



**SUMMARY OF THE 2011/12 ANNUAL REPORT  
AND 2012/13 PERFORMANCE REPORT TO THE  
PORTFOLIO COMMITTEE ON JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT**

**10 OCTOBER 2012**

## TABLE OF CONTENTS

### Part 1: Summary of the 2011/12 Annual Report

---

<b>1.1</b>	<b>INTRODUCTION</b> .....	<b>4</b>
<b>1.2</b>	<b>NON-FINANCIAL PERFORMANCE OVERVIEW</b> .....	<b>5</b>
1.2.1	REALISATION OF STRATEGIC OBJECTIVES .....	7
1.2.2	LEGAL STATISTICS.....	10
1.2.3	NOTEWORTHY CASES.....	<b>ERROR! BOOKMARK NOT DEFINED.</b>
1.2.4	INTERNATIONAL AND REGIONAL OBLIGATIONS.....	13
<b>1.3</b>	<b>FINANCIAL PERFORMANCE OVERVIEW</b> .....	<b>16</b>
<b>1.4</b>	<b>AUDITOR GENERAL AUDIT FINDINGS</b> .....	<b>18</b>
1.4.1	AUDIT ISSUES RELATING TO 2010/11 FINANCIAL YEAR .....	18
1.4.2	THE 2011/12 AUDITOR GENERAL'S REPORT .....	19

### Part 2: Submission in terms of Section 5 of the Money Bills Procedure and Related Matters Act

---

<b>2.1</b>	<b>SUMMARY OF THE PROPOSED BUDGET</b> .....	<b>22</b>
<b>2.2</b>	<b>DETAILED MOTIVATION FOR ADDITIONAL FUNDING</b> .....	<b>25</b>
2.2.1	ENHANCING LEGAL SERVICES CAPACITY .....	25
2.2.2	CAPACITY BUILDING PROPOSAL .....	26
2.2.3	PROCUREMENT OF EXPERIENCED LEGAL EXPERTISE FOR LITIGATION OF COMPLAINTS.....	27
2.2.4	REVAMPING THE COMMISSION'S COMPLAINTS MANAGEMENT SYSTEM .....	28
2.2.5	SETTING UP A CALL CENTRE FOR COMPLAINTS PROCESSING .....	28
2.2.6	DEVELOPING ADVOCACY AND RESEARCH CAPACITY .....	28
2.2.7	RESEARCH REPORTS .....	29
2.2.8	PROMOTION OF ACCESS TO INFORMATION ACT (PAIA).....	30
2.2.9	IT INFRASTRUCTURE.....	31
<b>2.3</b>	<b>PROPOSAL FOR LONG TERM SAVINGS</b> .....	<b>32</b>

### Part 3: Performance overview for 2012/13

---

<b>3.1</b>	<b>NON-FINANCIAL PERFORMANCE OVERVIEW FOR 2012/13</b> .....	<b>33</b>
------------	---	-----------

3.1.1	ACHIEVEMENT OF TARGETS BY STRATEGIC OBJECTIVE.....	33
3.1.2	LEGAL STATISTICS FOR 2012/13.....	34
3.1.3	INTERNATIONAL AND REGIONAL HUMAN RIGHTS OBLIGATIONS.....	36
<b>3.2</b>	<b>FINANCIAL PERFORMANCE OVERVIEW FOR 2012/13.....</b>	<b>37</b>

# Part 1: Summary of the 2011/12 Annual Report

---

## 1.1 INTRODUCTION

The performance of the South African Human Rights Commission (SAHRC) has been on the rising trend over the last three years, improving from 52% achievement of targets in 2009/10, to 89% in the last financial year, 2011/12. Improvements and satisfactory progress in non-financial and financial performance, as well as governance arrangements have been endorsed by the Auditor General's opinion of a 3<sup>rd</sup> consecutive clean audit for the 2011/12 financial year.

It is worth noting that the Commission's performance in the last few years should be viewed within the context of the global financial crises, which negatively impacts on institutional delivery; the proliferation of service delivery protests for socio-economic rights, especially at local government level; and internal administrative and governance stimulus to reposition the Commission as the centre of excellence in promoting and protecting human rights. The demand for government to deliver on its promises has grown, along with concerns that resources be used effectively and efficiently to achieve developmental objectives, thus upholding constitutional rights for the nation.

The effect of the global financial crises on the SAHRC has been manifest in the Portfolio Committee on Justice and Constitutional Development noting to the National Assembly on 26 October 2010, that the Commission was generally under-funded. An assessment of the institution's baselines over the past financial years also indicates that the financial resources are insufficient to meet all of the SAHRC's constitutional obligations. Despite this realisation, the National Treasury could not grant the requested additional amount of approximately R18.9 million for the 2011/12 financial year.

The Commission has addressed socio-economic rights issues, which have often resulted in service delivery protests. Some of the noteworthy cases that were attended to in this regard are presented in this report.

In ensuring excellence, the Commission implemented strategic and operational institutional restructuring initiatives. This meant rearranging the organisational structure to relate directly to the core mandate of the Commission; development and implementation of organisational performance management framework for integrated planning, budgeting, reporting, and monitoring and evaluation; the development of governance, monitoring and accountability mechanisms; and the electronic case management system, with demonstrated positive impact on intended

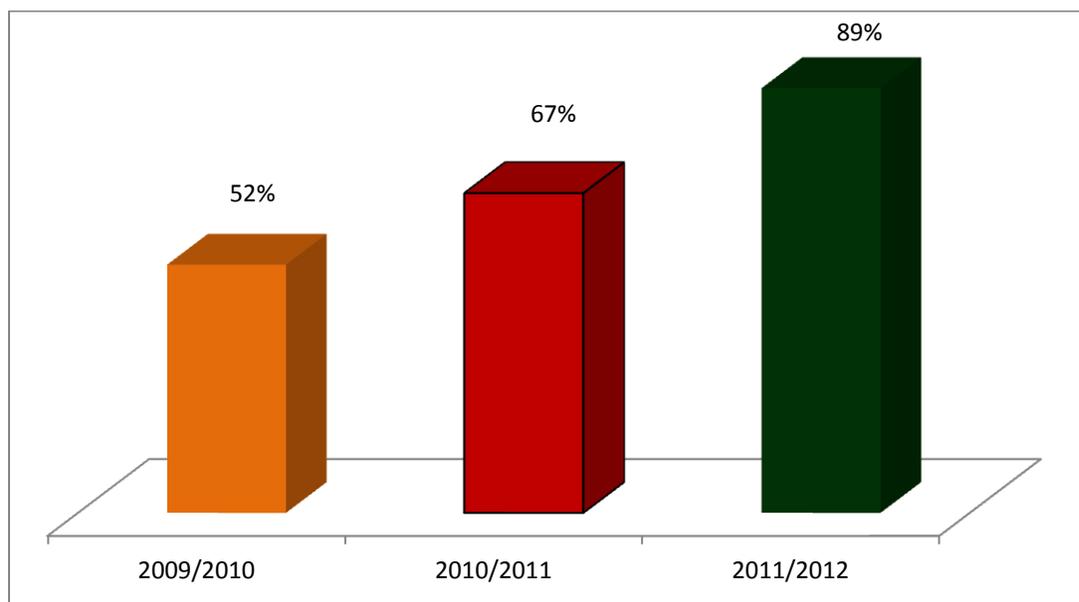
outcomes. Early indications of the restructuring initiative reveal rising strength in the Commission's orientation, capacity, monitoring and governance obligations and responsibilities.

This report presents the SAHRC's performance outlook, with specific focus on the financial year 2011/12, as well as the period April to June 2012. The former is contained in the Annual Report that has been prepared in accordance with Section 40 of the Public Finance Management Act, No. 1 of 1999. The 2011/12 Annual Report represents the state of affairs of the SAHRC, performance against pre-determined objectives, as well as the financial position during the relevant period. The period April to June 2012 reflects on the Commission's performance during the 1<sup>st</sup> quarter of the 2012/13 financial year, to give an updated state of affairs in this regard.

## **1.2 NON-FINANCIAL PERFORMANCE OVERVIEW**

The Commission's performance has been analysed according to the extent to which it has achieved planned targets towards the realisation of strategic objectives and outcome-oriented goals. As indicated in 1 above, the performance of the Commission has been on the rising trend over the last couple of years. Figure 1 shows the extent to which performance targets have been achieved between 2009/10 and 2011/12, with 37% improvement from 52% to 89%.

