**ANNEXURE B: LIST OF TABLES**

**Table 1**: Legal aid provision between 2017- 2020 financial years

|  |
| --- |
| 2017 – 2018 Financial Year |
| Total number of Criminal Cases | Total number of Civil Cases | Total number of Children | Overall total number of assisted people |
| 364,267. | 55,794. | Legal Aid South Africa assisted a total of 16,350 children with 62% (10,141) being children in conflict with the law and 38% (6,209) being children needing assistance with civil legal matters. | •In the 2017/18 Financial Year Legal Aid South Africa provided legal representation and advice to 731,856 people. •Legal Aid South Africa took on a total of 426,617 new legal matters (criminal and civil) and finalised a total of 420,061. •This includes legal representation in 420,061 criminal and civil matters as well as legal advice to 305,239 persons. |
| 2018 – 2019 Financial Year |
| Total number of Criminal Cases | Total number of Civil Cases | Total number of Children | Overall total number of assisted people |
| 359,075. | 51,321. | Legal Aid South Africa assisted a total of 16,713 children with 59% (9,486) being children in conflict with the law and 41% (6,687) being children needing assistance with civil legal matters. | •In the 2018/19 Financial Year Legal Aid South Africa provided legal representation and advice to 724,253 people. •Legal Aid South Africa took on a total of 416,203 new matters (criminal and civil) and finalised a total of 410,396.•This includes legal representation in 410,396 criminal and civil matters as well as legal advice to 308,050 persons. |
| 2019 - 2020 Financial Year |
| Total number of Criminal Cases | Total number of Civil Cases | Total number of Children | Overall total number of assisted people |
| 351,061.  | 51,177.  | Legal Aid South Africa assisted a total of 13,514 children with 58% (7,781) being children in conflict with the law and 42% (5,733) being children needing assistance with civil legal matters. | •In the 2019/20 Financial Year Legal Aid South Africa provided legal representation and advice to 668,293 people. •Legal Aid South Africa took on a total of 402,238 new matters (criminal and civil) and finalised a total of 374,367.•This includes legal representation in 402,238 criminal and civil matters as well as legal advice to 266,055 persons. |

Source: Legal Aid South Africa

**Table 2: Inmates in correctional centres**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **REGION** | **ACCOMMODATION** | **UNSENTENCED INMATES**  | **SENTENCED OFFENDERS** | **GRAND TOTAL**  | **OCCUPANCY LEVEL %** | **OVERCROWDING LEVEL %** |
| **EC** | 12 583 | 5 799 | 13 163 | 18 962 | 150.70% | 50.70% |
| **GP** | 23632 | 13 813 | 19 198 | 33 011 | 139.69% | 39.69% |
| **KZN** | 18759 | 6 393 | 15 952 | 22 345 | 119.12% | 19.12% |
| **LMN** | 18643 | 5 682 | 16 081 | 21 763 | 116.74% | 16.74% |
| **FSNC** | 19202 | 5 105 | 14 118 | 19 223 | 100.11% | 0.11% |
| **WC** | 18017 | 11 090 | 14 554 | 25 644 | 142.33% | 42.33% |
| **NATIONAL** | **110 836** | **47 882** | **93 066** | **140 948** | **127.17%** | **27.17%** |
| **Source : DCS Daily Unlock Totals as at 31 March 2021** |

The impact of the implementation of 2020 COVID-19 Special Parole Dispensation as well as the decrease in bedspace resulted in an overcrowding level of 27.17%.

**Table 3:** statistical data of cases registered by IPID for the financial years 2014 to 2020

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Financial Year | Incidents Reported[Section 28(1)(f)] | Total Decision ready | Referred to the NPA | NPA Decisions | Court outcome | Forwarded to SAPS (and Municipal Police Service) | Outcome |
| 2014/2015 | 103 | 102 | 40 | 30 | 6 | 52 | 11 |
| 2015/2016 | 153 | 138 | 77 | 62 | 10 | 78 | 12 |
| 2016/2017 | 149 | 105 | 66 | 55 | 3 | 61 | 6 |
| 2017/2018 | 203 | 90 | 47 | 37 | 1 | 52 | 10 |
| 2018/2019 | 271 | 135 | 75 | 52 | 2 | 81 | 6 |
| 2019/2020 | 217 | 108 | 63 | 48 | 2 | 67 | 8 |
| TOTAL  | 1096 | 678 | 368 | 284 | 24 | 391 | 53 |

In terms of the IPID Act, Act 1 of 2011, Section 29(1) read with Regulation 2(1) of the IPID Regulations, obligates the SAPS and MPS to report specific cases to IPID for investigation. Members of the public are also further able to report such torture allegations to IPID directly in accordance with Regulation 2(4)(a) and (b) of the IPID Regulations.

