

South African Human Rights Commission

STRATEGIC BUSINESS PLAN



2011 – 2014

FOREWORD

After joining the Commission in August 2010, I worked closely with Commissioners and the Secretariat to initiate a process of rethinking the Commission. Rethinking the Commission involves asking difficult questions, reviewing performance, critical self-reflection and ultimately, realigning our limited resources with a structure that ensures greater organisational effectiveness.

The rethinking process includes a deeper and more substantive analysis of the issues and challenges facing us. It goes beyond filling the gaps, and moves away from the quick fix, short-term approach to problem solving. Rethinking the Commission will inevitably raise uncomfortable, difficult questions. It will create uncertainty, confusion and insecurity. However, rethinking the Commission can also result in the creation of new ideas, developing spaces for dialogue and debate, resulting in building a better, stronger and more effective Commission.

One of the consequences of this rethinking process has been the development of a new vision, mission and values for the institution. The new vision reflects the country's historical past and speaks to the Commission's broad constitutional mandate of transforming society. The vision moves from a broad collective recognition that we have a responsibility to transform society and promote a culture

of human rights, to an appreciation of everyone's individual human rights. Through securing human rights, particularly for the poor and marginalised, we aim to restore our individual and collective dignity as a nation.

Our new vision, mission and values therefore recognise our individuality within the broader collective, placing a responsibility on us to transform society, secure rights and restore dignity.

While the rethinking process has commenced, the Commission is still required to deliver on its mandate. The specific mandate of the Commission is to promote, protect and monitor human rights. The Commission is essentially an intermediary institution situated between the citizens and the government. This link with the people is what allows us to play the role of getting the government to account thereby enhancing its accountability on the one hand, and fulfilling our commitment to contribute to the constitutional imperative of transformation, on the other. In a young democracy such as ours where many people are impoverished, have limited access to services and limited contact with politicians, the importance of institutions that can serve as intermediaries between the people and the government is absolutely critical.

Currently, the Commission does not have sufficient resources to fulfil its mandate. To this end the institution has

been engaging Parliament, the Department of Justice and Constitutional Development and the National Treasury, to motivate for an increased budget. While we recognise that the government has several critical priorities, the Commission believes that the government's failure to adequately fund the mandate of the Commission may undermine the transformation of society and the development of a human rights culture in South Africa. Furthermore, we believe that in addition to assisting us with securing financial resources, Parliament needs to play an active role in monitoring the government's compliance with recommendations made by the Commission.

Due to our limited budget, the Commission has had to embark on a process of rationalisation of its services. Instead of trying to fulfil every aspect of our mandate with the limited resources available, we have decided instead to concentrate on complaints handling, shifting resources away from other programmes. At the same time, we recognise that our protection mandate is inherently connected to our promotion and monitoring mandates and that in order to improve our effectiveness in dealing with human rights violations we also have to continue monitoring government and raising human rights awareness levels.

As a consequence of this decision, the Commission has had to review and amend its outcomes and objectives in line with the shift in human and financial resources. The revised outcomes and objectives are captured in the new 2011–2014 strategic plan.

The Commission is taking a critical look at itself, and in particular rethinking its mandate, critically assessing its impact and trying to reprioritise resources so that it lives up to its vision of transforming society, securing rights and restoring dignity.

As we embark on this journey of rethinking the Commission, the strategic plan of 2011–2014 serves as a road-map for guiding us towards realising our goals. These strategic outcomes-oriented goals have been shaped by a process of collective engagement, critical debate and discussion. Ultimately, these goals serve as small steps towards transforming society and creating a culture of human rights in South Africa.

Kayum Ahmed
Chief Executive Officer

CONTENTS

Part A: Strategic Overview

1	Vision	4
2	Mission	4
3	Values	4
4	Legislative and other mandates	4
4.1	Constitutional mandate	4
4.2	Legislative mandate	5
4.3	Policy mandate	5
4.4	Court rulings	8
5	Situational analysis	9
5.1	Performance environment	10
5.2	Organisational environment	11
5.3	Description, strategic planning process	12
6	Strategic outcome oriented goals of the institution	14

Part B: Strategic objectives

7	Strategic Objectives	15
7.1	Resource considerations	19
7.2	Risk management	20



Vision

Transforming society.
Securing rights. Restoring dignity.

Mission

The Commission as the 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.

Values

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

PART A: Strategic Overview

In terms of the Public Finance Management Act (PFMA) and National Treasury regulations, the South African Human Rights Commission must submit a five-year strategic plan to the National Treasury. The Accounting Officer (Chief Executive Officer) is responsible for making sure that such a plan is developed and submitted to the Treasury. Starting from this year (2011), the Treasury has produced a revised framework to help in the development of strategic plans.

The framework calls on all constitutional institutions to conduct a situational analysis, develop strategic outcome-oriented goals, formulate strategic objectives and ultimately develop annual performance plans. Following the Treasury guidelines, the Commission conducted a situational analysis, which ultimately resulted in the formulation of a new vision, mission, values as well as revised strategic outcome-oriented goals.

1. Vision

Transforming society. Securing rights. Restoring dignity.

2. Mission

The Commission as the 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.

3. Values

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

4. Legislative and Other Mandates

The Commission is an independent institution supporting constitutional democracy established in terms of Chapter 9 of the Constitution. Its specific mandate is stipulated in section 184 of the Constitution. The following sub-sections broadly describe the parameters of the institution:

4.1 Constitutional Mandate

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

- 1) The 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 the Republic.

- 2) The Commission has the powers, as regulated by the national legislation, necessary to perform its functions, including the power to –
- i. investigate and to report on the observance of human rights;
 - ii. take steps to secure appropriate redress where human rights have been violated;
 - iii. carry out research; and
 - iv. educate
- 3) 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.
- 4) The Commission has the additional powers and functions prescribed by the national legislation.

