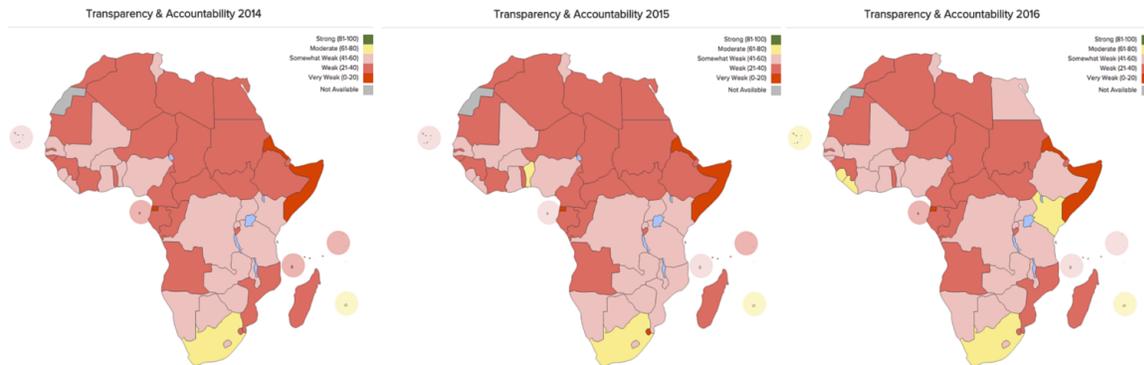


Africa Integrity Indicators – Country Findings



Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at www.globalintegrity.org.

What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted.

Get in touch with us

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at aii@globalintegrity.org.

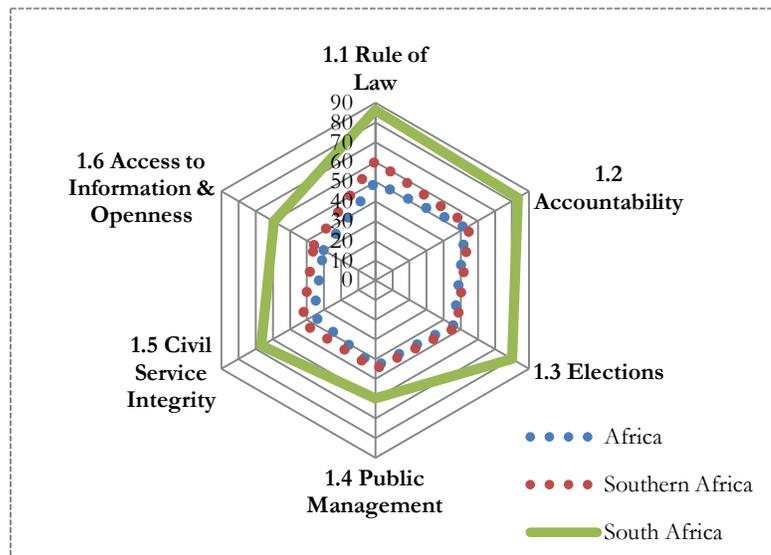
South Africa – Country Findings Summary

1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

The overall category score did not show any substantial change, increasing by only 1 point from 72 in 2015 to 73 in 2016 (“moderate” on the Global Integrity scale).¹ On each of the [six subcategories](#), South Africa’s aggregate scores were higher than those of the Southern African region and the continent.

Rule of Law was the highest performing subcategory with an aggregate score of 86. In fact, two subcategories – Rule of Law and Accountability – fell within the “strong” range on the Global Integrity scale, and the Elections subcategory with an aggregate score of 80 (“moderate” on the Global Integrity scale) fell short of entering the “strong” range by 1 average point. The weakest performing subcategories were Access to Information & Openness with a score of 59 and Public Management with a score of 60 (both in the “somewhat weak” area of the Global Integrity scale).



< Figure 1 > South Africa’s subcategory scores in comparison to the region and the continent. The radar chart depicts the country’s aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country’s region (red dotted lines).