**Figure 1: Year-on-Year comparison of performance targets achieved**



In this report, attention is drawn to the last financial year, 2011/12, with achievement of targets at 89%. A summary of performance is presented according to the strategic objectives, which are intended to contribute to the realisation of the Commission's mandate. These strategic objectives are:

- Strategic Objective 1: Promote compliance with international obligations
- Strategic Objective 2: Position the Commission as the focal point for human rights in South Africa
- Strategic Objective 3: Strengthen advocacy and human rights awareness raising
- Strategic Objective 4: Advance the realisation of human rights
- Strategic Objective 5: Advance the right to equality and the right of access to information
- Strategic Objective 6: Optimise the effectiveness and efficiency of the Commission

Realisation of the strategic objectives is pursued through three broad categories with various units as follows:

- Promotion and Protection of Human Rights, comprising of Commissioner's Programme; Legal Services; Human Rights Advocacy; and Strategic Support and Governance units.
- Research, Monitoring and Reporting, consisting of Research, Parliamentary and International Affairs; and Promotion of Access to Information units.
- Administration consists of support units such as Finance; Corporate Services; and Internal Audit.

## 1.2.1 Realisation of Strategic Objectives

The achievement of targets towards the realisation of strategic objectives during 2011/12 financial year is recorded at 89%. This is attributed to full achievement of targets on the objectives of promoting compliance with international obligations, positioning the Commission as focal point for Human Rights, and advancing equality and access to information. Table 1 indicates the extent to which targets have been achieved on all the identified objectives.

**Table 1: Achievement of targets towards realising strategic objectives**

	<b>Strategic Objective</b>	<b>Number of targets</b>	<b>Achievement of targets</b>
1.	Compliance with international obligations	7	7 (100%)
2.	Focal point for Human Rights	8	8 (100%)
3.	Advocacy and awareness	4	3 (75%)
4.	Realisation of Human Rights	3	2 (67%)
5.	Equality and access to information	4	4 (100%)
6.	Efficiency and effectiveness	48	42 (88%)
<b>Total</b>		<b>74</b>	<b>66 (89%)</b>

The targets for advocacy and awareness; realisation of human rights; and efficiency and effectiveness were not completely realised. There were various reasons for under-achievement in these areas, including:

- Human resource constraints impacted on the ability to deliver advocacy training materials
- Delayed responses from relevant government departments on the Economic and Social Rights Report
- Recruitment into revised structure, following organisational restructuring, continues into the next annual cycle
- Implementation of the electronic complaint processing system upgrade is due for completion in 2012/13 financial year
- Turnaround times for some of the complaints naturally fall outside of the current financial year
- Due to revisions in the complaints handling process, some processes went beyond targeted timeframes

a) ***Promote compliance with international obligations***

The Commissioners represented the Commission in eleven (11) international and nine (9) regional platforms, and hosted six (6) briefings in six (6) provinces. This interaction served to ensure that the Commission honours its local, regional and international accountability and compliance obligations. To this end, the Commissioners participated in several international activities, including hosting of Section 5 Committee meetings and chairing the 8<sup>th</sup> Biennial Network of African National Human Rights Institutions (NANHRI) Conference.

Also critical to the realisation of this strategic objective has been the outstanding and supportive work provided by the operational units, 'Parliamentary & International Affairs, Research and Legal Services'. Key highlights in this regard include the development of the 2011 International Compliance Report; input to the United Nation's Population Fund (UNFPA) Reproductive Rights Manual for National Human Rights Institutions (NHRIs); submission of NHRIs Report to the Human Rights Council; and input to UN Special Rapporteur's Report on the Right to Food in South Africa.

b) ***Position the Commission as the focal point for Human Rights in South Africa***

The Commission embarked on media and stakeholder engagement, while also increasing responsiveness to individuals. The Commission finalised 87% of the total caseload, which includes complaints and enquiries dealt with. Improvements in case handling imply better case management, and encourage reporting and monitoring of human rights observance or lack thereof. The support and functioning of the Office of the Commissioners, Legal Services, and Communications units has been critical to the realisation of this strategic objective.

Some of the key highlights included the drafting of the Human Rights Act Amendment Bill; submissions on the Traditional Courts Bill, Protection of Information Bill, Independent Police Investigative Directorate (IPID) Bill, and Basic Education Laws Amendment Bill.

c) ***Strengthen advocacy and Human Rights awareness raising***

While performance on this objective has been fairly satisfactory at 75%, there were resource challenges to full achievement of targets. This relates to human resources constraints in delivering training material on advocacy and raising awareness.

Nevertheless, the Commission established a funding partnership with the United Nations High Commissioner for Human Rights (UNHCR) on "Anti-discrimination and Equality"; collaborative partnership with the Foundation for Human Rights (FHR)-University of Pretoria-UNHCR and Department of Justice and Constitutional Development.

Furthermore, it initiated several outreach initiatives and local stakeholder engagements to strengthen advocacy and raise human rights awareness.

d) ***Advance the realisation of Human Rights***

The efforts to evaluate and report on the progressive realisation of, particularly economic and social rights have been an area of lowest achievement for the Commission. This was mainly due to poor response from relevant government departments to requests for information. Thus, it adversely impacted on the implementation of some of the Human Rights Matrix provisions.

Despite the challenges experienced, the Commission developed reports on the “Right to Equality, Economic & Social Rights”, as well as “Water & Sanitation”.

e) ***Advance the right to equality and the right of access to information***

There was full achievement of targets on the advancement of equality and access to information rights. The work of the “Promotion of Access to Information” and “Parliamentary and International Affairs” units has been invaluable in this regard. Key highlights in this regard include hosting of Information Officers’ Forums; tabling of the Promotion of Access to Information Act (PAIA) Report to Parliament; and on-going monitoring of compliance with the Act.

f) ***Optimise the effectiveness and efficiency of the Commission***

The Commission’s effectiveness and efficiency are evident in the overall attainment of targets, recorded at 89% for the period under review. Specific improvements and achievements, such as the complaints finalisation rate and submission of several bills, also attest to effectiveness and efficiency.

Despite the fairly high achievement rate of targets in this regard, certain areas of improvement were identified. These relate to implementation of a Human Resource Plan, as recruitment continues into the next annual cycle; gradual implementation of an electronic case processing system, which affected generation of quarterly trends reports; and limited assessment of recommendations made to organs of state.

## 1.2.2 Legal Statistics

The legal statistics are integral to the Commission's core mandate of promoting and protecting human rights. The extent to which legal complaints are finalised reflects on the effectiveness and efficiency of the institution in realising this mandate. The period under review has seen improvements in the finalisation of complaint cases, with 87% of cases finalised, compared with 72% in the previous financial year. Finalised cases include rejected, referred, resolved, and closed cases, as well as once off enquiries. Table 2 indicates year-on-year comparison for the past three years, while Table 3 provides a breakdown of the complaints caseload by province.

**Table 2: Year-on-year case finalisation comparison**

Year	Caseload (enquiries and complaints)	Finalised cases	Percentage finalised
2009/2010	10785	8325	77%
2010/2011	10370	7499	72%
2011/2012	<b>11363</b>	<b>9851</b>	<b>87%</b>

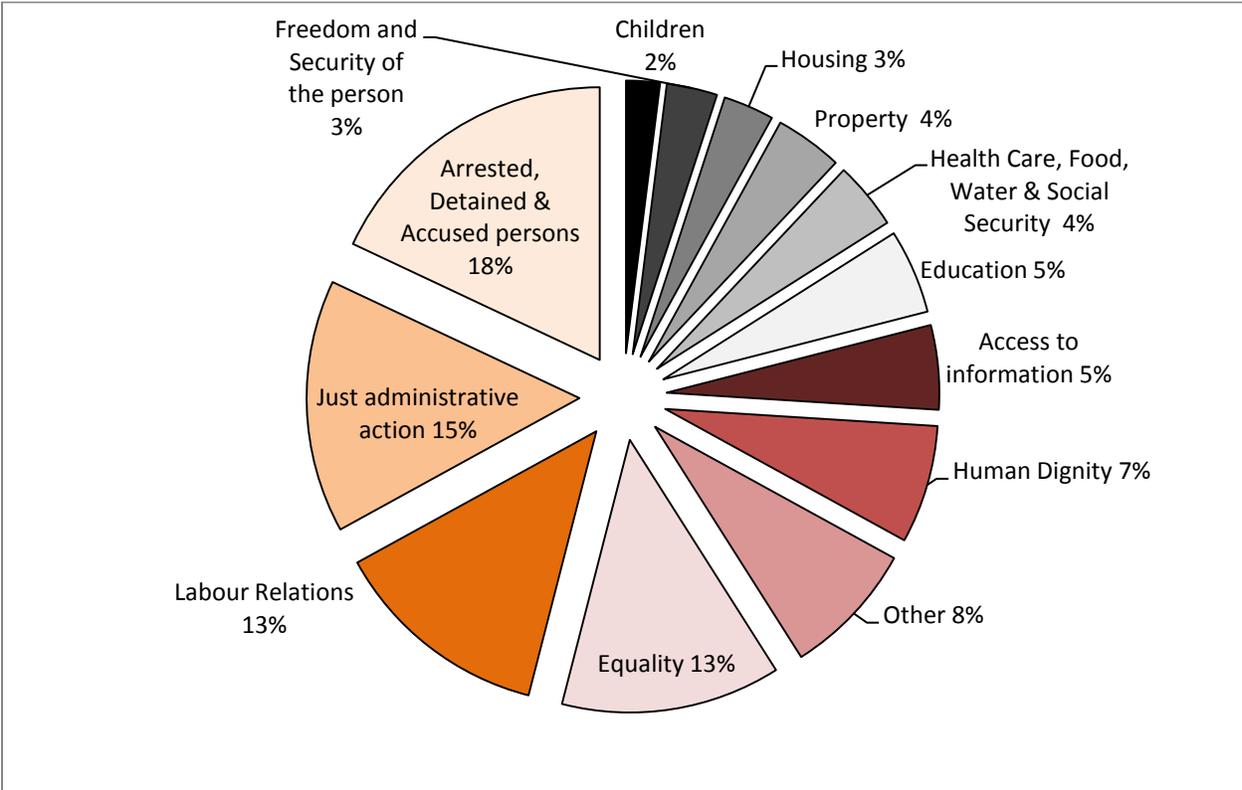
The North West province had finalised the least proportion of cases. The rest of the provinces each had above 70% of their cases finalised. This is primarily due to ongoing capacity challenges in the North West province and the difficulty in finding suitably qualified candidates to manage legal complaints.