4.2 Legislative Mandate

The Commission has additional powers and functions prescribed by specific legislative obligations in terms of the Human Rights Commission Act, Promotion of Access to Information Act (PAIA) and the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA). The Commission has to do the following:

- 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.

4.3 Policy Mandate

The Commission is actively involved in ensuring the ratification of international and regional human rights instruments through amongst others, advocating for the domestication of these human rights instruments.

At an international level, the Commission is recognised by the United Nations Office of the High Commissioner for Human Rights as an ‘A’ status national human rights institution (NHRI). As an ‘A’ status NHRI, the Commission has adhered to the Paris Principles which are guiding principles that set out the nature and functioning of a NHRI. These Principles emphasise the independent nature of NHRIs and guide the manner in which the Commission conducts its work.

Summarised, the principles 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.

At a domestic level, the following legislation and policies will form the basis on which the Commission will plan its operations in the forthcoming 2011-14 period:

Public Finance Management Act (PFMA) (Act 1 of 1999 as amended).

The Commission continues to improve compliance with the PFMA in its operations.

Preferential Procurement Policy Framework (PPPFA) (Act 5 of 2000)

The Commission has aligned its procurement policies and procedures to this legislation.

Broad Based Black Economic Empowerment (BBBEE) (Act 53 of 2003)

The Commission has also aligned its procurement policies and procedures to this legislation.

Human Rights Commission Act (HRCA) (Act 54 of 1994)

While the Commission fulfils the obligations set out in the Act, the Commission has suggested a number of amendments to bring the Act in line with the Constitution and subsequent legislation. It is imperative that the HRCA be amended during the course of 2011.

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

The Commission continues to promote compliance with PAIA and produces an annual report in this regard.

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

The Commission continues to promote compliance with PEPUDA and will start producing a thematic equality report on an annual basis.

Commissioner's Strategic Focus Areas

In addition to the policy and legislative mandates of the Commission, Commissioners adopted a document called the Human Rights Matrix. This document tracks the various human rights obligations of South Africa at the international, regional and domestic levels. It is a tool that assists in facilitating, through the guidance of human rights legal instruments, the principles and pronouncements, and the identification of the Commissioners' strategic focus areas and priorities. It also assists in identifying the unique role of the Commission as a national human rights institution.

The strategic priority areas which are in line with the Human Rights Matrix were identified, discussed and integrated into the strategic plan. The Commissioners also assigned specific provinces and United Nations Treaty Bodies amongst themselves. These strategic priority areas, Treaty Bodies and provinces are as follows:

Commissioner	Strategic Focus Area	Province	UN Treaty Bodies
M L Mushwana, Chairperson	Asylum Seekers, Migration and Counteracting Xenophobia	Northern Cape and Mpumalanga	Convention on the Elimination of Racial Discrimination (CERD); International Covenant on Economic, Social & Cultural Rights (ICESCR)
P Govender, Deputy Chairperson	Basic Services, Access to information	Western Cape	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
L Mokate	Children, Basic Education	Free State	Convention on the Rights of the Child (CRC)
B Malatji	Disability, Older Persons	North West and Limpopo	Convention on the Rights of persons with Disabilities (CRPD)
S Baai	Housing, Food, Health Care	Eastern Cape	International Covenant Civil & Political Rights (ICCPR)
J Love (part-time)	Environment, Natural Resources, Rural Development	KwaZulu-Natal	
D Titus (part-time)	Human rights and law enforcement, Torture	Gauteng	Convention against Torture (CAT)

The development of this strategic plan is a culmination of extensive consultation and debate about the future and direction of the Commission.

The strategic plan forms part of a broader process of re-thinking the South African Human Rights Commission - a process initiated by the Chief Executive Officer in consultation with Commissioners that includes restructuring the Commission to make it more effective and efficient.

4.4 Court Rulings

The Commission is currently involved in a number of litigation matters. The litigation itself is resource-intensive. Furthermore, the courts could potentially order the Commission to take certain action that may result in further depletion of the Commission's financial and human resources. This could impact negatively on the planned operations of the Commission. The Commission would like to highlight the following two matters:

The matter of *Said & 10 others v Minister of Safety and Security, South African Human Rights Commission & Others*, Case No. EC/13/08, CPD (Equality Court), is a class action that was lodged in the Western Cape High Court, sitting as an Equality Court, against the Minister of Safety and Security. The matter arose out of an alleged xenophobic incident in Zwelethemba Township outside Worcester in the Western Cape in which the applicants suffered loss and damage to their property. The Commission was joined as the third party to the proceedings.

Referring to the Commission's constitutional mandate, the complainants were of the opinion that the joinder of the Commission to the court proceedings would permit the courts to make an order that would give effect to the structural interdict requested in the relief sought by complainants against the SAPS.

The relief sought by the SAPS in the answering affidavit to the complainant's joinder application vis-à-vis the Commission was to investigate and to report on the alleged rights violations alleged by the complainants, and for the Commission to assist with educating the local communities and to assist the SAPS to develop training programmes for the police. The matter is currently pending before the court. It is anticipated it will be finalised during the 2011/2012 financial year.

The matter of *Beja and others v Premier Western Cape, Mayor of the City of Cape Town, City of Cape Town, Provincial Department of Housing and the SAHRC*, Case No. 21332/10, CPD, arose out of the highly publicised "Makhaza toilet case" in which the Commission made a finding in June 2010 that the City of Cape Town had violated the right to dignity of residents by failing to enclose toilets built for the community. In addition the Commission recommended that the toilets should be enclosed, and that the National Departments of Human Settlements and Water Affairs have to intervene more actively in all provinces to eradicate the bucket system in South Africa.

