

Fanelo

"It's Your Right"



south african
human rights
commission

Volume 19

Transforming Society. Securing Rights. Restoring Dignity
The South African Human Rights Commission Newsletter

01-30 April 2014

SAHRC Commemorates Human Rights Month



SAHRC launches Library Disability Unit

Launch of Water and Sanitation Report



Human Rights Art Exhibition



National Right to Food Conference



Visit the SAHRC

Website: www.sahrc.org.za

E-mail: info@sahrc.org.za

Twitter @SAHRCommission

Facebook: SAhumanrightscommission

YouTube: SAHRC1

Freedom Day 27 April

Freedom Day on 27 April is an annual celebration of South Africa's first non-racial democratic elections of 1994. It is significant because it marks the end of over three hundred years of colonialism, segregation and white minority rule and the establishment of a new democratic government led by Nelson Mandela and a new state subject to a new constitution. The holding of the first non racial elections was the culmination of years of struggle and a negotiated settlement which led to the unbanning of the liberation organisations, the release of political prisoners, the return of exiles and the formal all party negotiations which drafted an interim constitution.

The moment which changed the path of South African history came after long and tension-ridden negotiations held between 1991 and 1992. The South African government, the African National Congress (ANC), the South African Communist Party (SACP) and other liberation movements engaged in these talks.

The 1994 election paved the way towards a new democratic dispensation and a new constitution for the country. The elections took place in a peaceful and festive atmosphere, though there were threats of political violence.

Of South Africa's 22, 7 million eligible voters, 19.7 million voted in the 1994 national election. The election was won by the ANC with 62.65 % of the vote. The National Party (NP) received 20.39 %, Inkatha Freedom Party (IFP) 10.54 %, Freedom Front (FF) 2.2 %, Democratic Party (DP) 1.7 %, Pan Africanist Congress (PAC) 1.2 % and the African Christian Democratic Party (ACDP) 0.5 %. Although the ANC gained a majority vote, they formed the Government of National Unity, headed by the president of the ANC's Nelson Mandela who became the first democratically elected President of the country.

SAhistory.org

CONTRIBUTORS:

- **Adv. Mushwana, Chairperson**
- **Pregs Govender, Deputy Chairperson**
- **Kayum Ahmed, CEO**
- **Eileen Carter, Senior Legal Officer - Limpopo**
- **Theledi Komana, Legal Officer - Limpopo**
- **Mahlatse Ngoben, Admin Officer - Limpopo**
- **Thembi Madalane, Legal Officer - Limpopo**
- **Mantsibile Mojabelo, PA Commissioner Malatji**
- **Poppy Mochadibane, Administrative Officer - North West**
- **Vivian John-Langba, Research Associate - Adv Mushwana**
- **Kebothhale Motseothata, Visiting student**



“Never, never and never again shall it be that this beautiful land will again experience the oppression of one by another...” Nelson Mandela, Inaugural Address, Pretoria 9 May 1994

In this issue:

SAHRC launches Disability Library Unit, p 03

Commissioner Malatji participates in UN CRPD in Africa, p 04

The National Right to Food Conference, p 06

Right to Food is also a Human Right, p 07

The Right to Water and Sanitation

- Debate on lifeblood of the nation, p 09

- Human Settlements and CoGTA agree with SAHRC report on Water and Sanitation, p 11 - 12

- SAHRC's response to Department of Water Affairs regarding report on Water and Sanitation, p 13

Opinion: What is life without freedom? p 15

Human Rights awareness through art exhibition at the SAHRC, p 15




Guess who is In the Hot Seat..., p 18

Rights Abroad, p 20

20 years of democracy - what does it mean, p 22

SAHRC takes part in Twitterview with SteveBiko Foundation, p 26

Pfanelo is a publication of the South African Human Rights Commission
Private Bag X2700, Houghton
Johannesburg 2041
Tel: (011) 877 3600 • Fax: (011) 643 6472
www.sahrc.org.za / info@sahrc.org.za

-  : @SAHRCCommission
-  : SAhumanrightscommission
-  : SAHRC1

Editor in Chief: Kayum Ahmed, CEO

Editorial Team:

- Siyasanga Giyose, Head of Strategic Support and Governance
- Isaac Mangena, Head of Communications
- Wisani Baloyi, Communications Officer (Internal)
- Alucia Sekgathume, Communications Officer (External)
- Zamile Mbanjwa, Admin Assistant

Pfanelo Editorial team reserves the right to publish, edit, and reject articles or pictures.

