

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

31 January 2018

FOREWORD BY THE EXECUTIVE AUTHORITY: STRATEGIC PLAN 2015 TO 2020

Through its Revised Strategic Plan for the Fiscal Years 2015 to 2020, the South African Human Rights Commission (SAHRC/Commission) has recommitted itself to remain at the forefront of ensuring the realisation of human rights in South Africa. The strategic plan has been revised at an important juncture when new Commissioners have marked one year as Commissioners at the SAHRC. This is the first planning session in which the Commissioners have fully participated and set the vision for the SAHRC.

The Commission has a broad constitutional mandate to promote, protect, monitor and report on human rights. The revised strategic plan has been adopted at a time when South Africa is faced with numerous challenges all of which have a human rights dimension. These include social, economic and political challenges. The revised strategic plan sets out the vision of the Commission and highlights future prospects that could affect its work, particularly issues regarding financial and human resources.

The Commission will continue to pay special attention to its mandate. The Commission will build on the work that has been done in the past and in this regard increased attention will be paid to ensuring that it monitors the implementation of its recommendations. Human rights advocacy will remain a central pillar in the work of the Commission. At the same time, while the Commission will seek to resolve human rights issues through its own procedures, it will not shy away from bringing matters before other constitutional bodies with a view to ensuring that human rights are upheld. Increased stakeholder engagement and communication has been identified as one of the ways in which the Commission can further its work. Greater synergy among different units within the Commission will be the hallmark of how the Commission conducts its business.

In an effort to ensure efficiency, a new electronic case management system is being rolled out. In addition, new complaints handling procedures that are aimed at ensuring greater efficacy in handling of complaints and reducing bureaucratic processes have been adopted.



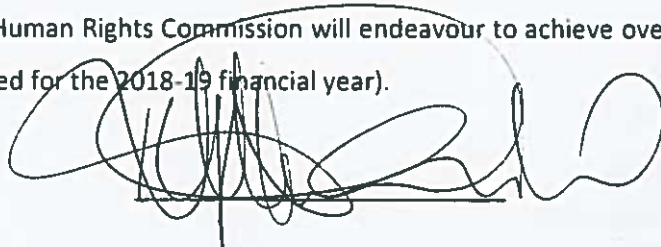
Bongani Majole
(Executive Authority) Chairperson of the South African Human Rights Commission

OFFICIAL SIGN OFF

It is hereby certified that this strategic plan:

- (i) Was developed by the Secretariat (management) of the South African Human Rights Commission under the guidance of the Executive Authority (Commissioners);
- (ii) Takes into account all the relevant policies, legislation and other mandates for which the Commission is responsible; and
- (iii) Accurately reflects the strategic outcome oriented goals and objectives which the South African Human Rights Commission will endeavour to achieve over the period of 2015 – 2020 (as revised for the 2018-19 financial year).

Peter Makaneta:



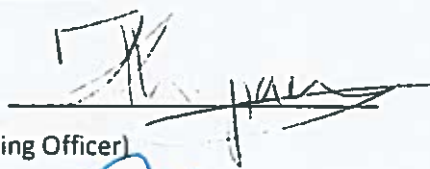
Chief Financial Officer

Siyasanga Giyose:



Head: Strategic Support and Governance

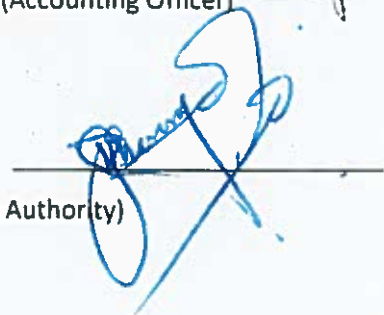
Tseliso Thipanyane:



Chief Executive Officer (Accounting Officer)

Approved by:

Bongani Majola:



Chairperson (Executive Authority)

Table of Contents

1.	VISION	5
2.	MISSION	5
3.	VALUES	6
4.	LEGISLATIVE AND POLICY MANDATES	6
	4.1 Constitutional mandate	6
	4.2 Other legislative mandates	7
	4.3 Policy mandate	11
	4.4 Relevant court rulings	11
5.	SITUATIONAL ANALYSIS	15
	5.1 Performance environment	15
	5.2 Organisational environment	18
	5.3 The strategic planning process	20
6.	BROAD THEMATIC AND STRATEGIC FOCUS AREAS	20
7.	STRATEGIC OUTCOME ORIENTED GOALS	21
8.	STRATEGIC OBJECTIVES AND PROGRAMMES	23
	8.1 Strategic objectives	23
	8.2 Programmes	25
	8.3 Resource considerations	28
	a) Financial resources	28
	b) Human resources	28
	8.4 Risk management	28
9.	LINKS TO OTHER PLANS	31

PART A: STRATEGIC OVERVIEW

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

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

1. Vision

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

Transforming society. Securing rights. Restoring dignity.