**Table 3: Complaints caseload by office**

Province	Total Caseload	Finalised	Percentage finalised
Eastern Cape	676	584	86%
Free State*	2926	2832	97%
Gauteng	1948	1378	71%
Head Office	99	78	79%
KwaZulu-Natal	1435	1314	92%
Limpopo	459	410	89%
Mpumalanga	273	214	78%
Northern Cape	1370	1366	99.7%
North West	543	217	40%
Western Cape	1634	1458	89%
<b>TOTAL</b>	<b>11363</b>	<b>9851</b>	<b>87%</b>

The nature of the complaints received in 2011/12 varies across a range of Constitutional Rights, as depicted in Figure 2. More than half (59%) of the total complaints relate to the categories of arrested, detained and accused persons, just administrative action, labour relations, and equality. The Commission will pay particular attention to the kinds of issues raised in each of these categories to better understand why these are of great concern to communities.

**Figure 2: Nature of complaints as % of total**



The primary reason for the high number of cases falling within the categories of arrested, detained and accused persons (18%), just administrative action (15%) and labour relations (13%), is due to the clearing out of backlog cases that had either been incorrectly handled by the Commission or had not been properly referred to the appropriate institution. These figures therefore do not provide an accurate picture of the human rights violations currently being handled by the Commission.

As the backlog cases are being prioritised, a clearer picture will emerge over the next two financial years about the types of matters actually being dealt with by the Commission. Despite the current challenges with the statistics, it has become quite apparent that equality related matters remain the primary human rights violation being dealt with by the Commission. Within the equality category, racism remains the number one complaint.

### 1.2.3 Noteworthy cases

Some noteworthy cases dealt with across the country during the period under review are highlighted below. The cases involved complaints lodged against municipalities, academic institutions, government departments, corporate bodies and individuals, as a result of violations of the right to life, education, basic services, equality, human dignity, freedom of expression, children's rights, administrative action, and equality on the grounds of race. These cases were mainly concentrated in the provinces of Gauteng (4), Free State (2), North West (3) and Western Cape (3). Fairly satisfactory progress was made in dealing with these cases, as six (6) were finalised, two (2) pending Constitutional Court decision, two (2) referred to the Equality Court, one (1) before the High Court on Review, and another awaiting report from the Department of Health (North West). A summary of the cases is provided in Table 4:

**Table 4: Summary of noteworthy cases**

<b>Classification of Rights Violated</b>	<b>Nature of Issue</b>	<b>Status of Case / Complaint as at 31 March 2012</b>
<b>Right to Life, Children's Rights and Human Dignity</b>	<b>North West-Case:</b> Hunger death case <b>Complainant:</b> Mmupele Family	In-process, SAHRC finalising its draft report on its preliminary findings.
<b>Equality and Freedom of Expression</b>	<b>Gauteng-Case:</b> Anti-Jewish hate speech <b>Complainant:</b> SAJBD <b>Respondent:</b> J Masuku (COSATU)	Referral to Equality Court for hearings.
	<b>Gauteng-Case:</b> "Kill the boer"/BBC journalist cases <b>Complainant:</b> Afriforum <b>Respondent:</b> J Malema	Provisionally finalised pending Constitutional Court decision on the constitutionality of Sec.10 of PEPUDA
<b>Right to Administrative Action</b>	<b>Gauteng-Case:</b> Elderly Persons <b>Complainant :</b> P Jacobs <b>Respondent:</b> Thornhill Retirement Village	Finalised.

Classification of Rights Violated	Nature of Issue	Status of Case / Complaint as at 31 March 2012
<b>Right to Education</b>	<b>Free State-Case:</b> Pregnant learners  <b>Complainant:</b> <b>Respondent:</b> Free State Harmony & Welkom High Schools	Finalised and learners went back to school.
<b>Equality and Human Dignity</b>	<b>Western Cape-Case:</b> Toilet Case against WC in Makhaza  <b>Complainant:</b> African National Congress Youth League on behalf of residents of Makhaza <b>Respondent:</b> City of Cape Town	Implementing of High Court Findings by City of Cape Town.
	<b>Western Cape-Case:</b> Middle-finger gesturing case: Maxwele in Cape Town  <b>Complainant:</b> FW de Klerk Foundation on behalf of Mr Chumani Maxwele  <b>Respondent:</b> Minister of Police	Finalised and monitoring implementation.
	<b>Free State- Case:</b> Toilet Case  <b>Complainant:</b> Rammolutsi Village <b>Respondent:</b> Free State Maqhaka Municipality	The matter is before SG High Court on review & SAHRC opposes the review.
<b>Equality and Racism/ Violation of Equality on the Grounds of Race</b>	<b>Western Cape- Case:</b> Affirmative Action  <b>Complainant:</b> Mr James Jenö <b>Respondent:</b> UCT Medical School	Finalised and no violation of rights to education or Constitution.
	<b>Gauteng-Case:</b> Land Restitution-"Some evil farmers"  <b>Complainant:</b> AgriSA <b>Respondent:</b> Minister of Human Settlements	Finalised-acceptance of findings & recommendations of SAHRC
<b>Right to Basic Services: Access to Water; Health Care &amp; Right to Privacy</b>	<b>North West- Case:</b> Access to Water <b>Complainant:</b> Suiwerbult Community	Finalised and water is delivered to Suiwerbult Community
	<b>North West- Case :</b> Forced HIV Testing <b>Complainant:</b> Klipgat Clinic	Awaiting report from Dept of Health (NW).

#### 1.2.4 International and regional obligations

As at the end of 2011/12, South Africa had obligations in respect of twelve human rights instruments (international protocols, treaties, conventions and charters) that are within the Commission's mandate. The Commission has been alarmed by the country's shortcoming in meeting these international and regional obligations. The international

protocol register indicates that South Africa, as at March 2012, had not reported on implementation of seven (7) protocols, whilst ratification of four (4) was overdue. Tables 5 and 6, respectively, present summaries of the international and regional obligations.

**Table 5: Summary of international obligations**

	<b>Treaty Body</b>	<b>Ratification</b>	<b>Reports</b>	<b>Reports outstanding</b>
<b>I N T E R N A T I O N A L</b>	International Covenant on Civil and Political Rights (ICCPR) 1966	SA ratified on 10 December 1998	No reports submitted.	<b>Initial report overdue since March 2000.</b>
	International Covenant on Economic Social and Cultural Rights (ICESCR) 1966 Optional Protocol to ICESCR (OPCESCR) 2008	SA signed on 4 October 1994. <b>SA has not ratified this Covenant.</b>	n/a The OPCESCR opened for signature on 24 September 2009. There are currently 40 State Parties who have signed and eight States Parties who have either ratified, acceded to or succeeded to the Covenant. 10 ratifications are needed for the coming into force of the OPCESCR.	
	International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966	SA signed on 3 October 1994 and ratified on 10 December 1998	South Africa submitted its 1 <sup>st</sup> and all outstanding reports in 2004. SA appeared before the Committee in August 2006.	<b>4<sup>th</sup> to 6<sup>th</sup> combined reports overdue; 7<sup>th</sup> report due in 2012.</b>
	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979	SA signed on 29 January 1993 and ratified on 15 December 1995.	SA submitted its combined 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> reports to the CEDAW committee in 2011. SA appeared before the Committee in January 2011.	<b>Follow-up report due in February 2013; 5<sup>th</sup> and 6<sup>th</sup> combined report due in February 2015.</b>
	Convention Against Torture and other Cruel Inhuman or Degrading Treatment (CAT) 1984 Optional Protocol to the Convention against Torture (OPCAT)	SA signed on 29 January 1993 and ratified on 10 December 1998. <b>SA signed 20 September 2006 but is yet to ratify.</b>	SA appeared before the Committee in November 2006. Optional Protocol entered into force on 22 June 2006.	<b>Follow-up report overdue; 2<sup>nd</sup> and 3<sup>rd</sup> combined report overdue; 4<sup>th</sup> report due in 2013.</b>
	Convention on the Rights of the Child (CRC) 1989 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), 25 May 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), 25 May 2000	SA signed on 29 January and ratified 16 June 1995. Optional Protocol entered into force on 18 January 2002. South Africa acceded to this protocol on 30 June 2003.  Optional Protocol entered into force on 12 February 2002. SA signed the Protocol on 8 February 2002 and ratified the Protocol on 24 September 2009.	South Africa presented its initial report to the Committee in December 1997 and appeared before the Committee in January 2000.  SA initial report due in October 2011 is overdue.	<b>2<sup>nd</sup> and 3<sup>rd</sup> report overdue; 4<sup>th</sup> report due in July 2012. Initial report overdue since July 2005. Initial report now overdue since October 2011.</b>