“Transforming Society. Securing Rights. Restoring Dignity”

SAHRC provides access to information for all



Commissioner Malatji and Brailist Mankwate officially open the Library Disability Unit

The South African Human Rights Commission dedicated Human Rights Month by officially opening a library that provides people living with disabilities an equal opportunity to access information and acquire knowledge on Human Rights. The opening took place during the National Library week celebrated under the theme “celebrating libraries in 20 years of democracy”.

The provision of the Disability Unit is in line with the Commission’s mandate to promote respect for, observance of and protection of human rights for everyone. In addition, the constitutional Right to Equality states that “Everyone is equal before the law and has the right to equal protection and benefit of the law.”

In the process of discharging its mandate, the Commission has identified priority areas that it will


focus on, and these include equality, socio-economic rights and access to information.

Commissioner Bokankatla Malatji responsible for protecting and promoting the rights of the disabled persons in the country said “charity begins at home and we as the South African Human Rights

Commission must lead by example in providing a library that is accessible for all”.

He further highlighted that the opening of the library will provide the right to freedom of access to information for all as enshrined in the bill of rights.

Furthermore, the United Nations’ Convention on the Rights of Persons with Disabilities (CRPD) which South Africa is party to, provides that States Parties shall also take appropriate measures to “Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities”.

The Commission has therefore in compliance with the above mentioned provision, established and launched a Disability Unit in the library with assistive technology in order to make it accessible to persons with disabilities. The facility is equipped with devices suitable for use by persons with different disabilities (deaf, blind, physically handicapped and dyslexic people) 



Commissioner Malatji with musician Adv Steve Kekana encouraging other institutions to follow the Commission by launching library disability units.

Commissioner Malatji participates in UN CRPD in Africa



Commissioner Malatji with Kenya Minister of Labour, Social Security and Services, Samuel Kazungu Kambi.

By Melina Mojapelo

PA: Commissioner Malatji

The Post-2015 Development Agenda and the UN CRPD in Africa: Deepening Dialogue between Africa Stakeholders and Global and Regional Disabled People Organisation's (DPO) to strengthen Advocacy for inclusive Development.

Conference hosted by the International Disability Alliance (IDA) to deepen dialogue between national, regional and global organisations of persons with disabilities (DPOs) was held in Nairobi, Kenya from 06 – 08 March 2014. The three-day event was aimed at strengthening advocacy amongst DPOs in order to promote inclusive development in the future global development framework.

The objectives of the conference was to assess and analyse the situation for persons with dis-

abilities on the African continent within the context of the post 2015-development agenda. High on the agenda was the issue of advocacy and a deeper commitment and cooperation between African DPOs, inter governmental bodies and development co-operation agencies operating in African countries.

There are an estimated one billion persons with disabilities worldwide—80% of which live in developing countries. Persons with disabilities are overrepresented amongst those living in absolute poverty; face restricted access to health care, education and employment opportunities and, in many instances, are the first victims of violence and abuse. The conference provided an opportunity to address these issues, by reflecting on relevant future goals and advocacy work, in order to develop a strong and unified mes-

sage regarding the inclusion of persons with disabilities in future development goals.

The motto used during the drafting of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) was “Nothing about us without us.” This means that nothing about persons with disabilities can be decided without participation from every region of the world, including Africa. Africa is strong, and now is the time to raise a unified voice that says that persons with disabilities can be heard and can make a difference,” said Mr. Yannis Vardakastanis, chair of IDA, during the opening session of the conference.