2. Mission

The Commission, as an independent national human rights institution, is created to support constitutional democracy through promoting, protecting and monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice. This mission will be strengthened by enhancing institutional focus, developing proactive outreach and advocacy initiatives that will be monitored and evaluated to ensure maximum impact.

3. Values

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

4. Legislative and Policy Mandates

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

4.1 Constitutional mandate

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

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

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

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

- i. to investigate and to report on the observance of human rights;
- ii. to take steps to secure appropriate redress where human rights have been violated;

- iii. to carry out research; and
 - iv. to educate.
- b) Each year, the Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.
- c) The Commission has additional powers and functions prescribed by other national legislation.

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

4.2 Other legislative mandates

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

In this respect, the Commission has to:

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

a) South African Human Rights Commission Act

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

- i. To maintain close liaison with institutions, bodies or authorities similar to the SAHRC, inter alia, to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction;
- ii. To bring proceedings in a competent court or tribunal in its own name, or on behalf of a person or a group or class of persons.

1 (a) In terms of section 13(1) to (4) of Act, the Commission is competent and obliged to -

(i) make recommendations to organs of state at all levels of government where it considers such action advisable for the adoption of progressive measures for the promotion of human rights within the framework of the Constitution and the law, as well as appropriate measures for the further observance of such rights;

(ii) undertake such studies for reporting on or relating to human rights as it considers advisable in the performance of its functions or to further the objects of the Commission; and

(iii) request any organ of state to supply it with information on any legislative or executive measures adopted by it relating to human rights; and

(b) the Commission -

(i) must develop, conduct or manage information programmes and education programmes to foster public understanding and awareness of Chapter 2 of the Constitution, this Act and the role and activities of the Commission;

(ii) must as far as is practicable maintain close liaison with institutions, bodies or authorities with similar objectives to the Commission in order to foster common policies and practices and to promote co-operation in relation to the handling of complaints in cases of overlapping jurisdiction or other appropriate instances;

(iii) must liaise and interact with any organisation which actively promotes respect for human rights and other sectors of civil society to further the objects of the Commission;

(iv) may consider such recommendations, suggestions and requests concerning the promotion of respect for human rights as it may receive from any source;

(v) must review government policies relating to human rights and may make recommendations;

(vi) must monitor the implementation of, and compliance with, international and regional conventions and treaties, international and regional covenants and international and regional charters relating to the objects of the Commission;

(vii) must prepare and submit reports to the National Assembly pertaining to any such convention, treaty, covenant or charter relating to the objects of the Commission; and

(viii) must carry out or cause to be carried out such studies concerning human rights as may be referred to it by the President, and the Commission must include in a report referred to in section 18(1) a report setting out the results of each study together with such recommendations in relation thereto as it considers appropriate.

(2) (a) The Commission may recommend to Parliament or any other legislature the adoption of new legislation which will promote respect for human rights and a culture of human rights.

(b) If the Commission is of the opinion that any proposed legislation might be contrary to Chapter 2 of the Constitution or to norms of international human rights law which form part of South African law or to other relevant norms of international law, it must immediately report that fact to the relevant legislature.

(3) The Commission is competent -

(a) to investigate on its own initiative or on receipt of a complaint, any alleged violation of human rights, and if, after due investigation, the Commission is of the opinion that there is substance in any complaint made to it, it must, in so far as it is able to do so, assist the complainant and other persons adversely affected thereby, to secure redress, and where it is necessary for that purpose to do so, it may arrange for or provide financial assistance to enable proceedings to be taken to a competent court for the necessary relief or may direct a complainant to an appropriate forum; and

(b) to bring proceedings in a competent court or tribunal in its own name, or on behalf of a person or a group or class of persons.