The City of Cape Town appealed the Commission's findings, but this was dismissed by the institution. The initial complainants then launched a court application seeking the high court to make the recommendations an order of court. Although the Commission has been joined as a party in this matter, no specific relief has been requested against it at this stage. The matter is anticipated to be heard and finalised during the 2011/12 financial year.

5. Situational Analysis

In terms of the framework for strategic plans and annual performance plans, constitutional institutions need to present information on their performance and broader institutional environment based on the detailed information gathered in the strategic planning process. In its strategic planning process the Commission identified various performance and institutional elements as part of its environmental analysis.

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

of Access to Information (PAIA) reports, the Commission is able to provide an overview of the extent to which the government is fulfilling its obligations towards the progressive realisation of socio-economic rights and access to information.

At the same time, the broad mandate also presents a threat to the Commission's ability to deliver on its mandate given the fact that the institution has limited financial resources, and that the staff is not adequately trained to operate optimally towards helping the Commission to realise its mandate.

Also, the Commission is often faced with an anomalous situation in that those endowed with resources invariably have greater access to utilise the Commission's complaints mechanism.

Given the institution's resource constraints, the expectations placed on the Commission are therefore unrealistic, and can result in the failure of the Commission to deliver on its objectives. Unfortunately, the external expectations placed on the Commission are exacerbated by internal challenges.

The Commission's internal challenges and varied operational budgetary constraints have invariably resulted in the image of the Commission being negatively affected. The Commission's credibility and integrity are inherently connected to its ability to deliver on its mandate, failing which, the Commission is portrayed as a weak institution.

One of the major components of the Commission's mandate that has the greatest bearing on its image and credibility is the complaints handling mechanism. The inability to deal with complaints speedily and effectively has impacted negatively on the Commission's credibility. After conducting an intensive analysis of the Commission's complaints handling procedures, it has become evident that there is a lack of consistency in the way complaints are handled across the provinces. Furthermore, provincial offices lacked both financial resources and the requisite skills to manage, investigate, and speedily conclude cases. The strategic planning process revealed that more attention and resources have to be dedicated to dealing with the Commission's complaints handling mechanism.

The Commission's mandate to protect human rights is what ultimately distinguishes it from civil society organisations which carry out human rights promotion and monitoring activities. The protection component of the Commission's mandate therefore has to be strengthened over the next three years since it has the most direct impact on the image and credibility of the institution.

An assessment of the Commission's internal environment revealed that the organisational structure is ineffective and at times incongruent with the mandate of the Commission. Restructuring the Commission has therefore been identified as a key activity in ensuring the effectiveness and efficiency of the Commission.

In addition, there is also a need to develop and improve the Commission's performance management system, encourage and ensure greater team work and collaboration amongst Programmes, and increase skills levels significantly through training and development.

5.1 Performance Environment

Despite the positive assessment of the work of the Commission by the international NGO, Human Rights Watch, as well as being recognised as an A-rated National Human Rights Institution (NHRI) by the United Nations, it became apparent during the Commission's strategic planning session that the institution's performance was far from ideal. For instance, during the 2009/10 financial year, the Commission was only able to achieve 52% of its objectives.

Following a strategic planning session in which the Commission's mandate was analysed by comparing the Paris Principles, the South African Constitution and the Human Rights Commission Act, it has become quite clear that while the Constitution gives more or less equal weight to the promotion, protection and monitoring mandate, the Human Rights Commission Act and the Paris Principles appear to be more slanted towards the protection mandate. Complaints handling is arguably one of the most important areas of the Commission's work.

Some of the critical questions that were raised are: given the Commission's broad mandate to monitor, protect and promote human rights, and at the same time, given the

Commission's limited resources to fulfil its mandate, should the institution not be allocating most of its resources to strengthening its protection mandate?

Secondly, the 2005 Report on Assessing the Effectiveness of the NHRIs released by the OHCHR, lists public legitimacy and accessibility as core characteristics of effective NHRIs. Given that the Commission's legitimacy and accessibility is largely dependent on how it educates people who are poor on how to access the Commission's complaints mechanism, and how it handles complaints, it again appears that the limited resources should be focused on the Commission's protection mandate.

However, despite the fact that the Commission has decided that most of its resources will be directed towards fulfilling the protection mandate, it would be short-sighted not to pay sufficient attention to the promotion and monitoring aspects of the mandate. Ultimately, the Commission's protection mandate cannot be separated from its promotion and monitoring mandates – the three are inherently connected.

For the 2011–2014 period, the Commission aims to strengthen its protection mandate by directing most of its resources to this area. It is estimated that it will take approximately two years to develop an effective complaints handling system. Once this process is completed, more resources will become available to be directed towards the other components of the Commission's mandate, namely, the promotion and monitoring mandates.

5.2 Organisational Environment

The Commission consists of Commissioners and the Secretariat. The Commissioners are responsible for setting the strategic direction, and the Secretariat, headed by the Chief Executive Officer, is responsible for implementing the strategy.

The structure of the Secretariat is broadly divided into two components – the operations and corporate services. Operations are composed of: 1) Legal Services Programme; 2) Advocacy Programme; 3) Research Programme; and 4) Parliamentary and International Affairs Programme.

Corporate services include: 1) the Office of the Chief Executive Officer which incorporates Internal Audit and Promotion of Access to Information Act (PAIA) units; 2) Human Resources; and 3) Finance and Administration which includes Information Technology (IT). The Commission has an office in each of the country's nine provinces. The head office is based in Parktown, Johannesburg.

In an informal staff perception survey conducted in the Commission during September 2010, it became apparent that the Commission's structure failed to speak to the mandate of the Commission and appeared to be driven by form rather than function. The result of the survey revealed that there was unanimity among the staff that the Commission's structure must be changed.