The above table shows that 1096 incidents were reported since 2014/2015 to 2019/2020 financial years. The total number of 418 cases are still under investigation, while 678 cases are decision ready. Of the 678 cases majority of decision ready was in the financial year 2015/2016 with 138 cases, followed by 2018/2019 with 135 and 108 in 2019/2020. 402 cases were referred to the NPA. NPA declined to prosecute on 284 cases. Prosecution took place on 34 cases. Of the 34 cases where NPA decided to prosecute, the following where outcomes recorded: there were 10 acquittals, 6 guilty verdicts (sentences were ranging from fines to 5 years’ imprisonment), 5 withdrawals and 3 mediations. Currently there are 10 cases on the court roll.

A total number of recommendations forwarded to the SAPS/ MPS was 391. Of the 391 cases forwarded to the SAPS/MPS outcomes were received on 53 cases. Of the 53 cases there were guilty verdicts on 26 cases. The sanctions that were meted were corrective counselling, written warnings, final written warnings and a dismissal. Furthermore, it was noted that there were acquittals on 17 cases and withdrawals on 10 cases.

**Table 4**: Progress made according the WSKS for 2017 to 2020

The Department of Water and Sanitation (DWS) has formulated norms and standards for water and sanitation and strives to ensure that these indicators are measured to report on progress made for all citizens to attain access to basic services by 2030 in accordance with our NDP in line with the National Sanitation Policy 2016, the National Water and Sanitation Master Plan (2018), etc.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Population 2017 | Households 2017 | Access to basic water supply 2017 - population | Access to basic water supply 2017 - households | Access to basic sanitation 2017 - population | Access to basic sanitation 2017 - households |
| 56 666 202 | 17 471 755 | 46 372 793 (81.8%) | 14 778 532 | 42 564 940(75.1%) | 13 504 554 |
|  |  |  |  |  |  |
| Population 2020 | Households 2020 | Access to basic water supply 2020 - population | Access to basic water supply 2020 - households | Access to basic sanitation 2020 - population | Access to basic sanitation 2020 - households |
| 59 656 253 | 18 933 745 | 52 196 335 (87.5%) | 16 760 681 | 46 713 834 (78.3%) | 15 075 232 |
|  |  |  |  |  |  |
| 2017-2020 | 2017-2020 | 2017-2020 | 2017-2020 | 2017-2020 | 2017-2020 |
| 2 990 051 | 1 461 990 | 5 823 542 | 1 982 149 | 4 158 894 | 1 570 678 |

During the four-year period of 2017 to 2020 the following growth and access to water services had occurred. See the list below:

Population grew by 2 990 051

Households grew by 1 461 990

Population receiving basic water supply grew by 5 823 542 which means that backlogs over the four-year period for access to basic water supply reduced by 2 833 491.

Households receiving basic water supply grew by 1 982 149 which means that backlogs over the four-year period for access to basic water supply reduced by 520 159.

Population receiving basic sanitation grew by 4 158 894 which means that backlogs over the four-year period for access to basic sanitation reduced by 1 168 843.

Households receiving basic sanitation grew by 1 570 678 which means that backlogs over the four-year period for access to basic sanitation reduced by 108 688.

**Table 5**: School attendance in 2021



Despite great strides that had been achieved in terms of access to education, structural obstacles to the achievement of the right to education still exist. Research has consistently shown that the strongest determinant of educational outcomes in South Africa is socio-economic status. Given the history of South Africa, there is an overlap of poverty, race and historical disadvantage. Although education and economic policies are designed to be pro-poor the negative effect of home background factors cannot be completely eradicated. The pace of social and economic development in the country is therefore a long-term obstacle to full realisation of the right to education.

The number of Grade R learners aged 5 and 6 increased from 87.2 % and 95.9% in 2014 and to 88% and 96.6% in 2018 respectively. Access to Grade R is almost universal. Since 2009, more than 90% of learners in Grade 1 have previously attended Grade R. Near universal school coverage has been achieved, with school attendance by children aged 7 to 15 at about 99%. The implementation of the National School Nutrition Programme is now benefiting over 9 million learners.

According to the Department of Basic Education’ s 25 Year Review, 99% of 7 to 15-year-olds were attending educational institutions in 2017 (an increase from about 96% in 2002). Among 16- to 18-year-olds, the participation rate decreased to 86%, indicating a reversal in gains made in reaching universal access for learners aged 7 to 15, with some dropping out and others taking longer to reach Grade 12.

While South Africa lags behind other countries in terms of quality of education, recent standardised international assessments show that levels of learning in South African schools have been improving. The challenge is to sustain these improvements and reduce the dropout rate, to ensure higher flows into, and successful completion of further education.