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

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

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

b) Promotion of Access to Information Act

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

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

c) Promotion of Administrative Justice Act

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

d) Promotion of Equality and Prevention of Unfair Discrimination Act

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

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

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

4.3 Policy mandate

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

At an international level, the Commission is recognised by the Global Alliance of National Human Rights Institutions as an 'A' status national human rights institution (NHRI). The Commission has thus adhered to the Paris Principles, which are guiding principles that serve to guide the nature and functioning of NHRIs. These principles emphasise the independent nature of NHRIs and guide the manner in which they should conduct their work. They state, among other things, that national human rights institutions should:

- i. monitor any situation of violation of human rights;
- ii. be able to advise the government, the Parliament and any other competent body on specific violations;
- iii. educate and inform on issues of human rights; and
- iv. be able to use their quasi-judicial powers where these exist.

The mentioned legislation and policies form the basis on which the Commission plans its operations for the 2015 to 2020 period.

4.4 Relevant court rulings

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

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

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

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

On this basis and having engaged fruitlessly with the Municipality, an application was launched in the North Gauteng High Court on 24 March 2017. The application concerns the provision of water services to Klipgat C in the North West Province and arises from the fact that the residents of Klipgat C have no access to a reliable or sufficient supply of safe water.

The application was brought in two parts. In Part A, the Commission sought urgent interim relief to protect the position of the residents pending the determination of Part B. That urgent interim relief was premised simply on part of the written and binding undertaking already given by the Municipality. The Municipality had breached the undertaking in its entirety. In Part A, the Commission sought to do no more than enforce that part of the undertaking, pending the determination of Part B.

In Part B, which would be determined expeditiously but would will be dealt with on the basis of ordinary time-periods, the Commission seeks more wide-ranging and long-term relief. This includes relief designed to declare that the respondents were in breach of their constitutional and statutory obligations and directing them to remedy this in a manner that properly gives effect to the rights of residents concerned.

Part A of the application was set down for hearing on 9 May 2017. The respondents had until 31 March 2017 to oppose the application. The only notice of intention to oppose that was received to date is that of the fourth respondent, being the Minister of Water and Sanitation, this is despite the fact that no relief is sought against the fourth respondent in Part A of the application. The fourth respondent had until 12 April 2017 to file an answering affidavit. On 9 May 2017, the court proceeded to grant the order set out in Part A of the Notice of Motion. The order would be served on the Respondents to ensure that the order is complied with. Part B of the application would be set down on a date to be arranged with the Registrar.

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

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

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

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

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

Residents of Arthurstone Village were evicted unlawfully and in violation of their rights by the Amashagana Tribal Authority. The Commission instructed pro bono attorneys, Norton Rose Fulbright to challenge the Magistrates' Court's order.

The relief sought was a declaration that evictions and demolitions were unlawful. Alternatively, emergency accommodation and damages.

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

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

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

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

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

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

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

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

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

It is the strategy of the Commission to encourage development of equality based jurisprudence. In particular we continuously seek to address issues of racism, gender discrimination, and persons with disability through the courts. As a result the Commission litigated in excess of fifty such matters through

the equality courts. The Commission is also alive to the need to secure strategic advantage in public interest matters. Several public impact matters are currently before the courts. These include, among others, issues of the rights of women in customary matters.

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

5. Situational analysis

5.1 Performance environment

5.1.1 Political implications

National and local government elections

The periodic national and local government elections often render into position some new political leadership, office bearers and Parliamentarians, including Members of Parliamentary Portfolio Committees, Members of Provincial Legislatures, Cabinet Ministers, and Heads of various state institutions and departments were appointed. This has implications for human rights and thus institutional strategy and operations, as it requires consolidated strategic engagements to advocate institutional positions on key and current human rights issues with the new leadership. The Commission had proactively sought for its key reports and outputs to be reported to and considered by the Parliamentary Portfolio Committee on Justice and Correctional Services, as well as other relevant Portfolio Committees.

The Commission has to continue with its advocacy strategies that communicate its work with a view to ensuring that the institutional mandate is continuously popularised. In entrenching a human rights culture, the Commission is concerned at both national and local levels with engaging government actors. It is vital to use the opportunity afforded by national and local government elections to:

- a) Increasingly advocate for human rights based approaches in the delivery of services; and

- b) Monitor government programmes aimed at promoting accountability through improved transparency, accessibility, and relevance of national policies, as well as local Integrated Development Plans, budgets, contracts and programmes to foster promotion and protection of human rights.