In addition to addressing the structural challenges faced by the Commission, there is also a need to deal with the insti-

tutional culture prevalent at the Commission. Since the arrival of the CEO in August 2010, various measures have been adopted to positively change the culture at the Commission. These measures include, among others, greater consultation at all levels in the Commission and the inclusion of provincial managers in key decision making structures and processes. Also, several discussions were undertaken at different levels to develop workable strategies to enhance the work of the Commission.

Furthermore, the Auditor-General made a number of findings regarding performance management during the 2009/10 financial year, which were indicative of the challenges facing the Commission. A number of variances identified in the achievement of targets can be directly attributed to the following:

Budget constraints – Delivery by the Commission on its objectives was severely constrained by its limited financial resources. There will be no solution to this problem unless relations between Parliament and the Chapter 9 institutions are fundamentally redefined, and a new thinking or strategy is developed in the way in which Chapter 9 institutions are funded. The Report of the Ad hoc Committee on the Review of Chapter 9's and Associated Institutions report raised the question of funding as fundamental and key towards helping the institutions to fulfil their basic mandate.

This was highlighted by the following targets which were not achieved as a result of financial constraints:

- i. PAIA private sector and community interventions
- ii. The internal audit programme did not have audit projects in provincial offices; and
- iii. The inability to appoint a risk manager as advised by the Audit Committee.

Information Technology challenges – A number of targets were not met due to Information Technology challenges linked to the budget. These included:

- i. The revision of the PAIA Section 32 electronic submissions process; and
- ii. The inability to fully implement an e-Learning blueprint and strategy.

Despite these challenges, the Commission's website was re-designed and re-launched at the end of 2010.

Organisational structure

The Commission's structure is not sufficiently aligned with its mandate and resources. This became evident following the results of an organisational survey conducted by the CEO in September 2010 referred to above. Consequently, a major restructuring exercise has been embarked upon at the Commission and should be finalised by the end of May 2011.

Unfortunately, financial resource constraints have prevented the Commission from appointing an external organisational development consultant, delaying the development of a new structure by several months.

Human resources constraints – Human resource constraints have been identified as a reason for the variances in the achievement of some of the targets. Some of the challenges included the following:

- i. The lack of an information management strategy due to a vacant position of the Head of Information and Communications. The position had been vacant for 10 months of the financial year.
- ii. The inability of the Commission to fully implement its records management plan due to the lack of a records manager.
- iii. The inability to fulfil its compliance obligations with regard to security matters due to the lack of a security manager; and
- iv. The inability of the Commission to meet the outreach targets due to the resignation of education officers in the provinces.

5.3 Description of the strategic planning process

The strategic planning process was divided into two main parts. The first part included inputs and the presentation of a Human Rights Matrix from Commissioners. Also a number of internal programmatic meetings and sessions took place, culminating in a Secretariat workshop from 1-3 December 2010. This workshop included Heads of Programmes (HoPs),

Provincial Managers (PMs) and some Deputy Directors. The second part of the process began with a formal consideration by Commissioners of the draft Strategic Plan and thereafter a joint strategic planning session with the Secretariat which also included a number of parallel working sessions during the period 18–21 January 2011.

Throughout the process, Heads of Programmes and Provincial Managers met and shared ideas with their respective colleagues. Prior to the December workshop, the outcomes of these consultative meetings were used as the basis for the strategic planning process. The purpose of these consultations was to ensure that every staff member was consulted throughout the process.

6. Strategic Outcome Oriented Goals of the Commission

In terms of the National Treasury document, “Framework for Strategic Plans and Annual Performance Plans” (August 2010), constitutional institutions must formulate strategic outcome-oriented goals. These goals identify areas of institutional performance that are critical to the achievement of the mission. They should stretch and challenge the institution, but must be realistic and achievable.

Data and information generated in the Commission’s strategic planning process has culminated in the formulation of the following strategic outcome oriented goals:

Strategic Outcome Oriented Goal 1	Improve the quality of complaints handling
Goal Statement	Revise the complaints handling mechanism to enable greater access to and protection of rights, particularly by the most vulnerable
Strategic Outcome Oriented Goal 2	Improve the quality of monitoring, evaluation of and reporting on the realisation of human rights
Goal Statement	Streamline the monitoring, evaluation and reporting processes to effectively measure the realisation of human rights
Strategic Outcome Oriented Goal 3	Inculcate a culture of human rights through human rights advocacy
Goal Statement	Develop and implement an effective and efficient human rights advocacy plan
Strategic Outcome Oriented Goal 4	Strengthen organisational effectiveness and efficiency
Goal Statement	Restructure the Commission to ensure the effective and efficient utilisation of human and financial
Strategic Outcome Oriented Goal 5	Improve communication and stakeholder engagement
Goal Statement	Develop communication tools and key stakeholder relationships thereby enhancing the credibility, reputation, and accessibility of the Commission

PART A: Strategic Objectives

The Commission has developed the following six strategic objectives that flow directly from the strategic outcome oriented goals listed below.

The baseline lists selected achievements reflected in the 2009/10 Annual Report:

Strategic Objective 1

Promote compliance with international obligations

Objective Statement

Promote compliance with international human rights obligations within South Africa and the Commission

Baseline

During 2009/10 strategic interventions were undertaken by Commissioners to promote the fulfilment of international and regional human rights obligations; the Annual International Report drafted not published; one joint NHRI statement at HRC and one statement at ACHPR; one Detention Monitoring Report; one Corporal Punishment report; two workshops; seven relevant attendances.