	Convention on the Rights of Persons with Disabilities (CRPD) 2006	SA signed 30 March 2007 and ratified 30 November 2007.	Convention entered into force on 3 May 2008.	<b>Initial report overdue since May 2010.</b>
	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).	<b>SA has not signed or ratified.</b>	Convention entered into force in 2003. Currently 34 signatories and 45 States Parties who have either ratified, acceded to or succeeded to the Convention.	
	International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) 2006	<b>SA has not signed or ratified.</b>	Convention opened for signature on 6 February 2007 and entered into force with the 20 <sup>th</sup> ratification in December 2010. Currently 91 signatories and 32 States Parties who have either ratified, acceded to or succeeded to the Convention.	

**Table 6: Summary of regional obligations**

	Treaty body	Ratification	Reports	Reports outstanding
<b>R E G I O N A L</b>	African Charter on Human and People's Rights (ACHPR) 1981	SA acceded to Charter 9 July 1996.	Reports due every two years. Initial report submitted October 1998 and 2 <sup>nd</sup> report May 2005 combining 3 <sup>rd</sup> and 4 <sup>th</sup> reports, considered December 2005.	<b>Combined 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> periodic reports are now due.</b>
	African Charter on the Rights and Welfare of the Child (ACRWC) 1990	SA signed 10 October 1997 and ratified 7 January 2000.	Initial report due within 2 years and every 3 years thereafter. The Committee only began reviewing State Parties Report in May 2008.	<b>Initial, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> reports are due.</b>
	Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (also known as the Maputo Protocol)	SA signed 16 March 2004 and ratified 17 December 2004.	<b>SA to report on the Optional Protocol in its report on the African section 32.</b>	

The Commission consulted with the Presidency, the Department of Monitoring and Evaluation and the Department of International Relations and Cooperation to allay the concerns regarding the country's obligations. An agreement was reached for the DIRCO to conduct an audit of regional and international conventions and treaties, as well as develop a monitoring and reporting schedule to promote accountability in relation to the obligations. While this report was produced on 31 August 2012, the report is far from satisfactory and the Commission's concerns have been raised with DIRCO.

### 1.3 FINANCIAL PERFORMANCE OVERVIEW

This section presents a summary of the Commission's outstanding and improved financial performance for the financial year ended 31 March 2012. It highlights the key features that directly and significantly contributed to the achievement of the 2011/12 results.

#### a) **Financial review**

The results achieved by SAHRC is a clear indication of the improved performance for the year ended 31 March 2012, the following are some of the results key features.

#### b) **Revenue**

The Commission's revenue consists largely of allocation through the Department of Justice and Constitutional Development from the National Treasury budget allocation.

##### o Budget allocation

The Commission's budget allocation was increased from R74 million in the previous financial period to R 89 million in the current reporting year which represents a marginal increase of 20%. This increase consists of the following items:

- ✓ Additional funding of R 707 000 for the increase in the employees annual salary increment from the 5.5% budgeted increase against the 7.5% negotiated through the bargaining council.
  - ✓ The Commission through its ENE submission during December 2011, for the under-funding in the area of office administration for some of its provincial offices. An amount of R1.2 million was allocated for the year under review.
  - ✓ Additional funding of R3million for the Legal Services business unit to beef up the complaints management system and processes.
- o Interest received from Call Account deposit increased by 28% for the current year increasing from R259 000 in 2011 to R 331 000 in 2012. This was made possible through improved cashflow management processes in the organisation.

c) **Expenditure**

Total expenditure for the year under review increased by 21% compared with the previous year. The increase is directly attributed to the following:

- Settlement of the IDASA liability of R1.2 million which was in the previous year disclosed as contingent liability
- Implementation of the restructuring process, in which the Commission paid out a total of R 4 million in voluntary severance packages.

d) **Reconciliation between budget and financial performance**

Although the statement of financial performance reports a deficit/loss of R 1.6 million, the reconciliation of the budget allocation against the actual expenditure incurred indicates the surplus of R 1.4 million. This is as a result of the non-cash items that are included in the statement of financial performance, such as depreciation (R 2.8 million) etc.

e) **Financial position and cashflow**

The cash generated by operations (mainly budget allocation and interest income) amounted to R90 million. The increase in property plant and equipment includes investment in the systems for both operations (complaints handling systems) and support services (financial system) in order to manage the Commission's operations and the continued investment in system will be rolled-out in the next financial year.

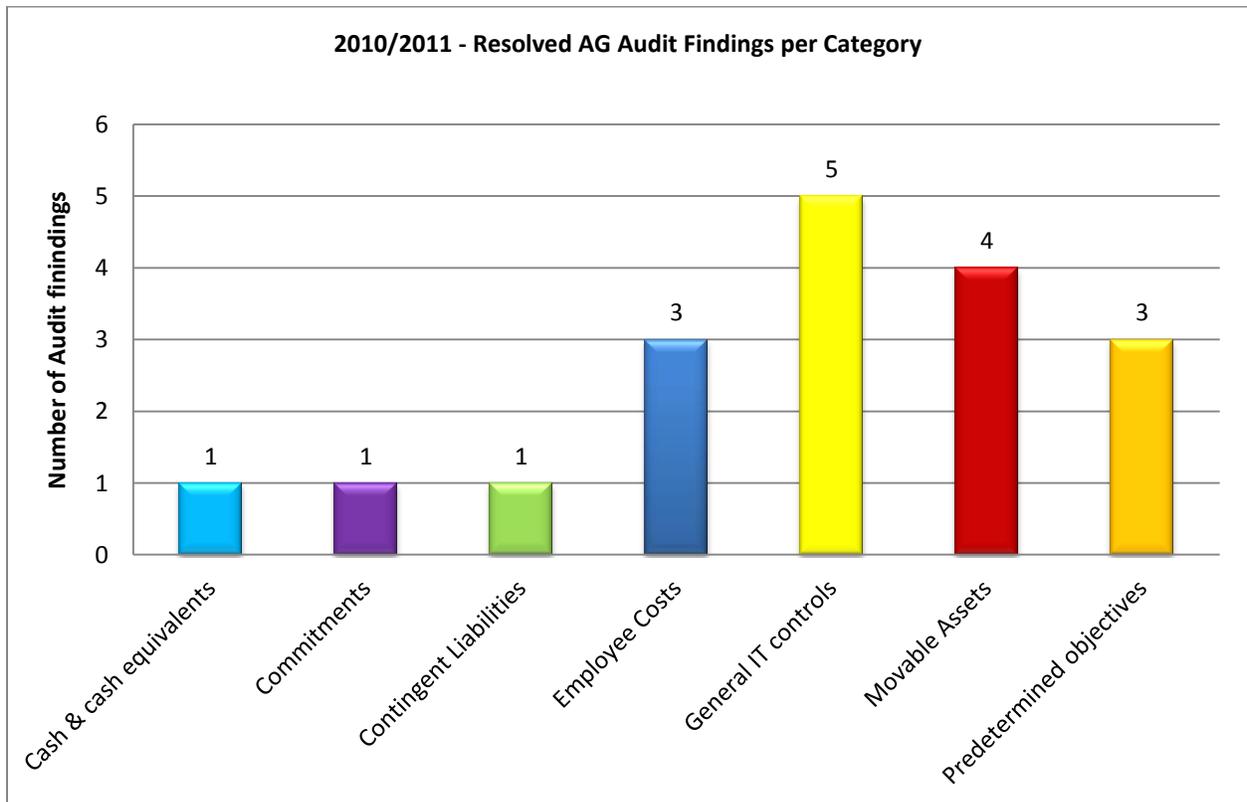
The strong financial position of the organisation is better reflected in the gearing and acid test ratio of 1:1.4, resulting in assets exceeding the liabilities by R 3.7 million.