Commemorating 20 years of the SAHRC: Conference on racism

In commemorating its 20 years of existence during 2015-16, the Commission reflected on the human rights situation in the country 20 years into democracy and its existence. The issue of racism was the focal point and future implications for the Commission and society in this regard were considered. This was clearly one of the key issues to be carried forward for attention beyond the 20 year period.

It is also worth noting that the right to equality, and particularly concerns of racism, have been among the highest on the record of complaints lodged with the Commission during this strategic planning period.

5.1.2 Economic and social implications

Population demographics and inequalities

Population demographics in South Africa illustrate that the rural population (% of total population) in South Africa was last measured at 35.70 in 2014 whereas the female population (% of total) in South Africa was last measured at 50.85 in 2014. Distribution of Wealth – the Gini coefficient, which varies between zero (perfect equality) and one (perfect inequality, where one person receives all the income), is usually measured for the distribution of income between households. Using the 2011 census returns of income, one can estimate the Gini coefficient for South Africa at 0.68, in line with other recent estimates. By international standards, this is very high, though it is mitigated by a strongly redistributive pattern of taxation and state expenditure.

The state of human rights in South Africa

The state of the country's economic and social rights has a bearing on the institution's monitoring mandate, and how it is exercised to influence the promotion and protection mandates. The Commission will revise the nature of its Economic and Social Rights Report that is prepared in terms of Section 184(3) of the Constitution to include an assessment of the realisation of rights over time. The report will further incorporate the rights to equality, as well as civil and political rights. It will internally be used to promote

inter-programme collaboration. Its content will be linked with the identified high impact litigation cases, and findings linked with complaints, so that available statistics provide a national picture.

More importantly, the report will reflect on the institution's responsiveness to socio-economic issues, the right to equality and civil and political rights. It will indicate how the Commission's research impacts on these issues and benefits the nation. The research activity will require increased engagement with civil society to address the issues in question. Furthermore, the monitoring and evaluation role will be strengthened in terms of government policies and budget allocations to ensure responsiveness to identified challenges.

Another important consideration is the need to address the link between socio-economic rights and inequality, as well as inequalities from a gender perspective, the use of baseline statistics to verify and confirm findings, and tracing of inequalities from early childhood structural levels.

In order to give full effect to the findings and recommendations, the Commission will proactively engage with Parliament to enhance implementation by relevant state organs. This will entail the tracking of recommendations and departmental plans and reports relating to the Commission's findings.

5.1.3 Environmental implications

Environmental rights have a huge impact on economic and social rights, considering the attachment of living conditions to the environment. Issues for concern could range widely to include climate change, pollution, water scarcity, food shortages, dumping and waste disposal, natural disasters, fires, and impact on food, housing, health, service delivery and so on. Relevant stakeholders will be engaged to promote responsiveness and responsibility to environmental issues.

The environmental implications also provide an intersection with the area of business and human rights. Business is often responsible for pollution and must be engaged to provide counter consequences. Mining pollution and acid mine drainage are some of the challenges that the Commission are dealing with.

At an international and regional level, the Commission will be engaging on the findings and recommendations reports on extractive industries, as well as the Independent Expert Report on Environment.

5.1.4 Legal implications

Legislative submissions

The Commission concerns itself with all legislation that has implications for human rights by making submissions on draft legislation. These efforts will be strengthened through monitoring the impact of legislative submissions on law making and policy formulation. In addition to assessing the effect of legislative submissions, the Commission will increase the promotion aspects through advocacy and educational work on the implications of new legislation.

Domestication of international and regional instruments

The Commission seeks to promote compliance with international and regional obligations by calling on the State to ratify international instruments and to report on their implementation in compliance with requirements. In the 2015 to 2020 performance cycle, increasing attention will be given to monitoring the State's obligations in relation to international agreements. This will be achieved through monitoring activity reflected in various reports including national human rights reports and the Commission's state of human rights report.

Contribution to Human Rights Norms and Standards

The Commission seeks to contribute to the evolution of human rights norms and standards through the development of jurisprudence. This will be achieved through the identification of cases that warrant the attention of Courts, and that may have a significant impact on the law. Cases for consideration will be based upon existing work undertaken by the Commission.

The Commission will further engage in promoting legal literacy through public education and outreach programmes.

5.2 Organisational environment

5.2.1 Overlapping mandates

Given the limited resources available, it may be useful to identify and focus on specific areas of human rights protection, monitoring and promotion that are not covered by the mandates of any other existing Constitutional bodies. Partnerships with institutions supporting democracy would ensure greater strategic focus and prioritization of rights. These partnerships could include the establishment of a mechanism for early referrals of complaints to relevant institutions and a system of tracking and monitoring these referrals.