The conference facilitated the strengthening of the unity of persons with disabilities in Africa and provided an excellent platform for all to discuss the challenges that persons with disabilities encounter. There was a consensus among participants that advocacy efforts need to be intensified and the rights of persons with disabilities mainstreamed at national and international levels, including among intergovernmental bodies and development cooperation agencies operating in African countries.

The post-2015 development agenda must aim to change the unacceptable realities that persons with disabilities encounter. The Nairobi Declaration embodies the unified voice of persons with disabilities in Africa and is a clear representation of what persons with disabilities want reflected in the post-2015 development

Continues to page 5

“Transforming Society. Securing Rights. Restoring Dignity”

From page 4



Commissioner Malatji participating at the Conference

agenda.

Commissioner Malatji participated at the conference as a moderator on “What can the post-2015 agenda contribute to in terms of access to services and enjoyment of the rights of persons with disabilities?” and made the closing plenary session remarks on “Role and added value of African regional and sub-regional organizations in influencing national government policies, plans and development programmes”

The conference ended with the adoption of the Nairobi declaration which took place on the third day of the conference.

The Nairobi Declaration calls on Member States to prioritise persons with disabilities when designing the future post-2015 development goals and place a particular

emphasis on cross-disability issues, accessibility, the empowerment of women and girls with disabilities, and the inclusion and participation of persons with disabilities in decision-making processes leading to inclusive policies and programmes.

Yannis Vardakastanis, IDA Chair, commended the adoption of the Nairobi Declaration as an historic moment and expressed gratitude for the contributions received at the conference. He encourages continued future collaboration with all stakeholders present at the conference in order to ensure that persons with disabilities remain visible, understood, and included in all phases of the development agenda-setting process. In addition, he stated IDA’s commitment to promote the visibility of the Nairobi Declaration among

UN Member States and to advocate for the inclusion of the recommendations of the Nairobi Declaration in the post-2015 development agenda. Persons with disabilities must never be left behind again.

Honourable Minister Samuel Kazungu Kambi from Kenya delivered closing remarks about the conference. He expressed support for the Nairobi Declaration and committed to promoting it within the Eastern Africa Community

Did you know?

The SAHRC library including the disability unit is accessible to members of the public.

The Commission held the National Right to Food Conference on 20 March 2014. *Pfanelo* gives you highlights



Hannah Dawson, of Studies in Poverty & Inequality Institute (SPII) speaking about the development of indicators on the right to food



Commissioner Janet Love leading discussion on an overview of the state of access to food from a human rights-based approach and make proposals going forward



Commissioner Lindiwe Mokate setting the scene on the components that make up the definition of the right to food as understood by key stakeholders.



Tweets: @SAHRCommission

@SAHRCommission: South Africa has one of the highest rates of poverty and inequality in the world. Currently 11 million people in SA are food insecure

@SAHRCommission: 70% of those who don't know where their next meal is coming from live in rural areas, and are women

@SAHRCommission: There is enough food in the world to feed everyone, but factors like private companies' ownership of seeds means few can access food.

@SAHRCommission: Lack of access to food for children will if not addressed, affect their right to health, education and life.

@SAHRCommission: Challenges for achieving the Right to Food in SA include rising food prices, unequal land ownership.

@claire_ob1: Challenges for achieving the #RighttoFood in SA include rising food prices, unequal land ownership. #NHRI

@carynabe #right2food @SAHRCommission Dir in Dept of Agriculture silent(!) on 2013 food security legislation that evaded public scrutiny.

Right to Food is also a Human Right



Participants at the National Conference on the Right to Food held at the Sandton Convention Centre on 20 March 2014



Adv Lawrence Mushwana
SAHRC Chairperson

It is not a co-incidence that the South African Human Rights Commission decided to launch the Right to Food Conference on a day prior to the Human Rights Day in South Africa.

There must be a particular reason for the Constitutional imperative which states that 'everyone has the right to adequate food and water'

This Right to Food forms part of the socio-economic rights as set out in our Constitution and it is indeed our 2012/13 theme.