## 1.4 AUDITOR GENERAL AUDIT FINDINGS

### 1.4.1 Audit issues relating to 2010/11 financial year

The Auditor General issued the Commission a third consecutive clean audit opinion for the 2011/12 financial year. In addition to the audit aspects considered for the same year, the Commission also dealt with audit findings arising from the previous financial year, during which the Auditor General raised 24 significant audit findings. In the last financial year, 75% of these audit findings were resolved. The main categories of the resolved findings are indicated in Figure 3.

Figure 3: 2010-11 resolved Audit Findings by category



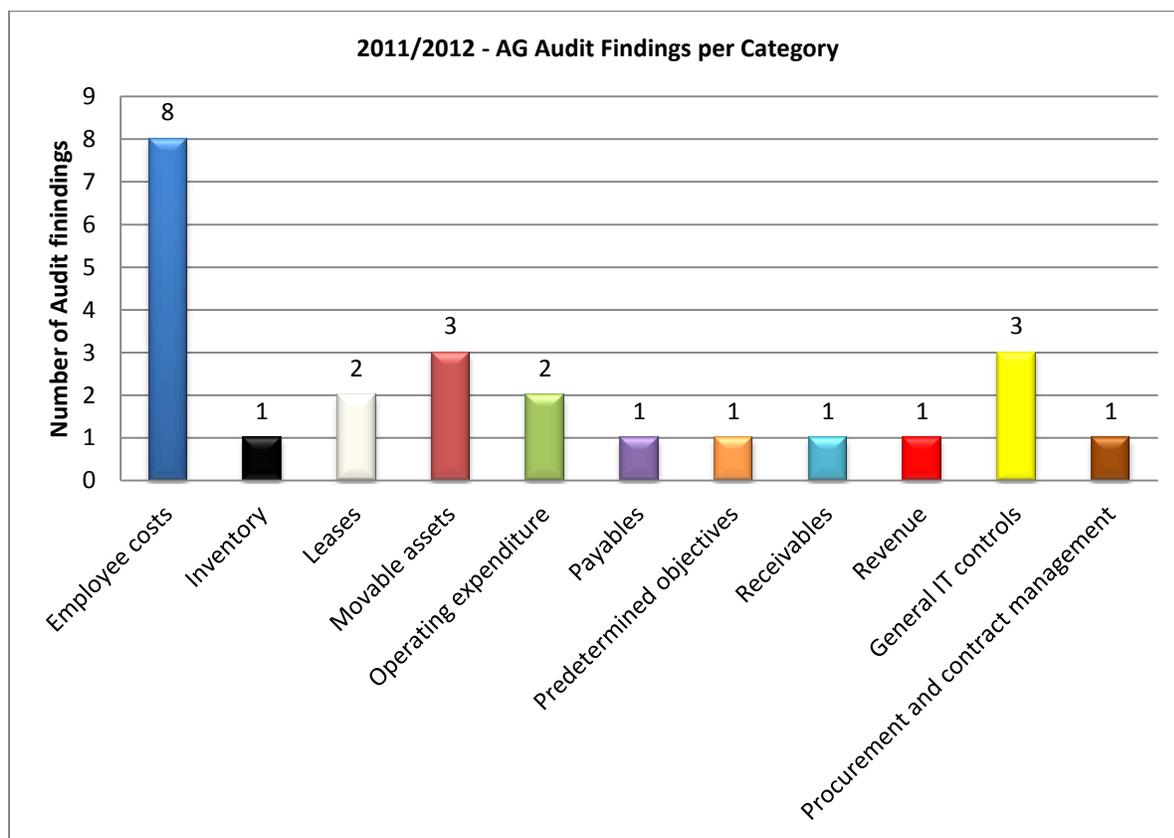
The Internal Audit function of the Commission is following up on the status of the remaining audit findings, which include:

- No tax clearance certificate for one selected service provider
- Human resource and finance system
- Key positions have not been filled
- Outdated credit card policy
- Reconciliation of inventory
- Four moveable assets, to the value of R1 650 could not be traced to the assets register, resulting in an error rate of 18%

#### **1.4.2 The 2011/12 Auditor General's Report**

The Auditor General issued the final Audit Report on the 01 August 2012, in which 24 audit findings are raised, as reflected in Figure 4. The highest number of findings relates to employee costs. The Commission is in the process of developing an action plan to address the audit findings reported.

Figure 4: 2011-12 Audit Findings by category



Several issues were raised in relation to employee costs, moveable assets and general IT controls:

### **Employee costs**

- No evidence of review and authorisation of acting allowance calculations
- One delegated official authorised payments
- Acting period exceeding 12 months
- Employees no longer employed by the Commission are not removed from payroll system
- Employees whose services were terminated in the prior year still appear in the payroll
- Employee and HR Practitioner / HR Officer did not sign leave forms
- Leave forms could not be found in employee files
- Vacant post not filled within the period of 12 months

### **Moveable Assets**

- Asset transfer form not completed in full
- Assets not bar-coded
- Asset balance per the fixed asset register does not agree to the trial balance

### **General IT Controls**

- User access management controls not adequately designed on Pastel
- A process for the reviews of the system administrator activities was not adequately implemented on Pastel.
- A process for the reviews of the users' access rights was not adequately implemented

## Part 2: Submission in terms of Section 5 of the Money Bills Procedure and Related Matters Act

---

Section 5(3) of the Money Bills Procedure and Related Matters Act states that Parliament needs to produce a budgetary review and recommendation report that covers the following areas:

- (a) an assessment of the Commission's service delivery performance given available resources
- (b) the effectiveness and efficiency of the use and forward allocation of available resources
- (c) may include recommendations on the forward use of resources

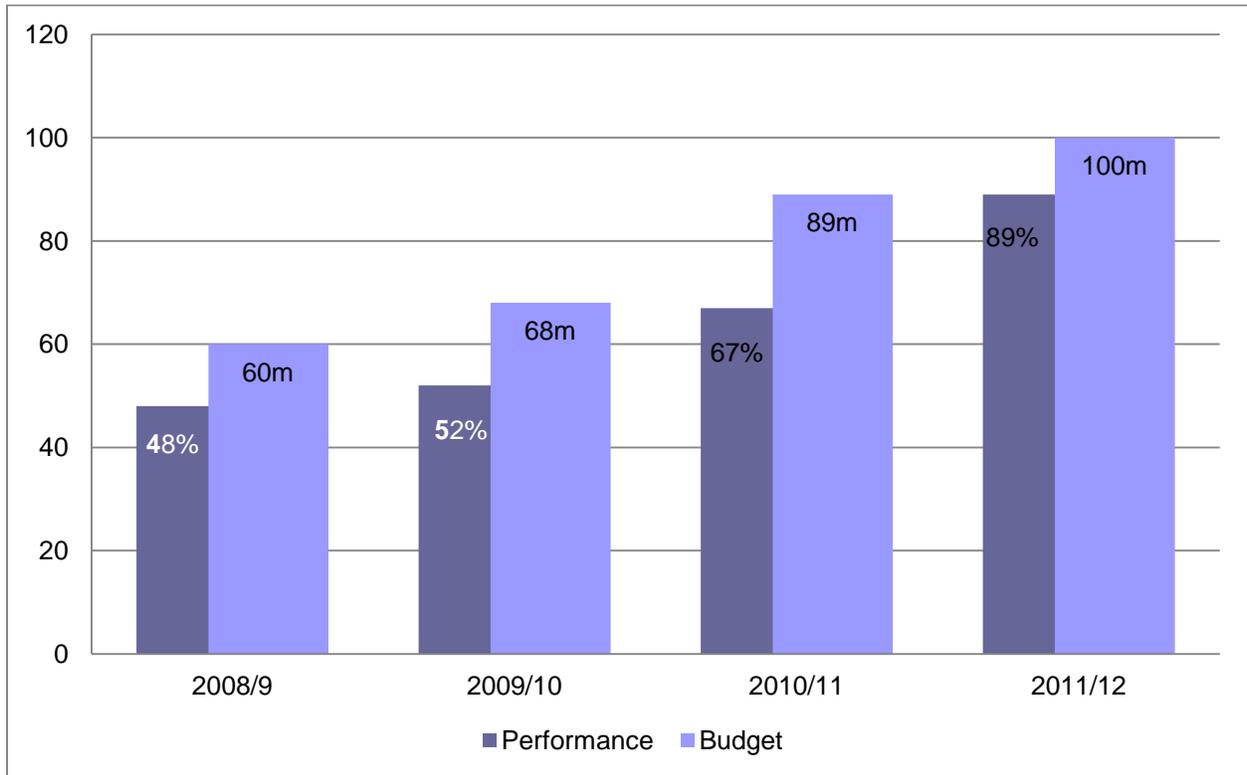
Information pertaining to parts (a) and (b) of Parliament's report can be found in Part 1 of this summary document which highlights the improvement in performance from 52% to 67% and 89% over the course of the last three financial years. The effectiveness and efficiency of the use of resources is also reflected in the Commission's audit reports for the past three financial years which expresses a clean audit opinion with no emphasis of matter.