5.2.2 Technological implications

The SAHRC acknowledges that technological advancements can optimise internal efficiency and help a service from becoming technologically obsolete. The role of technology in operations is increasing each year. Furthermore the Commission recognises that evolving technologies to optimise internal efficiency is a great asset in management. The Commission will continuously deliberate on the use of technology to strengthen delivery on its mandate through increased use of available opportunities such as social media, short message services, video clips, and various e-platforms.

Technology and complaints management

In making use of opportunities provided by technology, there will be a need to develop technologically advanced systems to handle complaints with a view to improving efficiencies, especially focusing on turnaround times. The Commission will continuously assess systems used at various Call Centres, with a view to adopting more effective and efficient systems for its complaints handling processes.

Community access to Information and Communications Technology

The Commission's current reach to communities is concentrated in urban centres due to the location of its offices. There is a need for increased advocacy and outreach to rural and marginalised areas. Focus will be given to establishing partnerships and collaboration with stakeholders who already have existing networks in rural and peri-urban areas. The use of mobile clinics to deal with area specific complaints combined with advocacy initiatives will be explored.

Human rights and technology

The area of human rights and technology could be considered as another potential strategic focus point given its important role. Reaching the public, particularly vulnerable and at risk communities, the Commission seeks to explore the advantages presented by technology to facilitate reach, access to justice and visibility with the priority communities and the wider public. Issues of concern would include accessing public spaces and dealing with privacy concerns. A long-term initiative to be explored is the development of a Human Rights Application (App) which could be linked with the case management system. The App would be utilised by the public to access and monitor progress of their cases.

In addition, the Commission will be exploring the development of an information technology hub as a repository of critical human rights data, using as a basis available statistics stored by other institutions.

The Commission seeks to build on these statistics by linking and storing its own report findings and recommendations within an accessible hub.

5.3 The strategic planning process

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

6. Broad thematic and strategic focus areas

Broad thematic areas

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

The key issues confronting the country, and therefore the Commission, include the challenges of poverty; unemployment; inequality; as well as violence and service delivery protests. Currently more than half of our population live in poverty, and a third is unemployed. Inequality and unfair discrimination, including on the grounds of race, gender, disability and sexual orientation, remain a challenge. There are increasing incidents of violence, especially against women and children, as well as criminal activity.

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

Strategic focus areas

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

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

7. Strategic outcome oriented goals

The strategic planning process ultimately resulted in the following revised strategic outcome oriented goals that are largely based on the constitutional mandate:

Goal 1: Enhancing good governance and strengthening capacity to support delivery on the mandate.

Goal 2: Promoting respect for human rights and a culture of human rights.

Goal 3: Promoting the protection, development and attainment of human rights.

Goal 4: Monitoring and assessing the observance of human rights in the country.

The strategic outcome oriented goals and goal statements are outlined below.

Strategic Outcome Orientated Goal 1	Enhancing good governance and strengthening capacity to support delivery on the mandate
Goal Statement	The Commission will improve the effectiveness and efficiency of its systems through implementation of sound financial and asset management and administrative systems, ensuring legislative compliance, and promoting human capital development.

Strategic Outcome Orientated Goal 2	Promoting respect for human rights and a culture of human rights
Goal Statement	The Commission will engage to build consensus around human rights, promoting a commitment to the values of the Constitution, advocate and communicate to raise awareness and deepen understanding around human rights and to effect the transformation necessary for a constitutional democracy. This will be realised through a range of advocacy, media & communications approaches, tools, methods and activities.

Strategic Outcome Orientated Goal 3	Promoting the protection, development and attainment of human rights
Goal Statement	The Commission will protect and advance the realisation of human rights by taking steps to secure appropriate redress where human rights have been violated. This will entail the use of mechanisms available in terms of the South African Human Rights Commission Act, and the Commission's Complaints Handling Procedures, and other appropriate methods.

Strategic Outcome Orientated Goal 4	Monitoring and assessing the observance of human rights in the country
Goal Statement	The Commission will endeavour to be a thought-leader and influence the human rights landscape and rhetoric in South Africa through the production of research reports that capture the extent of the enjoyment of human rights in the country. This will also involve engagement with international and regional human rights mechanisms to assess and promote South Africa's compliance with obligations in this regard.