Strategic Objective 2

Position the Commission as the focal point for human rights in South Africa

Objective Statement

Expand visibility of the Commission through improved communication that includes media and stakeholder engagement and increased responsiveness to stakeholders

Baseline

Commissioners engaged with key stakeholders and chaired Section 5 committees during 2009/10; three issues of Kopanong newsletter were published and distributed; daily media monitoring occurred; four SAHRC reports were edited, published and distributed, including the 2008/09 Annual Report; one SAHRC provincial office briefing on the Code of Good Conduct and distribution of the Code within Commission was achieved, 32 parliamentary and stakeholder attendances took place, 460 networking interventions, one Participation Forum meeting and two presentations took place with parliamentary stakeholders; two introductory meetings with parliamentary Portfolio Committees took place; 215 requests for information and/or opinions were provided.

Strategic Objective 3: Strengthen advocacy and human rights awareness raising

Objective Statement

Enhance understanding and build capacity for human rights.

Baseline

Commissioners set the advocacy and human rights awareness raising direction for the Commission; conduct media interventions and participate regularly in advocacy activities of the Commission. In addition, during 2009/10 the Commission conducted 74, 3-day outreach interventions; 371 presentations; 182 community radio station interviews; 22 seminars, 54 internal e-learners and 64 external e-learners were registered. An additional 69 presentations were made by the Research Documentation and Policy Analysis Programme.

Strategic Objective 4: Advance the realisation of human rights

Objective Statement

Monitor, evaluate and report on the realisation of human rights and in particular, the progressive realisation of economic and social rights as required by s184(3) of the Constitution. Commissioners approve all policy development and submissions on legislation. During 2009/10, the Commission finalised four human rights monitoring tools; undertook six monitoring interventions; completed 10 HRDR draft chapters; and completed the 7th ESR Draft Report.

Baseline

Furthermore, two presentations were made at workshops on legislation, two meetings with parliamentary committees took place; eight legislative submissions were drafted and submitted; research work was conducted on Oversight Manuals; and various communications were sent to the DoJCD regarding the Human Rights Commission Act Amendment Bill.

Strategic Objective 5: Advance the right to equality and access to information

Objective Statement

Fulfil the Commissions' legislative obligations in relation to the right to equality and the right to information.

Baseline

Commissioners represent the Commission on equality and access to information matters in Parliament, at senior government levels, amongst other stakeholders, and in the media. Commissioners provide approval on all strategic matters concerning PEPUDA and PAIA.

PEPUDA – Five Equality publications; four resource manuals drafted; three pamphlets completed. PAIA - Annual Report Annexure B prepared and submitted; compliance reports on audit prepared; 290 Requestors assisted; 36 training workshops held; one seminar conducted; 1 Training manual developed; Four audits undertaken, two PAIA related publications; and NIO Forum hosted.

7.1 Resource Considerations

The Commission receives its funding from transfers from the Department of Justice and Constitutional Development. Transfers increased from R55.3 million in 2007/08 to R89 million in 2011/12, at an average annual rate of approximately 15%.

Over the medium term, the Commission has been allocated R89.06m, R99.54m and R106.78m, representing an average annual increase of approximately 7%. The increase was mainly to fund personnel and rental expenditures on goods and services.

Total expenditure is expected to increase at an average annual rate of 30%, from R89m in 2011/12 to R107m in 2013/14. The key cost drivers are personnel expenditure and goods and services.

The 2011/12 Budget provides additional allocations of R6.17 million in 2011/12, R10.61m in 2012/13 and R12.97m in 2013/14. These amounts are specifically allocated for inflation related adjustments in employee compensation, providing for increased capacity in the Legal Services Programme and municipal and rental charges.

Personnel Information

In 2010/11, the Commission had an approved establishment of 167 posts including contract positions. The majority of these posts are funded (165). At the end of Febru-

ary 2011, 128 permanent posts and 36 contract posts were filled. There were 19 vacancies, representing a vacancy rate of 12.92%. All vacancies, with the exception of the Chief Financial Officer, will remain unfilled until the restructuring process is completed during the course of 2011.

The majority of existing posts are between levels 1 and 10, representing 66% of employees in the Commission. 23% of the staff complement are between levels 11 and 12 (middle managers), while 11% of employees are between levels 13 and 15 (senior management including Commissioners).

During 2010/11, the budget for employee compensation in these three categories amounted to R11.2 million, R9.8 million, and R 6.8 million, respectively.

Trends

Due to the limited resources allocated to the Commission, a rationalisation of services provided by the Commission has been initiated with the primary focus of shifting resources to complaints handling in line with the constitutional protection mandate. As a result, resources that were previously allocated to the Education and Training Programme, Research & Documentation Programme, IT & Communications Programme and Parliamentary & International Affairs Programme, will be redirected during the 2011–2014 period in order that the Commission's complaints handling mechanism can be improved and made more accessible to poor and vulnerable persons.

7.2 Risk Management

Several risks have been identified that pose direct and indirect threats to the Commission. These risks range from failing to assess the impact of the Commission's work, to low staff morale.

The following detailed Risk Register outlines the nature of the risks as well as various controls and suggested actions to

mitigate these risks. One of the most important risks identified relates to various constraints that limit the institution's ability to meet 100% of its objectives. This particular risk is being dealt with at many different levels including realigning financial resources, restructuring the Commission, ensuring sufficient training for the Secretariat, as well as developing an effective performance management system.