Selected highlights

- **While South Africa’s judiciary enjoys a high level of independence, the government does not adhere to all of the former’s rulings.** Merit-based appointments underscore the judiciary’s independence, and as reported in [indicator 3](#), the screening of candidates by the Judicial Service Commission is a public process. The most recent appointments were those of 6 high court judges in June 2015 and no judges were removed during the study period. As per the procedures in place, judges can only be removed based on a decision of the Judicial Services Commission and a two-

¹ The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

thirds vote by the National Assembly in favor of such a removal. South Africa's courts also have the autonomy to interpret existing laws, without being subject to fear or favor by other branches of the government. The High Court's order to arrest Sudan's president Omar Al-Bashir in June 2015 is an example, as noted in [indicator 2](#). During a visit of president Al-Bashir in South Africa for an African Union summit, a court order was issued barring him from leaving the country while an application to arrest him was being heard. Back in 2009, the International Criminal Court (ICC) in The Hague had issued an arrest warrant for president Al-Bashir. Despite being a signatory to the ICC's Rome Statute, the South African government allowed president Al-Bashir to leave the country in violation of the court order, and the High Court could only issue its arrest order after the departure of the Sudanese president.

- **South Africa's Public Protector actively investigated cases of alleged public sector corruption, but faced strong resistance from the government during the study period.** The Public Protector is by law mandated to receive and investigate allegations of public sector corruption, as reported in [indicator 11](#). In practice, Thuli Madonsela, South Africa's Public Prosecutor since 2009, actively investigated cases – be it in response to submitted complaints or out of her own initiative – and released numerous reports during the study period, as observed in [indicators 12](#) and [13](#). However, her recommendations were not always followed, and she faced increased resistance and threats from the government during the 2016 research, after publishing a report in 2014 on president Zuma's use of public money for the renovation of his private homestead Nkandla. In addition, the Public Protector was subject to a budget cut in April 2015. Despite these circumstances, she did not retract any reports or stopped investigations.
- **While citizens have easy access to specific information, such as legislative documents or financial records of state-owned companies, the implementation of the Access to Information law leaves room for improvement.** South Africa is one of the 15 countries that earned a 100 score on [indicator 41](#), which assesses the existence of a law guaranteeing citizens' right to request public information from state bodies. The country's Promotion of Access to Information Act of 2000 outlines among other things, the manner of access and grounds for refusal of access. However, the process of obtaining information in practice is lengthy and difficult, and the majority of requests receive a negative response, as noted in [indicator 42](#).

On the other hand, the country scored high on citizens' access to legislative documents, financial records of state-owned companies and those associated with natural resources exploitation. For instance, transcripts and reports of parliamentary sessions are accessible on the parliament's website. But [indicator 43](#) stresses that such availability of legislative information is the result of efforts of NGOs and private citizens. According to [indicator 29](#), most state-owned companies such as Eskom (energy), Transnet (transport), Telkom (telecommunications), De Nel (arms) or South African Airways, release their financial records on an annual basis, and sometimes on a quarterly basis. Companies active in the exploitation of natural resources also make their financial statements available to the public every three to six months, as is the case with Lonmin, Harmony Gold, BP, Gold Fields and Exxaro, as notes [indicator 30](#).