PART B: STRATEGIC OBJECTIVES

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

8. Strategic objectives and programmes

8.1 Strategic objectives

A total of four strategic objectives were developed, as follows:

Strategic Objective 1	Improve the effectiveness and efficiency of the Commission to support delivery on the mandate
Objective statements	
1.	Ensure institutional compliance with key legislative requirements
2.	Comprehensive integrated human capital management
3.	Institutional support and review of administrative systems, policies and processes
4.	Ensure effective risk management and resolution of audit findings
5.	Review and enhance the effectiveness and efficiency of governance structures
6.	Design and develop comprehensive integrated monitoring and evaluation systems and processes
Baseline	Full compliance with key legislative requirements; Development of human capital management strategy; Implementation of organisational capacity development plan; Implementation of strategic risk treatment plans; 100% execution of Internal Audit Plan; Full implementation of knowledge management plan and library maintenance; Consecutive unqualified audit opinions; Full implementation of organisational renewal plan; Revised performance management system; monitoring report on compliance with Corporate Services Charter.

Strategic Objective 2	Deepen the understanding of human rights to entrench a human rights culture
Objective statements	
1.	Effective advocacy for adoption of human rights based positions and approaches
2.	Intensify human rights and people based capacity building activities, and education and awareness raising efforts through outreach engagements at public and community levels to empower people to effectively realise their rights
3.	Ensure accessibility of human rights educational material in different formats and languages
4.	Comprehensive communications strategy including all media (print, electronic, and social media, underpinned by a functional website
5.	Effective internal institutional communications
Baseline	Conducted approximately 411 stakeholder engagements; Hosted 50 provincial public outreach engagements; Implemented 100% of advocacy and communications plan; Completed Advocacy and Communications Reports.

Strategic Objective 3	Take steps to secure appropriate redress where human rights have been violated
Objective statements	
1.	Responsive to human rights concerns
2.	Conduct legal investigations in terms of SAHRC Complaints Handling Procedures
3.	Make use of alternative dispute resolution mechanisms
4.	Institute proceedings in courts and / or tribunals
5.	Conduct research and analysis on human rights complaints and trends
6.	Conduct and report on investigative hearings to deal with systemic human rights challenges
Baseline	Completed annual complaints trends analysis reports; Instituted strategic impact litigation cases; and finalised on average 89% of cases; Hosted investigative hearings.

Strategic Objective 4	Conduct research to monitor, assess and report on the observance of human rights
Objective statements	
1.	Monitor and report on compliance with the constitution on economic and social rights, in particular the measures taken by the state towards the realisation of economic and social rights
2.	Monitor and report on compliance with the Promotion of Equality and Prevention of Unfair Discrimination Act
3.	Monitor and report on compliance with the Promotion of Access to Information Act
4.	Monitor and report on compliance with international and regional human rights treaties
5.	Monitor legislative development and undertake legislative review
Baseline	Completed Economic and Social Rights Reports and Research Briefs; Completed annual Equality Reports; Completed Civil and Political Rights Report; Completed annual International and Regional Human Rights Reports; Submitted National Human Rights Institution reports to supranational bodies; Submitted PAIA Annual Reports to Parliament; Made submissions on relevant draft legislation.

8.2 Programmes

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

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

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

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 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.

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.

8.3 Resource considerations

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

a) Financial resources

The Commission receives its funding from transfers from the Department of Justice and Constitutional Development. During the current strategic planning period, 2015–2020, the transfers are expected to increase from R128,1 million in 2014/2015 to R178,8 million in 2018/2019, at an average annual rate of approximately 10%. Total expenditure is expected to similarly increase, with key cost drivers including personnel expenditure, rent, goods and services.

b) Human resources

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

8.4 Risk management

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

Strategic objective 1: Improve the effectiveness and efficiency of the Commission to support delivery on the mandate

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

Strategic objective 2: Deepen the understanding of human rights to entrench a human rights culture

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

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

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

Strategic objective 4: Conduct research to monitor and assess observance of human rights in the country

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

PART C: LINKS TO OTHER PLANS

9. Links to other plans

The National Treasury Framework for strategic plans and annual Performance Plans requires institutions to indicate the links of their annual plan with other plans, such as the long-term infrastructure and other capital plans; conditional grants; public entities; and public-private partnerships. It must be noted that the SAHRC did not have such links at the time of concluding its strategic plan and annual performance plan.

