

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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23 April 2013

Ref: 2/2/5-Finance

Mr Pravin Gordhan
The Minister: Finance
Private Bag X 115
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Per e-mail: minreg@treasury.gov.za
Fax: 012 323 3262

Dear Minister Gordhan

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION'S ABILITY TO FULFIL ITS CONSTITUTIONAL MANDATE

We refer to your correspondence (reference M4/1/19 (333/13) responding to our letter to the Speaker of the National Assembly wherein we raised various funding challenges. We have noted your concerns in relation to the ratio of support staff to line function staff and wish to respectfully advise that the information you have been provided with is incorrect.

Before we get to the detail of our response to your letter, we would like to express our sincere gratitude for the additional funding which has been allocated to the Commission for the three financial years leading up to 2015/16 to increase our legal capacity. As a result of the additional R6 million which was allocated in the 2013/14 financial year, we have been able to secure additional legal resources for our Western Cape and Gauteng provinces which deal with high volumes of complaints.

However due to the events that took place at Marikana, R2,2 million of the R6 million had to be ring-fenced to fund the fees of our Legal Counsel representing the Commission in the Marikana Commission of Inquiry which has put a strain on our funding. At the same time we have been forced to solicit the support of civil society organizations to assist us with the Marikana matter which has helped us to reduce our overall costs, but has made us dependant on these organizations very much against our will.

We now wish to highlight the following issues for your consideration:

1. STATUTORY AUTHORITY FOR SPENDING PROGRAMMES

The Commission executes its mandate through three programmes:

- 1.1 **Human Rights Protection and Promotion** which engages in legislative processes and promotes compliance with international and regional human rights obligations, provides legal services, and provides human rights advocacy and promotes human rights through public participation.

Transforming society. Securing rights. Restoring dignity.

Chairperson: M L Mushwana; **Deputy Chairperson:** P Govender; **Commissioners (Full-Time):** B Malatji, L Mokate;
Commissioners (Part-Time): J Love, D Titus;
Chief Executive Officer: A K Ahmed

- 1.2 **Research, Monitoring and Reporting**, which delivers the Commission's research, monitoring and assessment mandate, manages and implements most of its knowledge generation processes, and houses the library and documentation function of the organisation; and
- 1.3 **Administration Programme** which provides administrative and corporate support to assist the Commission in executing the core mandate.

To give effect to the delivery of our mandate, the Commission has set the following strategic priorities for 2013/14:

- i. Protection of human rights through speedy and effective complaints handling;
- ii. International, regional and local obligations (Network of African National Human Rights Institutions (NANHRI) and International Coordinating Committee (ICC) Chair duties);
- iii. Performance at the organisational, programme and individual levels;
- iv. Implementation of the new organisational structure; and
- v. Capacity building and infrastructural development within the new structure.

The Commission's broad mandate to promote, protect and monitor human rights continues to present both an opportunity and a challenge. The broad mandate allows the Commission to engage with a diverse range of partners, investigate all complaints that fall within its mandate and monitor and assess the observance of human rights in the country, and ensure that the government takes appropriate steps towards ensuring the progressive realization of the Bill of Rights as they relate to economic and social rights.

2. CONTRIBUTION TO IDENTIFIED OUTCOMES AND KEY GOVERNMENT PRIORITIES

The structural realignment will directly or indirectly contribute to the 12 targeted national outcomes which have been detailed in the **Presidency's 2010 Measurable Performance and Accountable Delivery** document. Commissioners will play a key and an invaluable role in realising all these outputs through advocacy and lobbying at both the national and international level as well as utilising their individual and collective expertise to bring about the necessary reform.