Consequently, in order to assist Parliament with part (c) of its report, the Commission has developed a proposed budget that sets out the resource requirements of the institution over the next three financial years. Furthermore, it also includes a proposal for cutting costs in the medium to long term.

### **2.1 SUMMARY OF THE PROPOSED BUDGET**

In presenting a proposed budget for the Commission, it is important to highlight the positive relationship between budget allocation and performance levels. Figure 5 reflects an existing correlation between allocated budget and performance levels over the past 4 years. It indicates performance improvements of 41%, with increased budget allocations of R40 million since 2008/09. Considering the apparent trend, it is evident that acquisition of the ideal budget would enhance realisation of the Commission's strategic objectives.

**Figure 5: Relationship between allocated budget and performance levels**



During March 2012, the Commission embarked on human rights advocacy and awareness campaigns nation-wide focusing specifically on water and sanitation. As a result of these campaigns, there was a significant influx of complaints which were unforeseen and placed significant strain on current resources. The monitoring of complaints and ability to respond to high volumes being received resulted in an urgent need for additional human resources to ensure that delivery on the Constitutional mandate of protecting human rights in the country, particularly the vulnerable and marginalized groups.

Table 7 reflects a summary of the Commission's additional funding requirements for the period 2013/14 to 2015/16.

**Table 7: Additional budget requirements for 2013/14 to 2015/16**

Budget Item	2013/14	2014/15	2015/16
<i>1. Legal Services</i>			
Legal services human resources capacity for complaints handling	R12,309,000.00	R1,137,700	R1,137,700
Internal capacity building of legal practitioners	R1,500,000.00	R1,750,000	R1,750,000
Procurement of Experienced Legal Expertise for litigation of complaints	R1,500,000.00	R2,175,000	R2,175,000
Revamping Legal Case Management System	R2,130,000.00	R1,136,500	R1,136,500
Setting-up a call centre for complaints processing	R1,700,000.00	R1,840,000	R1,840,000
<i>2. Human Rights Advocacy</i>			
Developing Advocacy and Education capacity and materials	R1,600,000.00	R1,860,000	R1,860,000
<i>3. Research</i>			
Research reports, namely ESR, Equality and Focus Areas	R1,945,000.00	R2,137,500	R2,137,500
<i>4. Promotion of access to information</i>			
Monitoring, compliance and advocacy of PAIA	R6,694,080.00	R2,663,488	R2,663,488
<i>5. IT Infrastructure</i>			
	R3,430,000.00	R1,658,500	R1,658,500
<b>IDEAL BUDGET REQUESTED</b>	<b>R32,808,080</b>	<b>R16,358,688</b>	<b>R16,358,688</b> <b>(The budget will be reduced as a result of savings in rental and related costs)</b>

The strategic reprioritization process is planned to continue through the 3 year planning period, beginning from 2011/12 to 2014/15. Most of the costs estimated for 2013/14 therefore will continue during 2014/15, and at an increased rate considering the effect of inflation.

Furthermore, the complexity of the complaints handling processes imply that some time will be required before human resources are settled to confidently handle the entire value chain. As such capacity building costs will remain requisite.

As the system improves, it is likely to raise awareness, improve accessibility and therefore attract more cases, which would ultimately require litigation and related costs.

The IT Infrastructure and electronic system for complaints handling will require continuous maintenance, as well as licensing, throughout the years.

The Commission will need to intensify work on the currently compromised strategic areas of advocacy, monitoring, and research.

In 2015/16 the Commission will maintain a similar budget, with reductions expected from rental savings following approval of the proposed sharing of office accommodation with other Chapter 9 institutions.

## **2.2 DETAILED MOTIVATION FOR ADDITIONAL FUNDING**

### **2.2.1 Enhancing Legal Services Capacity**

In order to avoid the potential backlog which is anticipated, the Commission urgently requires additional legally qualified employees to be contracted to assist in reducing the complaint workload whilst the new permanently placed senior legal officers and legal officers are being trained and orientated into their new positions.

Objective data has been obtained through a comparison of per capita service needs at provincial levels, and through a comparative exercise of similar organisations nationally and provincially. Broadly as at June 2012, there are 1,456 actual active files that have been received but the current human resources capacity is able to respond only to 498 of these. Our conservative projection on the current trend is that at the end of this financial cycle in 31 March 2012 there will be in excess of 2,874 complaints which will not be handled and dealt with. The human resources capacity requirements in the new structure are based on an average monthly allocation of 7 new accepted complaints to each senior legal officer and legal officer and an average finalisation rate of 7 complaints per month, with a total active complaints caseload of between 21 and 25 at any point.

The Commission requires additional legally qualified employees to be contracted for periods of between 1 and 3 months (as indicated in the table below) to assist in reducing the complaint workload whilst the new permanently placed senior legal officers and legal officers are being trained and orientated into their new positions.

The estimated costs of these additional resources is R12,309,000.00 as per the Table 8.

**Table 8: Resource requirements to handle caseload**

	Caseload			Resource Requirements			
	Enquiries	Complaints - Screening & Assessment	Complaints - Investigation to Finalisation	Enquiries - LO level @ R276 000 (per annum)	Complaints - Screening & Assessment - SLO Level @ R515 000 (per annum)	Complaints - Investigation to Finalisation - LO level @ R276 000 (per annum)	Costs
<b>EC</b>	21		26	1	0	1	R1 104 000.00
<b>FS</b>	15		28	1	0	1	R1 104 000.00
<b>GP</b>	69	340	100	1	2	4	R2 410 000.00
<b>KZN</b>	64	93	16	1	1	1	R1 619 000.00
<b>LP</b>	18		20	1	0	1	R1 104 000.00
<b>MP</b>	10	7	27	1	0	1	R1 104 000.00
<b>NC</b>	49			1	0	0	R276 000.00
<b>NW</b>	15	22	136	1	0	5	R1 656 000.00
<b>WC</b>	87		159	1	0	6	R1 932 000.00
<b>TOTALS</b>	<b>348</b>	<b>462</b>	<b>512</b>	<b>9</b>	<b>3</b>	<b>20</b>	<b>R12 309 000.00</b>

### 2.2.2 Capacity building proposal

The organisation has identified an urgent need to develop resources and training materials for personnel to reduce dependency and expenses incurred by reliance on external service providers. This approach will permit the Commission to build the requisite internal capacity & skills, sustain training internally and extend training to any new personnel member at any given time. The approach also allows the Commission to “tailor make” resources for its own particular needs and to thereby give effect to its Constitutional and legislative mandate to protect human rights in SA; to investigate and take steps to secure appropriate redress where human rights have been violated through efficient, cost effective and quality responses.

The aim is to develop a solid foundation laid within the SAHRC to enable it to protect human rights into the future within all sectors of society. The foundation would comprise: a set of human rights specific training materials available for future employee training; and operational staff within the SAHRC who are effective in monitoring, protecting and promoting human rights throughout the country.

### **Step 1: Course development**

Four courses are planned. The courses are:

Course 1: Introduction to the Constitutional and Legislative Mandate of the SAHRC, – to provide SAHRC support staff who interact with members of the public with the necessary knowledge to address queries and provide information about human rights (Legal Services – 36 trainees x 3-day course @ 18 trainees per course = 2 courses).

Course 2: Substantive and Procedural Aspects – to provide SAHRC employees with the necessary applied legal knowledge to investigate and report on the observance of human rights (legal staff/HuRA/Research – 36 trainees x 3-day course @ 18 trainees per course = 2 courses)

Course 3: Complaint Management System and Procedures – to provide line managers and legal staff the systems training to ensure the provision of high quality service using standard operations delivered within agreed timeframes in all provinces (Legal Services – 45 trainees x 3-day course = 3 courses).

Course 4: Complaints Management – Reporting Tools Training – with the aim of developing the skills to generate statistical reports and to interpret and analyse statistics (Line Managers/legal staff – 20 trainees x 2-day @ 10 trainees per course = 2 courses).

**Step 2: Conduct training courses** (4 courses x 137 trainees x 9 training events)

**Step 3: Post-Training On-The-Job Skills Assessment**, follow-up @ provincial office level by 2 assessors x 9 provincial offices.

The total cost of this process is estimated at **R1,500,000.00**

The Commission has 20 (twenty) complaints which it has investigated and reached the determination that these require to be resolved by formal judicial processes in the Equality Court. To-date the Commission has been unable to initiate legal proceedings in the Equality Court due to the capacity constraints outlined above.

### **2.2.3 Procurement of Experienced Legal Expertise for litigation of complaints**

The Commission has 20 (twenty) complaints which it has investigated and reached the determination that these require to be resolved by formal judicial processes in the Equality Court. To-date the Commission has been unable to initiate legal proceedings in the Equality Court due to the capacity constraints outlined above.