- **Citizens only have access to asset disclosures of members of parliament, and statements of officials of the other two branches are out of their reach.** As noted in [indicator 44](#), the Public Service Act of 1994 requires senior officials of all three branches of the government to disclose their assets. [Indicator 45](#) notes that disclosures in fact contain detailed information, yet only those of members of parliament are made accessible to the public. Moreover, since the disclosure requirements only apply to elected officials, not all civil servants are obliged to submit a disclosure form, as explained in [indicator 46](#).
- **Public funding of political parties is regulated by law, and allocated amounts are publicly available in practice. However, no law exists to regulate private funding of political parties and no disclosures are made.** As noted in [indicator 48](#), public funding allocation is regulated by the Public Funding of Represented Political Parties Act of 1997. Its Section 6 specifically stipulates that allocated amounts be made publicly available. [Indicator 49](#) reports that such information was indeed made available by the Independent Electoral Commission (IEC) through its annual fund report, released in September 2015 and covering the year ending March 31, 2015. However, no law exists that requires the publication of private funding of political parties, as noted in [indicator 50](#). As a result, none of the country's large parties – African National Congress (ANC), Democratic Alliance, and the Congress of the People – disclosed records of private funding previously received, as reported in [indicator 51](#). In February 2015, the My Vote Counts lobby group submitted a request to the Constitutional Court to compel parliament to pass a legislation for increased party funding transparency.

2. Social Development

This category covers seven subcategories, including rights (civil society space and minority rights), gender, business environment and infrastructure, rural sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

Selected highlights

- **In general, NGOs in South Africa were able to operate freely and did not face any harassment on the administrative level. Nonetheless, individual cases of NGO employees being killed or threatened were reported.** For instance, in September 2014, the chairperson of Abahlali baseMjondolo (ABM), a movement of shack dwellers around Durban, was killed in her home, allegedly by councilors of the ruling party Africa National Congress (ANC). She had previously received death threats for speaking up about corrupt practices of the councilors in the housing sector, as reported in [indicator 69](#). The indicator's low score stands in contrast to the high scores of indicators 68 and 70, respectively assessing the extent to which new NGOs can be established without major obstacles, and the extent to which existing NGOs are harassed with administrative hurdles. According to [indicator 68](#), as of March 2015, a total of 136,453 non-profit organizations were registered with the Department of Social Development, which represents a 16.5% increase from the previous year. There were also no NGOs shut down during the study period, as noted in [indicator 70](#).
- **South Africa is the only country that earned a 'Yes' score on indicator 75, which assesses the existence of a legal framework that protects sexual minorities.** The Constitution in its Chapter 2, Section 9 stipulates that the state is not allowed to discriminate based on someone's sexual orientation. As further noted in [indicator 75](#), the Civil Union Act of 2006 gives people of the same sex the right to enter into a civil union. In practice, a LGBTI Task Team is in operation within the Department of Justice and Constitutional Development, but as [indicator 76](#) observes, LGBT citizens continued to face discrimination and harassment during the study period.
- **The national statistics office regularly publishes data on youth unemployment, poverty and infrastructure.** As reported in [indicator 91](#), Statistics South Africa (STATS SA) published at least 7 reports covering youth unemployment within the study period, which included quarterly labor reports. STATS SA also regularly collects data on poverty and available data are often incorporated in broader reports, such as the General Household Survey, the Living Conditions Survey, or the Poverty Trends Report, as noted in [indicator 92](#). When it comes to infrastructure, the latest statistics can be found in the "2014 capital expenditure by the public sector" report published in June 2015, and in the "selected building statistics of the private sector as reported by local government institutions" report published in May 2015. While all reports are freely accessible on STATS SA's website, they are only published in English limiting the linguistic accessibility of the reports.

- **Only limited social safety nets existed for to assist young people, the elderly, the unemployed and those unable to work due to a permanent or temporary health condition.** The National Youth Development Agency (NYDA), promoting the socio-economic integration of youth, implemented some programs on employment during the study period, but these were mainly at the local level as reported in [indicator 101](#). According to [indicator 102](#), 69% of the elderly benefited from state pensions in 2015 administered by the South African Social Security Agency (SASSA). However, only those with a prior income under \$US 300 are eligible to apply for the pensions, and no additional programs to ensure health care, housing or other essential needs were implemented during the study period. The Unemployment Insurance Fund under the Department of Labour, as mentioned in [indicator 103](#), caters to those who are unable to work as a result of temporary or permanent health conditions. As only those with prior employment are eligible to apply, no social safety net existed to assist all unemployed, as reported in [indicator 104](#).

The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for 114 individual indicators.