3. 2013/14 PROGRAMME BUDGET ALLOCATION

3.1 PROGRAMME 1 – Human Rights Protection and Promotion - Expenditure estimates/budgeting

The human rights protection and promotion programme is allocated a total budget of R73,6 million of which R54,1 million is for personnel costs and R19,4 million is for operational expenditure. Below is a breakdown of the allocation:

Programme 1: Human Rights Protection & Promotion							
	CEO	Commissioners	Legal	Hurap	Provincial Offices	SSG	Total
Personnel	3,364,487	11,514,280	2,905,633	1,368,894	32,234,040	2,795,710	54,183,043
Goods & services	1,340,469	2,801,860	2,724,253	712,249	11,493,000	404,575	19,476,406
	4,704,956	14,316,140	5,629,885	2,081,144	43,727,040	3,200,285	73,659,449

3.2 PROGRAMME 2 - RESEARCH, MONITORING AND REPORTING

The Research, Monitoring and Reporting Programme is currently allocated a budget of R9,9 million, of which R8,3 million is for personnel costs and R1,5 million is for operational expenditure. Below is the breakdown of the allocation:

Programme 2: Research, Monitoring and Reporting			
	Research	PAJA	Total
Personnel	6,576,999	1,807,208	8,384,207
Goods & services	797,648	799,385	1,597,032
	7,374,646	2,606,593	9,981,239

3.3 PROGRAMME 3 - ADMINISTRATION (Corporate Support Division and Internal Audit)

The Administration Programme is currently allocated a budget of R38,3 million of which R15,7 million is for personnel costs and R22,5 million is for operations. Below is the breakdown of the allocation:

Administration				
	Finance	Corporate Support	Internal Audit	Total
Personnel	3,163,850	10,486,701	2,088,769	15,739,320
Goods & services	2,458,492	19,491,056	631,800	22,581,348
	4,852,348	26,319,023	2,220,188	38,320,668

Summary of the programme budget allocation:

Programme	Personnel Allocation	Cost	% Allocation	Operational Expenditure	Total Budget Allocation	% of total
Programme 1	54,183,043		69%	19,476,406	73,659,449	60%
Programme 2	8,384,207		11%	1,597,032	9,981,239	8%
Core Mandate Budget	62,567,250		80%	21,073,438	83,640,688	69%
Programme 3	15,739,320		20%	22,581,348	38,320,668	31%
Total Programme Allocation	78,306,570		100%	43,654,786	121,961,357	
Treasury Allocation					115,999,000	
Potential Deficit					(5,962,356.51)	

The column on the far right shows that 69% of our budget is allocated to Programmes 1 & 2, which are core to enable the Commission in delivering on its mandate and the remainder is allocated to the Admin Support Programme.


With regards to the personnel costs, 64% of our budget allocation is allocated to personnel costs since we are a service-based entity through our legal complaints handling, research, education and monitoring work. 80% of our R78,3 million personnel costs is allocated to our core mandate programmes. The total number of posts according to our approved organizational structure is 178. Of the 178 approved posts, 135 posts or 76% are based in our core mandate programmes (Programmes 1 & 2) to ensure core service delivery and the remaining 24% is in our Admin Support Programme.

As reflected above the total cost of the three programmes amounts to R121 million. The Commission had to freeze 13 approved posts amounting to nearly R6 million in order to avoid the potential deficit. The frozen posts will hamper our delivery of our core mandate which will significantly affect Programmes 1 & 2.

Lastly, we bring to your attention that the Department of Public Works has transferred the accommodation cost of the leased buildings for four of our provincial offices to the SAHRC. The total cost of these buildings amount to R1,411,201.64 which was not budgeted for in our 2013/14 budget due to the fact that this allocation formed part of DPW's budget. We included this issue in our MTEF submission in 2012 requesting that National Treasury transfer this amount from DPW to the SAHRC budget. However, this request was turned down. This has placed further strain on our 2013/14 budget

It is against this background that we had to write to the Speaker of the National Assembly to request his intervention in this financial dilemma which we find ourselves in. If you require further information, please do not hesitate to contact me at any time.

Yours faithfully,



M.L. Mushwana
Chairperson: SAHRC

Cc **Honourable Mr. M.V. Sisulu**
 Speaker of the National Assembly

Honourable Mr. J.T. Radebe
Minister: Justice and Constitutional Development