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Failure to effectively assess the impact of the Commission in advancing human rights and building a sustainable human rights culture	<ul style="list-style-type: none"> Insufficient and outdated information to inform the focus areas of the Commission Commission's campaigns do not address critical human rights issues Human rights interventions deployed by the Commission not targeting the marginalised and vulnerable communities and not making an impact on the human rights culture 	Red	<ol style="list-style-type: none"> Human rights monitoring reports Presentation of reports to stakeholders Public Hearings Human rights campaigns based on human rights monitoring reports Strategic plan targets aligned to reports on patterns and trends in human rights 	<ol style="list-style-type: none"> ETP RDP LSP PAIP 	<ol style="list-style-type: none"> Align strategic plan targets to human rights monitoring reports Align human rights campaigns to human rights monitoring reports Presentation of the Commission's findings and recommendations to relevant stakeholders Engage stakeholder regularly on findings and recommendations made by the Commission 	<ol style="list-style-type: none"> HOPs – LSP, PAIP & RDP 2 & 5 HoP – ETP 3,4,6-7. 	<ol style="list-style-type: none"> Annually Ongoing 3-4. Ongoing 5&7. Ongoing Annually

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
<p>Failure to effectively assess the impact of the Commission in advancing human rights and building a sustainable human rights culture</p>	<ul style="list-style-type: none"> • Patterns and trends in human rights violations are not identified • Communication of patterns and trends in human right violations is low • The Commission’s outreach work is not aligned to human rights violations and trends • Recommendations made through the reports of the Commission are not implemented by Parliament • The Impact of Commission’s work cannot be measured • Instances of human rights violations increase • Govt policies do not address human rights issues • SA human rights treaty obligations not met by government • Human rights indicators have not been developed or measured • Findings of the Commission not implemented 	<p>Red</p>	<p>6) Assessment re- orts of SA treaty body obligations and implementation</p> <p>7) Assessment of Policy Analysis Reports</p> <p>8) Reports of human rights trends</p>	<p>1. ETP 2. RDP 3. LSP 4. PAIP</p>	<p>5. Human rights interventions aligned to recommendations from reports of Commission</p> <p>6. Complaints statistics used to develop human rights indicators</p> <p>7. Monitor human rights patterns and trends using complaint statistics</p> <p>8. Amend the HRC Act and develop human rights indicators</p> <p>9. Update human rights monitoring tools</p> <p>10. Analyse policies and provide opinions</p> <p>11. Monitor and report on himan rights trends and patterns</p> <p>12. Communicate human rights indicators and patterns and trends to stakeholders. Place obligations on Govt to implement</p> <p>13. Develop a tool to conduct needs assessment and situation analysis</p> <p>14. Develop a monitoring and evaluation tool</p>	<p>1.HOPs – LSP, PAIP & RDP 2 & 5HoP – ETP 3,4,6-7.</p>	<p>1. Annually 2.Ongoing 3-4. Ongoing 5&7. Ongoing 6.Annually</p>

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Poor complaints handling mechanisms	<ul style="list-style-type: none"> • Poor LSP reporting on cases • Dysfunctional flowcentric system • Complaints not finalized within the prescribed timelines and turnaround times • Non-compliance with the complaints handling regulations • Lack of consistency on complaints handlings 	Red	<ol style="list-style-type: none"> 1) Review of finalized cases 2) Appeals process in place 	1. LSP	<ol style="list-style-type: none"> 1) Revise and overhaul current complaints handling processes and operating systems 2) Compile and develop a complaints handling manual on complaints handling best practices 3) Revise and amend current complaints handling regulations in line with adopted complaints handling processes 4) Revise and develop appropriate statistical reporting systems and develop Flowcentric electronic case registration and workflow system to enable production of statistical reports 5) Conduct internal staff training on complaints handling operating systems (including Flowcentric) 	1.HOP LSP	1. Quarterly, Ongoing
Information technology governance risks	<ul style="list-style-type: none"> • Records and information missing 		1) Records management, policy, plan & procedures	<ol style="list-style-type: none"> 1. ICP 2. Admin. & Supply Chain 3. HR 	1. Update & execute records mgt plan	1. DD – Records	1. Annually

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Information technology governance risks	<ul style="list-style-type: none"> • Absence of a disaster recovery and business continuity plans • Poor back-up of information • IT Systems failure • Theft of Physical assets i.e computers or servers • Destruction of documents not filed properly • Fire Hazards • Lack of policies/outdated IT policies • Lack of IT governance frameworks 	Red	<ol style="list-style-type: none"> 2) Information back-up register 3) Disaster recovery plan 4) Health and Safety checklist 5) Information security policy & procedures 	<ol style="list-style-type: none"> 1. ICP 2. Admin. & Supply Chain 3. Human Resources 	<ol style="list-style-type: none"> 2. Back-up critical information and include responsibility as a KPI 3. Update and execute disaster recovery plan 4. File all important documentation and include responsibility as KPI 5. Develop business continuity plan 	<ol style="list-style-type: none"> 2. DD – IT 3. DD – IT governance 4. Admin Secretaries 5&6. CFO 	<ol style="list-style-type: none"> 2. Weekly 3. Annually 4. Ongoing 5&6 Annually
Inability to fully implement the human rights advocacy programs	<ul style="list-style-type: none"> • Scope of the audit is too wide, limited timeframes, insufficient capacity. • Insufficient resources and capacity to develop an adequate human rights model • Insufficient research capacity • Insufficient and limited capacity and skills to deliver on the advocacy programmes 		<ol style="list-style-type: none"> 1) External strategic partner with research capacity secured 		<ol style="list-style-type: none"> 1. Skills transfer i.t.o the involvement of the external expert in developing model & some training materials 2. Monitor & evaluate the effectiveness of training interventions, performance mngt & regular quality assurance reviews 3 Continuous M&E of the relevance & effectiveness of the new model 	HoP: ETP	End April 2011