**Table 6: Comparative view of the National Senior Certificate pass rate from 2017 to 2020**

|  |  |
| --- | --- |
| **Year** | **National Pass Rate** |
| **2017** | **75.1 %** |
| **2018** | **78.2 %** |
| **2019** | **81.3 %** |
| **2020** | **76.2 %** |

The Matric Class of 2019 made history by becoming the first cohort since South Africa became a democracy in 1994 to jump the elusive 80% mark. This impressive national pass rate represented an improvement of 3.1% from 2018, which was 78.2%. The drop in the national pass rate from 81.3 % in 2019 to 76.2 % in 2020 (representing a 5.1 percentage point decrease) should be viewed within the context of the schooling disruption caused by the novel Covid-19 pandemic.

The performance of learners with special needs has also improved. Learners with special needs who obtained Bachelor passes increased from 443 in 2015 to 1 669 in 2018. The number of special needs learners writing Grade 12 exams has increased from 1 691 to 3 591.

**Table 7:** Comparative view of women in political life from 2004 to 2019

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2004** | **2009** | **2014** | **2019** |
| Women MPs in the National Assembly | 33% | 43% | 40% | 46% |
| Women MPs in the NCOP | 41% | 30% | 28% | 36% |
| Women Members of Provincial Legislatures | 30% | 41% | 37% | 46% |
| Women in Cabinet | 42% | 41% | 41% | 50% |
| Women deputy ministers | 60% | 39% | 44% | 46% |
| Women premiers | 44% | 55% | 22% | 22% |
| Women voters | 55% | 55% | 56% | 55% |

Gender Links (GL) Gender Audit of the 2019 South Africa elections, see <https://genderlinks.org.za/what-we-do/governance/advocacy/south-africa-gender-and-elections>.

**Table 8**: Racial and gender of the 250 permanent judges

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Race | African | Coloured | Indian | White | Total: |
| Gender | Male | Female | Male | Female | Male | Female | Male | Female |   |
| TOTAL | 69 | 46 | 16 | 11 | 13 | 11 | 55 | 29 | 250 |
| % | 27,60% | 18,40% | 6,40% | 4,40% | 5,20% | 4,40% | 22,00% | 11,60% | 100% |

There is a significant progress in terms of gender transformation over the last two decades in terms of judicial composition. In June 2019 there were 758 female magistrates nationally. This equates to an increase of 166,9% in the number of female magistrates from December 1998 to June 2019. In November 2019, some 207 further appointments were made to the magistracy. The new appointments further strengthen gender transformation as more than half of the new incumbents (105) are female, thus bringing the total number of female magistrates to 863 (out of a total of 1803 magistrates). This means that at the end of 2019, a total of 47,8% of our magistracy were female.

**Table 9:** Inequality measures based on per capita expenditure by sex of household head (2006, 2009, 2011 & 2015)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sex of householdhead | Year |  GiniCoefficient | Theil’s indices | Atkinson indices | Palma ratio |
| GE(0) | GE(1) | A(1) | A(2) | **Bottom****40%** | **Middle****50%** | Top10% | Ratio |
| Male | 2006200920112015 | 0.660.640.640.64 | 0.860.800.800.79 | 0.890.770.800.77 | 0.580.550.550.55 | 0.760.760.750.76 | 6.1%6.2%6.4%6.4% | 40.1%44.8%43.7%44.4% | 53.8%49.0%49.9%49.2% | 8.97.97.87.7 |
| Female | 2006200921002015 | 0.630.630.610.61 | 0.690.700.650.68 | 0.920.890.810.80 | 0.500.500.480.49 | 0.660.660.650.67 | 9.2%8.8%9.3%8.7% | 35.0%36.7%38.3%39.5% | 55.8%54.5%52.4%51.8% | 6.16.25.66.0 |
| TotalPopulation | 2006200920112015 | 0.670.650.650.65 | 0.850.810.800.80 | 0.950.860.860.84 | 0.570.560.550.55 | 0.740.740.740.75 | 6.6%6.5%6.8%6.6% | 36.2%40.2%39.9%40.8% | 57.2%53.3%53.3%52.6% | 8.68.17.97.9 |

Inequality Trends in South Africa, a multidimensional diagnostic of inequality,” Report No. 03-10-19, Statistics South Africa (2019)

According to nearly all the inequality measures presented individuals living in male-headed households seem to be more unequal as compared to those living in female-headed households. Over the years, the Atkinson index shows a similar trend like the Gini coefficient for individuals living in both male- and female-headed households. The Palma ratio corroborates with the Gini coefficient in that there is more inequality among individuals living in male-headed households compared to those living in female-headed households.

Government is implementing various programmes to deal with the scourge of inequality including the combination of pro-poor fiscal expenditure, as well as a progressive tax system to chip away at income inequality that is widely regarded as being amongst the highest in the world. For example, 39% of tax revenue is sourced from Personal Income Tax (PIT), with 61% of taxable income for PIT sourced from the richest 26% of taxpayers.