We have initially budgeted R155,000 for these costs but due to the increase in the number and complexity of complaints which was unforeseen, more money is needed to ensure finality of the complaints. This process requires the Commission seeking the services of Senior Council who will need to be remunerated and these costs have not been budgeted for. In order to proceed with these complaints, the Commission requires additional funding amounting

to **R1,500,000.00** to appoint the required legal professionals. This additional money will be supplemented by the use of pro bono counsel who will however for disbursements.

#### **2.2.4 Revamping the Commission’s complaints management system**

The Commission’s complaints handling systems is inefficient and ineffective and it hampers the execution of the protection mandate of the Commission. An additional **R2,130,000.00** is needed to upgrade the system’s hardware and infrastructure. Including in the cost is training to staff on the utilization of the system. The following is needed:

Server	= R 250,000.00
Flowcentric upgrade	= R 150,000.00
Desktops & Other Hardware	= R 450,000.00
Upgrading of provincial serves	= R1,280,000.00
<b>Total amount</b>	<b>= R2,130,000.00</b>

#### **2.2.5 Setting up a call centre for complaints processing**

The Commission’s plan is to set-up a call centre to enhance its accessibility and turnaround times. The call centre will facilitate efficient and effective receiving, routing and processing of complaints and human rights enquiries that are received by the Commission. The estimated costs of this 10 agents centre including hardware, licences and agents is R1,700,000.00 as per Table 9.

**Table 9: Call center estimated costs**

<b>Activity</b>	<b>Amount</b>
Hardware (desktops, headphones, software, licences & maintenance)	R850,000.00
Call agents	R850,000.00
<b>Total</b>	<b>R1,700,000.00</b>

#### **2.2.6 Developing Advocacy and Research capacity**

The performance of the Legal Services unit is supported by the Advocacy and Research units. The Advocacy and Awareness unit provides the necessary public awareness at grassroots and Provincial level of the mandate and work of the Commission. These advocacy and awareness interventions, in turn, generate the human rights violation complaints lodged with the Legal Services unit of the Commission. Due to budgetary constraints the Commission’s

advocacy and awareness interventions have been unable to reach the members of society in the deep rural and marginalised areas to educate them about their human rights. In order for the Commission to give effect to its Constitutional and legislative mandate to promote human rights throughout South Africa, it is crucial that the advocacy and research skills and competencies of the Advocacy Officers be enhanced. The Commission also needs to train its Advocacy and Education Officers in advocacy and research approaches and methodologies. An amount of **R1,600,000** is being estimated for this process.

## 2.2.7 Research reports

The SAHRC has to produce three different reports annually, focusing on Economic and Social Rights, Equality, and a specific Focus Area respectively. The subject of the Focus Area differs on a year to year basis, depending on what were the most pertinent or strategic human rights areas which needed attention. The reports play an important role in regard to the monitoring mandate of the Commission. In addition to this, they provide an essential contribution to the human rights discourse both in the country and elsewhere. Therefore, these reports contribute to the promotion of the culture of human rights. Table 10 indicates a detailed breakdown of the activities, and related costs, which the Commission needs to undertake in order to promote the required reports:

**Table 10: Estimated costs for research activities**

Activity	Amount
ESR; Equality; and Special Focus Area (SFA report):(Printing only)	R750,000.00
Editor Fee (@ R25 000/per report)	R75,000.00
ESR Report Launch	R80,000.00
Matrix Report/Protocols (Development, handling, mailing): ESR	R220,000.00
Equality authors	R80,000.00
Report launch	R100,000.00
Equality Workshops	R80,000.00
Recommendations follow up	R80,000.00
Equality courts monitoring	R100,000.00
Data analysis	R300,000.00
Launch	R80,000.00
<b>TOTAL FUNDING REQUESTED</b>	<b>R1,945,000.00</b>

## 2.2.8 Promotion of Access to Information Act (PAIA)

The SAHRC is mandated to promote a culture of accessibility, openness and transparency by promoting access to information and establishing an integrated information management system for the monitoring of the PAIA statute. The Commission has never received sufficient funding to monitor the implementation of this status. An estimated amount of **R6,694,080** is required to execute this mandate as per Table 11.

**Table 11: Estimated costs for promotion of access to information**

<b>Activity</b>	<b>Amount</b>
<b><u>Monitoring and Compliance</u></b>	
Section 32 Advertising	R 70,120.58
Section 14 & 51 registry and software	R 1,669,537.50
Audits (Flights & Accommodation, research& report)	R 166,953.75
Litigation and watching briefs	R 233,735.25
<b><u>Awareness and education</u></b>	
National Information Officers Forum	R 278,256.25
Provincial Deputy Information Officers Forum	R 378,428.50
<b><u>Workshops:</u></b>	
Community outreach workshops	R 667,815.00
PAIA Civil Society Network support	R 16,695.38
National strategy x 4 campaigns	R 55,651.25
Roundtables & Seminars x 4	R 356,168.00
Section 10 guide	R 2,100,000.00
Materials: manuals, handbooks	R 66,781.50
Business/private section education	R522,635.25
<b>TOTAL FUNDING REQUESTED</b>	<b>R6,694,080.00</b>

## 2.2.9 IT Infrastructure

In 2009 the Commission's email and internet system was very dysfunctional and ineffective which led to the outsourcing of the service. The contract for the outsourced service ends in May 2013 and we plan to host it internally now that internal capacity has been built. An estimated amount of **R3,430,000.00** is required to procure this infrastructure as per Table 12.

**Table 12: Estimated costs for IT infrastructure**

Activity	Amount
<b><u>Exchange In-house Hosting</u></b>	
Hardware configuration and installation – 3 Servers Exchange 2010 and Windows 2008 setup Storage (SAN solution) Email Archiving and protection Mail Marshall (Content Filtering) Microsoft Forefront Threat Management Gateway (ISA Server) Including License, Media and Client Access License DRP site exchange setup and configure	R850,000.00
<b>Internet access (MPLS/VPN Infrastructure)</b>	
9 NeoOne Access Points 9 NeoOne VPN Ports 2 NeoInternet Ports (JHB and CPT 3Mbps each) 9 NeoVoice SIP Trunks (JHB-30 channels and the others 10 channels) Management and maintenance of 9 CPE Routers	R2,580,000.00
<b>Total amount</b>	<b>R3,430,000.00</b>

In line with the Commission's view that reduction of budget baselines in the short term is unfeasible, the ideal budget presented supports the argument that increases will be required for two more financial years before spending cuts can be considered. A more realistic and ideal budget for the current MTEF therefore is estimated at approximately

R141 million in 2013/14, and R157 million in 2014/15. The Commission has an implementation plan for the required budget. The plan will be rolled out immediately upon approval of the funding.

## **2.3 PROPOSAL FOR LONG TERM SAVINGS**

The Commission identified a need to explore and adopt a more holistic approach to relieve budgetary constraints. To this end, the Commission is reviving an idea of shared office space and services amongst Constitutional Chapter 9 Institutions. This medium to long term plan entails occupation of a single building or office campus for some or all of the institutions. As an initial undertaking, the Commission has looked into the current location of Chapter 9 Institutions across provinces. The emerging picture is that, on average, no less than 4 offices exist in each province. The National Treasury and the Department of Public Works have approved the conducting of a feasibility study into the development of a single precinct for Chapter 9 Institutions.

Execution of the proposed plan has significant potential benefits, including reduced cost of rentals, greater cooperation amongst Chapter 9 Institutions, and more effective and efficient services to complainants. The proposal seeks to also extend beyond the sharing of physical office space to shared services. Other potential benefits include greater purchasing power; optimum use of support services such as help desks, travel office; security costs; shared personnel; collaboration; and one-stop service for clients.

## Part 3: Performance overview for 2012/13

---

This part of the report focuses on the Commission's performance for the first five months (April to end August 2012) of the financial year 2012/13, to provide the Committee with up to date information.

### 3.1 NON-FINANCIAL PERFORMANCE OVERVIEW FOR 2012/13

The Commission's Annual Performance Plan for 2012/13 contains fifty-six (56) targets. However, for the first five months of 2012/13, only thirty-seven (37) targets are reported against, as the rest only apply during the last semester of the financial year.

#### 3.1.1 Achievement of Targets by Strategic Objective

Slightly more than half (55%) of the targets were achieved by the end of August 2012, as indicated in Table 13. It must be noted that much of the performance towards target achievement has been 'work in progress', only intended for full achievement by the end of the entire quarter. The currently under-achieved targets will be met by the end of the quarter.