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Inability to fully implement the human rights advocacy programs					4. Enhance info sharing between Programme and relevant stakeholders, regularly update the annuals to be in line with new legislation and international human rights trends	HoP: ETP	End April 2011
Constraints to achieving 100% of operational objectives	<ul style="list-style-type: none"> • Corrective action not taken to address poor performance • Targets not specific or achievable • Targets not aligned to budget • Poor planning • No procedures for management of performance- Weak risk management processes 		<ol style="list-style-type: none"> 1) Strategic planning and review guidelines 2) Annual performance/ operational plans 3) Management Training 4) Performance management policy and procedures 	<ol style="list-style-type: none"> 1. Office of the CEO 2. Finance 	<ol style="list-style-type: none"> 1. Proper planning and implementation, Restructure the institution's resources, Appoint a strategic planning committee 2. Hold a strategic planning training workshop 3. Update strategic planning guidelines and tools 4. Update performance mngt policy and procedures and have them approved 5. Analysis of service delivery environment and prior year performance information to be compulsory 6. Annual performance plans to aligned to strategic plan 	<ol style="list-style-type: none"> 1. CEO 2, 3 & 4. Manager – OCEO 5& 6. All HOP's 7.CEO 	<ol style="list-style-type: none"> 1. Annually 2, 3 & 4. Annually 5&6. Annually by Sept. 7. Annually by Feb.

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Constraints to achieving 100% of operational objectives				1. Office of the CEO 2. Finance	7. Strategic plan developed and performance targets included in performance agreements, Develop performance management tools, 8. Develop risk mitigation plan	1. CEO 2, 3 & 4. Manager – OCEO 5& 6. All HOP's 7.CEO	1. Annually 2, 3 & 4. Annually 5&6. Annually by Sept. 7. Annually by Feb.
Non-compliance with prescribed legislation (PFMA, Treasury Regulations, PPPFA, Human Resources legislation etc)	<ul style="list-style-type: none"> • Non-compliance with the PFMA and Treasury regulations. Including Supply Chain Compliance Risks • Corporate governance standards not followed Human Right Act prescripts not followed • PAIA obligations not met • GRAP standards not executed • Minimum information security standards not met • The preferential procurement framework not adhered to 	Amber	<ol style="list-style-type: none"> 1) Authorisation of expenditure by HoP's 2) Delegation of Authority 3) Formalised staff structures 4) Registration and reporting of all UIFW expenditure discrepancies to management 5) Periodic process audits 6) Verification and authorisation of payments 	<ol style="list-style-type: none"> 1. Office of the CEO 2. Finance 3. Human Resources 4. Admin & Supply Chain 5. ICP 	<ol style="list-style-type: none"> 1. Update compliance guidelines for PFMA and Treasury guidelines 2. Develop new compliance guidelines 3. Update compliance checklists and schedules 4. Develop dashboard reporting tools 5. Submit reports to Senior Management 6. Investigate all UIFW expenditure and report outcomes to senior management 7. Update, correct and communicate authorisation schedules to relevant stakeholders 8. Segregate duties 	<ol style="list-style-type: none"> 1 – CFO 2-5 – HoP's for Admin, ICP & HR 	<ol style="list-style-type: none"> 1. Annually 2-4. Annually 5. Quarterly

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
<p>Non-compliance with prescribed legislation (PFMA, Treasury Regulations, PPPFA, Human Resources legislation etc)</p>	<ul style="list-style-type: none"> • The Black economic empowerment framework not adhered to • Expenditure not incurred in line with budgets • Unwarranted, unjustifiable expenditure • Collusion with suppliers • Unauthorised transactions • Incorrect and duplicate payments to service providers • Late payments • Non adherence to policies • Delegation of Authority not formalised, adhered to or aligned to legislation 	<p>Amber</p>	<p>7) Certification of every invoice that it has not been paid</p> <p>8) All payments for purchases matched to orders</p> <p>9) Direct payment limited to emergencies only</p> <p>10) Pastel security should not allow for the same invoice number to be processed more than once</p> <p>11) Authority schedules with specimen signatures</p> <p>12) Compliance guidelines</p> <p>13) Compliance checklists and schedules</p>	<p>1. Office of the CEO</p> <p>2. Finance</p> <p>3. Human Resources</p> <p>4. Admin & Supply Chain</p> <p>5. ICP</p>	<p>1. Update compliance guidelines for PFMA and Treasury guidelines</p> <p>2. Develop new compliance guidelines</p> <p>3. Update compliance checklists and schedules</p> <p>4. Develop dashboard reporting tools</p> <p>5. Submit reports to Senior Management</p> <p>6. Investigate all UIFW expenditure and report outcomes to senior management</p> <p>7. Update, correct and communicate authorisation schedules to relevant stakeholders</p> <p>8. Segregate duties</p> <p>9. Update delegation of authority</p> <p>10. Conduct periodic process audits</p>	<p>1 – CFO</p> <p>2-5 – HoP's for Admin, ICP & HR</p>	<p>1. Annually</p> <p>2-4. Annually</p> <p>5. Quarterly</p>

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Misappropriation of the time, assets and funds of the Commission	<ul style="list-style-type: none"> GRAP standards not adhered to Incomplete GRAP compliant asset register Unauthorised use of vehicles Unauthorised leave taken Use of IT facilities for personal matters Lack of IT policy and procedures Consistent use of virements Expenditure not aligned to budget Financial Management internal controls not sufficient Inefficient management budgetary control Insufficient management planning capacity PFMA framework not adhered to. 	Amber	<ol style="list-style-type: none"> Leave reconciliation reports GRAP compliant asset register Physical verification of assets Payroll & attendance verification Vehicles fitted with tracking technology Vehicle movement log Inventory register Approved IT policy & procedures IT governance strategy Financial monitoring reports General ledger PFMA compliance checklist 	<ol style="list-style-type: none"> Admin & Supply Chain HR ICP 	<ol style="list-style-type: none"> Asset management plan developed Asset mngt procedures communicated to all relevant parties Periodic Payroll and asset management process audits Periodic verification of vehicle movement against tracker reports Reconciliation of register to stationary Leave reconciliation reports submitted to Senior Management Develop IT governance strategy Approve and Comm IT policy and procedures to all stakeholders Monitor, evaluate & report on financial mngt compliance Budget projections and financial planning Review of expenditure reports Strategic plan review Financial mngt training undertaken by all HOPs 	<ol style="list-style-type: none"> 1-2 HoP Admin & Supply Chain Internal Audit Senior Administrator Admin. Secretaries HoP – HR DD - IT HOP - ICP 	<ol style="list-style-type: none"> 1-2 Annually Bi-annually On-going Monthly Annually