**Table 10:** SAHRC 2019/20, 2020/21 to 2021/22 MTSF Budget Allocation

|  |
| --- |
|  2019/20 2020/21 2021/22 |
| Budget Cost Centre | Final MTEF Allocation | MTEF Forecast | MTEF Forecast |
| Personnel CostsCommissioner ‘s UnitCEO OfficeCOO OfficeStrategic Support & GovernanceLegal Service UnitResearch UnitAdvocacy & CommunicationProvincial Offices | 130 868 906876 0782 903 798347 476670 0002 240 000980 0001 793 0003 105 000 | 139 898 861896 8802 972 748355 727685 9092 293 1881 003 2701 835 5743 178 727 | 149 551 882 916 6393 038 240363 564701 0202 343 7091 025 3731 876 0133 248 757 |
| Human ResourcesInformation CommunicationFinanceAdmin & Supply Chain | 2 659 9336 351 0202 930 71533 673 074 | 2 723 0926 501 8233 000 30434 472 631 | 2 783 0846 645 0633 066 40335 232 087 |
| Internal Audit | 306 000 | 313 266 | 320 166 |
| **Total Revenue Allocation** | **189 705 000** | **200 132 000** | **211 112 000** |

Government recognises that the budget allocated to the SAHRC may not be sufficient to enable the institution to carry out all its constitutional obligations. However, this allocation should be seen within the context of other competing government needs and the shrinking national fiscus. Budgetary and financial constraints are a reality and thus all bodies and institutions have had to ensure the optimal use of its resources with accompanying cost savings measures having to be adopted by all.

The increase set out above in SAHRC allocation over the 2019/20, 2020/21 and 2021/22 Medium Term Expenditure Framework (MTEF) period shows Government’s confidence in the role that the SAHRC has played over the past 26 years of its existence in assisting Government to entrench the culture of human rights, constitutionalism, the rule of law and advancement of our international obligations. Despite its limited resources, the Commission continues producing outstanding research outputs and reports on South Africa’s human rights landscape to further deepen our constitutional democracy.

**Table 11** **Cases registered in the Equality Court during the period under review**

The table reflects the statistics relating to equality court matters registered in the Lower Court (Magistrate Court) during April to March 2016 to 2020. Please note that these are registered, not necessarily finalised cases.

|  |  |
| --- | --- |
| **Region** | **April to March 2016 to 2020** |
| **2016/17** | **2017/18** | **2018/19** | **2019/20** |
| **Eastern Cape** | 23 | 20 | 28 | 3 |
| **Free State** | 5 | 7 | 7 | 3 |
| **Gauteng** | 141 | 52 | 135 | 198 |
| **KwaZulu-Natal** | 92 | 75 | 229 | 255 |
| **Limpopo** | 11 | 4 | 9 | 1 |
| **Mpumalanga** | 56 | 36 | 10 | 11 |
| **North West** | 0 | 4 | 1 | 16 |
| **Northern Cape** | 4 | 7 | 13 | 10 |
| **Western Cape** | 39 | 46 | 41 | 124 |
| **Total** | 371 | 201 | 473 | 621 |

The DoJ&CD has designed a tool through its National Operation Centre to capture statistics of Equality Court cases when they are registered by the Equality Court clerk. The tool captures detailed information about the complainant and respondent, including information such as race, gender, disability, age, population group and the type of complaint. The tool requires the Clerk of the Equality Court to provide the number of registered, finalised and outstanding cases. Clerks are trained to use this tool and are obliged to periodically submit this information to the national office. Anyone who believes they have been unfairly discriminated against, harassed or subjected to hate speech by either government officials, private individuals or institutions, has recourse to the Equality Court.

**Table 12** **Cases finalised in the Equality Court during the period under review**

|  |  |
| --- | --- |
| **Region** | **April to March** |
| **2014/15** | **2015/16** | **2016/17** | **2017/18** | **2018/19** | **2019/20** |
| **Eastern Cape** | 9 | 2 | 1 | 1 | 3 | 0 |
| **Free State** | 12 | 0 | 1 | 0 | 2 | 1 |
| **Gauteng** | 19 | 0 | 2 | 1 | 6 | 2 |
| **KwaZulu-Natal** | 46 | 3 | 7 | 13 | 12 | 0 |
| **Limpopo** | 3 | 0 | 0 | 1 | 2 | 17 |
| **Mpumalanga** | 31 | 2 | 6 | 7 | 0 | 0 |
| **North West** | 7 | 0 | 0 | 0 | 0 | 1 |
| **Northern Cape** | 4 | 0 | 0 | 1 | 1 | 0 |
| **Western Cape** | 11 | 1 | 1 | 6 | 3 | 1 |
| **TOTAL** | **142** | **8** | **20** | **30** | **29** | **22** |