**Table 13: Achievement of 2012/13 targets by strategic objective**

	Strategic Objective	Number of targets	Achievement of targets
1.	Compliance with international obligations	4	3 (75%)
2.	Focal point for Human Rights	9	4 (44%)
3.	Advocacy and awareness	1	0 (0%)
4.	Realisation of Human Rights	1	1 (100%)
5.	Equality and access to information	5	4 (80%)
6.	Efficiency and effectiveness	17	8 (47%)
<b>Total</b>		<b>37</b>	<b>20 (55%)</b>

### 3.1.2 Legal Statistics for 2012/13

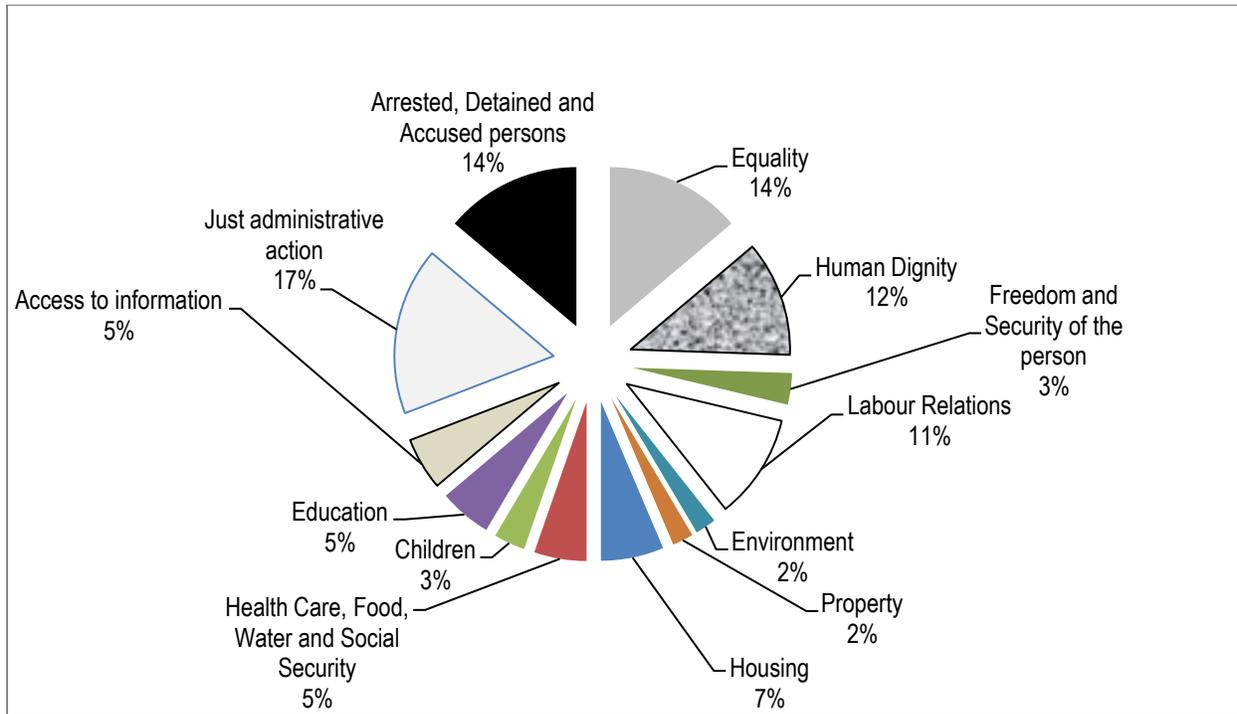
More than 4 000 cases (complaints and enquiries) were received during the period April to August 2012, with 61% of them having been already finalised. This performance points positively to the realisation of the 85% annual target by the end of the financial year. Table 14 provides a breakdown of the number of cases finalised by province. The capacity challenges encountered in the North West province continued into the current financial year.

**Table 14: Cases finalised by province**

Province	Total complaints and enquiries received	Total complaints and enquiries finalised	% complaints and enquiries finalised
Eastern Cape	340	248	73%
Free State	294	190	65%
Gauteng	1205	640	53%
KwaZulu-Natal	576	396	69%
Limpopo	197	121	61%
Mpumalanga	175	108	62%
Northern Cape	342	297	87%
North West	370	141	38%
Western Cape	935	581	62%
<b>Totals</b>	<b>4434</b>	<b>2722</b>	<b>61%</b>

The Figure 6 presents the nature of complaints received during the period April to August 2012. The top 5 complaints received relate to Just Administrative Action, Equality, Arrested Detained and accused persons, human dignity and labour relations.

**Figure 6: Nature of complaints for 2012/13**



A breakdown on the nature of complaints received by province is indicated in Table 15 hereunder.

**Table 15: Nature of complaints by province**

Province	Rights Violated	% of provincial total	Number
<b>EC (n = 324)</b>	Access to information	17%	55
	Arrested, detained & accused persons	15%	48
	Just administrative action	13%	43
	Labour relations	13%	43
	Property	9%	30
<b>FS (n = 308)</b>	Arrested, detained & accused persons	24%	75
	Labour relations	13%	39
	Equality	12%	36
	Just administrative action	7%	23
	Education	6%	18
	Health Care, Food, Water & Social Security	6%	18
<b>GP (n = 793)</b>	Just administrative action	21%	164
	Equality	20%	158
	Arrested, detained & accused persons	17%	133
	Labour relations	10%	80
	Housing	8%	66
<b>KZN n = 178)</b>	Just administrative action	33%	59
	Arrested, detained & accused persons	15%	26

	Equality	12%	21
	Labour relations	8%	14
	Human Dignity	7%	13
<b>LP (n = 168)</b>	Just administrative action	15%	26
	Arrested, detained & accused persons	13%	21
	Human Dignity	12%	20
	Labour relations	10%	17
	Health Care, Food, Water & Social Security	9%	15
<b>MP (n = 159)</b>	Equality	17%	27
	Just administrative action	16%	25
	Property	12%	19
	Human Dignity	11%	17
	Health Care, Food, Water & Social Security	9%	14
<b>NC (n = 95)</b>	Just administrative action	20%	19
	Equality	16%	15
	Arrested, detained & accused persons	15%	14
	Labour relations	15%	14
	Education	8%	13
<b>NW (n = 249)</b>	Human Dignity	22%	56
	Just administrative action	11%	28
	Labour relations	11%	28
	Housing	10%	25
	Equality	8%	21
	Health Care, Food, Water & Social Security	8%	20
<b>WP (n = 428)</b>	Human Dignity	21%	88
	Equality	15%	64
	Education	10%	41
	Labour relations	10%	44
	Arrested, detained & accused persons	8%	36

The top four (4) categories of complaints relate to Just Administrative Action (17%), Arrested, Detained and Accused Persons (14%), Equality (14%) and Human Dignity (12%). On Equality, the highest number of complaints relates to concerns of racism.

### 3.1.3 International and Regional Human Rights Obligations

The SAHRC had on a number of occasions attempted to solicit information from both the Department of International Relations and Cooperation (DIRCO) and the Department of Justice and Constitutional Development (DOJ&CD), on the status of all international agreements and reports. Following a meeting held between Commissioners and the President of the Republic of South Africa in February 2012, one of the agreements reached in the meeting was that the Department of Performance Monitoring and Evaluation (DPME) would ensure that a progress report tracking all international agreements and reports would be submitted to the SAHRC.

At a meeting facilitated by DPME on 31 August 2012, the Director-General for DIRCO presented the progress report as requested to the SAHRC. While the SAHRC acknowledged DIRCO's efforts to produce the report, it became apparent that the report was incomplete and that it did not provide sufficient detail and explanation for the failure to process international agreements or submit reports to international bodies.

It was noted for instance that there was no information on the submission of the country report on the African Charter on the Rights of the Child, that it has been five years since a report on the Convention on the Rights of the Child has been submitted, and that no report has ever been submitted on the export of conventional arms and dual use goods in accordance with the Wassenaar Arrangement.

The SAHRC has expressed its concerns to DIRCO who has acknowledged the challenges with their report and further undertook to provide more detailed information to the SAHRC.

The SAHRC therefore remains concerned about DIRCO's ability to effectively monitor the ratification of international agreements and the submission of international reports. In addition, the SAHRC believes that South Africa's failure to ratify key international agreements and submit reports within the specified timeframes poses a significant risk to the country.

### **3.2 FINANCIAL PERFORMANCE OVERVIEW FOR 2012/13**

Overall expenditure on the 2012/13 budget amounts to 37.5% of the annual allocated budget as at end August 2012, as summarised in Table 14. The amount excludes committed funding of R2 119 971, which represents 1.5% of the total budget. In effect, total budget expenditure to date could be considered at 39%.

**Table 14: Budget expenditure as at end August 2012**

<b>Item</b>	<b>2012/13 Budget</b>	<b>Actual expenditure as at end August 2012</b>	<b>% Expenditure</b>
Programme 1: Administration	R41 722 905	R17 150 740	41%
Programme 2: Protection and Promotion of Human Rights	R50 145 995	R17 758 828	35%
Programme 3: Research, Monitoring and Reporting	R8 867 100	R2 636 430	30%
<b>Totals</b>	<b>R100 736 000</b>	<b>R37 545 998</b>	<b>37.5%</b>