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
High staff turnover	<ol style="list-style-type: none"> Budget constraints on Training and Development Limited budget to implement Retention Plan/interventions 		<ol style="list-style-type: none"> Investment in people 	HR	<ol style="list-style-type: none"> Improve and Implementation of retention strategy “Real time” Capacity Building programme 	HoP: ETP	As soon as possible
Employment equity targets not met	Non-participation of staff members on EE activities as prescribed by EEA. Unavailability of designated groups for appoints		<ol style="list-style-type: none"> Development of EE monitoring and evaluation tool. Quarterly review of EE Plan and activities 	HR	<ol style="list-style-type: none"> Diversification of advertising methods, which include strategic partnership with organizations representing people with disability, social media 	HR	Ongoing
Low staff morale	<ol style="list-style-type: none"> Low investment on staff. Management style, negative organisational culture, limited team building programmes 		<ol style="list-style-type: none"> Annual Organisational survey. Sufficient budget on Capacity Building. Performance rewards/incentives 	HR	<ol style="list-style-type: none"> Conduct organisational survey. Align positions with appropriate salary scale. Implement stakeholder management strategy 	HR	As soon as possible
Poor stakeholder engagement & inadequate communication	<ul style="list-style-type: none"> Negative stakeholder perceptions, Communication with stakeholders not consistent or timeous Media relations strategy not executed 		<ol style="list-style-type: none"> Approved Stakeholder Management strategy and plan Approved Media Relations strategy & plan 	<ol style="list-style-type: none"> Commissioners Office of the CEO 	<ol style="list-style-type: none"> Update Stakeholder Mngt policies, processes and procedures Develop stakeholder database Update media relations strategy and plan Execute media relations plan 	<ol style="list-style-type: none"> 1-2 Man: Office of Comm 3-5 DD – Media Relations 6-8 All HOPs 	<ol style="list-style-type: none"> 1-2 Annually 3-5 Annually 6. Quarterly

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
Poor stakeholder engagement & inadequate communication	<ul style="list-style-type: none"> No stakeholder management strategy and plan Stakeholder perceptions not managed 		<ol style="list-style-type: none"> Approved Stakeholder Management strategy and plan Approved Media Relations strategy & plan Media engagement and monitoring reports Stakeholder assessment and engagement reports 	<ol style="list-style-type: none"> Commissioners Office of the CEO 	<ol style="list-style-type: none"> Stakeholders identified Stakeholders assessed Stakeholder engagement plans developed Stakeholder management reports submitted to Commissioners 	1-2 Man: Office of Comm 3-5 DD – Media Relations 6-8 All HOPs	<ol style="list-style-type: none"> 1-2 Annually 3-5 Annually 6. Quarterly
The Commission's PAIA and PEPUDA obligations not fully met	<ul style="list-style-type: none"> Budget allocated for implementation not sufficient Standard of reporting to Parliament Lack of a dedicated deputy information officer Incapacity of resources to report to Parliament annually 		<ol style="list-style-type: none"> Compliance guidelines for PAIA & PEPUDA PAIA & PEPUDA Protocols Reporting procedures and standards for PAIA & PEPUDA Delegation of Authority 	<ol style="list-style-type: none"> RDP ICP 	<ol style="list-style-type: none"> Develop compliance guidelines for PEPUDA and PAIA Update PAIA protocols Update PEPUDA protocols Develop reporting procedures and standards for PEPUDA and PAIA 	1,2,4-5 DDPAIA 1,2,3-4 Researcher - ESR	<ol style="list-style-type: none"> 1-5 Annually

Risk description	Background to the risk	Inherent Risk	Controls	Risk owner	Actions to improve management of the risk	Action owner	Timescale
The Commission's PAIA and PEPUDA obligations not fully met				1. RDP 2. ICP	5. Update delegation of Authority for Dep Information Officer. Participate in access to information briefings, motivate for additional budget, monitor the functioning of the courts	1,2,4-5 DD PAIA 1,2,3-4 Researcher - ESR	1-5 Annually
Long-time taken to fill vacant posts	<ol style="list-style-type: none"> Budget constraints to advertise externally Lack of suitable candidates Recruitment & filling of vacant positions not a performance std to HOP 		1. Advertise in media, most widely read. Develop M&E tool on recruitment & selection process. Train line managers re Talent Engagement Strategy	HR	1. Advertised in media, most widely read. Develop monitoring tool on recruitment and selection process. Training of line managers regarding Talent Engagement Strategy	HR	Immediately
The Commission's organizational structure not aligned to the HRC mandate	<ol style="list-style-type: none"> Lack of skills on selection processes of panel members Line Managers. Non-adherence to the Commission's policy on Recruitment and Selection. Competency assessment that is only done for Snr Managers. 		1. A prerequisite will be job competencies and competency assessments al all candidates to establish suitability	HR	<ol style="list-style-type: none"> Competency Framework for SAHRC The development of an Assessment Policy and approved by the CEO. Present Workshops on Selection processes. 	HR	Immediately