost of the leave is also provided.

Table 39: Sick leave for January 1, 2019 to March 31, 2020

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)	47	-	11	100%	4.3
Skilled (levels 3-5)	47	-	6	100%	7.8
Highly- skilled production (levels 6-8)	334	-	63	100%	5.3
Highly- skilled supervision (levels 9-12)	334	-	70	100%	4.8
Senior management (levels 13-16)	100	-	24	100%	4.2
Total	862	-	174	100%	5.0

Table 40 summarises the use of annual leave. The wage agreement (concluded with trade unions in the PSCBC in 2000), requires management to take annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 40: Annual leave for January 1, 2019 to March 31, 2020

Salary bands	Total days taken	Average per employee
Lower skilled (levels 1-2)	147	13
Skilled (levels 3-5)	80	13
Highly- skilled production (levels 6-8)	906	14
Highly- skilled supervision (levels 9-12)	1 026	15
Senior management (levels 13-16)	258	11
Total	2 417	14

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

Table 41: Leave pay-outs for April 1, 2019 to March 31, 2020

Reason	Total amount (R'000)	Number of employees	Average payment per employee (R'000)
Leave pay-out for 2019 to 2020 for the non-use of leave in previous cycle	-	-	-
Capped leave pay-outs on termination of service for 2019 to 2020	-	-	-
Current leave pay-out on termination of service for 2019 to 2020	448	8	56
Total	448	8	56

HIV/ AIDS and Health Promotion Programmes

Table 42: Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV/AIDS and related diseases (if any)	Key steps taken to reduce the risk
None. ICAS has a full-fledged HIV/AIDS unit that the Commission's staff members may access 24 hours a day, 7 days a week. Contact details are readily available to staff	An HIV/AIDS and health awareness workshop was held on December 2019

Table 43: Details of health promotion and HIV/AIDS programmes (tick the applicable boxes and provide the required information)

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

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

Table 44 summarises the outcome of disciplinary hearings conducted within the department for the year under review.

Table 44: Misconduct and disciplinary hearings finalised for April 1, 2019 to March 31, 2020

Outcomes of disciplinary hearings	Number	% of total
Correctional counselling	-	-
Verbal warning	-	-
Written warning	-	-
Final written warning	1	33%
Suspended without pay	-	-
Fine	-	-
Demotion	-	-
Dismissal	1	33%
Not guilty	1	33%
Case withdrawn	-	-
Total	3	100%

Table 45: Types of misconduct addressed at disciplinary hearings

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

Table 46: Grievances lodged for April 1, 2019 to March 31, 2020

	Number	% of total
Number of grievances resolved	4	80%
Number of grievances not resolved	1	20%
Total number of grievances lodged	5	100%

Skills development

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

Table 47: Training needs identified for April 1, 2019 to March 31, 2020

Occupational categories	Gender	Number of employees at April 1, 2019	Training needs identified at start of reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials, and managers (levels 13-16)	Female	5	-	3	-	3
	Male	16	-	3	-	3
Professionals (levels 11-12)	Female	10	-	10	-	10
	Male	5	-	5	-	5
Technicians and associate professionals (levels 8-10)	Female	20	-	20		20
	Male	13	-	13	1	14
Clerks (levels 4-7)	Female	10	-	10	1	11
	Male	1	-	1	-	1
Service and sales workers	Female	-	-	-	-	
	Male	-	-	-	-	
Skilled agriculture and fishery workers	Female	-	-	-	-	
	Male	-	-	-	-	
Craft and related trades workers	Female	-	-	-	-	
	Male	-	-	-	-	
Plant and machine operators and assemblers	Female	-	-	-	-	
	Male	-	-	-	-	
Elementary occupations (levels 1-3)	Female	6	-	6	-	6
	Male	1	-	1	-	1
<i>Sub Total</i>	Female	51	-	49		39
	Male	36	-	23		24
Total		87	-	72		63

Table 48: Training provided for April 1, 2019 to March 31, 2020

Occupational categories	Gender	Number of employees at April 1, 2019	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials, and managers	Female	1	-	1	-	1
	Male	2	-	2	-	2
Professionals	Female	10	-	10	-	10
	Male	5	-	5	-	5
Technicians and associate professionals	Female	15	-	15	-	15
	Male	13	-	13	-	13
Clerks	Female	4	-	4	-	4
	Male	1	-	1	-	1
Service and sales workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Skilled agriculture and fishery workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Craft and related trades workers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Plant and machine operators and assemblers	Female	-	-	-	-	-
	Male	-	-	-	-	-
Elementary occupations	Female	6	-	6	-	6
	Male	-	-	-	-	-
<i>Sub Total</i>	<i>Female</i>	36	-	36	-	36
	<i>Male</i>	21	-	21	-	21
Total		57	-	57	-	57

Utilisation of consultants

Table 49: Report on consultant appointments using appropriated funds

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rand
Senior Managers' Workplans Development	2	60	R381 225
Remuneration Structures Review Project	3	90	R235 865