We therefore need to explore that particular reason and indeed critically analyse what the Right to Food actually entails and whether as a country this socio economic right is observed, respected, promoted, protected and indeed accessible to all citizens in this country.

We therefore need to identify challenges and obstacles that prevent the optimal implementation of this right and come out with specific corrective and remedial proposals that will ensure that it is fully implemented going forward.

The question may be asked as to what is so significant or special about the Right to Food. Jean Ziegler, former UN Special rappor-

teur on the right to food stated: "In a world overflowing with riches, it is an outrageous scandal that almost 900 million people suffer from hunger and malnutrition and that every year over 6 million children die of starvation and related causes. We must take urgent action now..."

This being the twentieth year of our hard earned democracy, it may be opportune to critically assess how far as a country have we succeeded with the implementation of this right, especially in as far as vulnerable people such as women, children, people with disabilities, foreign nationals etc are concerned.

It is important that as we critically assess progress made in implementing the Right to Food we do so with special reference to the level of poverty in the country and of course whether the gap between the rich and poor is by any means narrowing or growing. It has become common knowledge that there is an ongoing debate in South Africa and abroad on whether the appropriate term to use is Right to Food or Food Security or Food Sovereignty and indeed as to what comes first.

To me, irrespective of the term we choose to use, in the South African context it must be such that it accommodates all citizens, especially the marginalised, the poorest of the poor living in abject poverty.

The debacle of the Mmupele family of Verdwaal near Lichtenburg in North West Province (where four children died of hunger in 2011 while looking for their mother who had gone to look for food) is a sad and constant reminder that not all is well in our country when it comes to poverty and that we, especially the Government, must double our efforts and confront the

Continued to Page 8

Not every citizen has fully enjoyed the Right to Food - Mushwana

From page 7

meaningful until it reaches each and every citizen in this country.

As the Commission, we have in the past few months held many workshops, dialogues and discussions with our people across the country who have made valuable contributions, stories that our government needs to hear.

As a Commission our work also requires us to monitor government obligations made in terms of international and regional treaties. One such is the 1990 African Charter on the Rights and Welfare of the Child. Also in 2001 the African Commission on Human and Peoples' Rights recognised that the right to food falls under the African Charter on Human and Peoples' Rights as recognized implicitly by article 4 (right to life) and article 16 (right to health) of the African Charter, and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa or "Maputo Protocol" (Article 15). In 2013 AU celebrated Africa Day as Africa Day for Food and Nutrition Security - focusing on the "right to adequate food" as an organizing framework for policies and strategies to address food and nutrition insecurity in Africa.

In 2014, the world will celebrate a decade of the 2004 Right to Food Guidelines (Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security) which was adopted by the UN Food and Agriculture Organisation.

While not a legally binding document, it draws from international

law, norms and standards on the right to food.

As a country, the question we need to ask ourselves is how will we use the Guidelines firstly, to raise awareness and secondly, to hold government accountable?

Considering some of the developments on the right to food in Africa, we note that South Africa, Kenya, the Ivory Coast and Niger have already given direct constitutional protection to the right to food, while reform processes are underway in Nigeria, and Zambia. The 2011 Zanzibar Food Security and Nutrition Act affirms the obligations to respect, protect and fulfill the right to food and establishes a National Food Security and Nutrition Council, as well as mainstreaming food security into various sectoral policies.


Uganda, Malawi, Mozambique, Senegal and Mali have adopted, or are in the process of adopting, framework legislation for agriculture, food and nutrition that enshrines rights-based principles of entitlements and access to food. In terms of developments within our legal system, the South African High Court ordered a revision of the Marine Living Resources Act and the creation of the Small-Scale Fisheries Policy to ensure the socio-economic rights of small-scale fishers (2012). This is a significant achievement which we must applaud.

The African Commission on Human and Peoples' Rights and the ECOWAS Court of Justice ruled in 2012 that Nigeria violated the right to food of the Ogoni people by failing to protect their land

from environmental damage in the Niger delta.

The High Court of Uganda ordered in 2013 that compensation be paid to 2,041 individuals who had been evicted from their land in 2001 after the Government sold the land to foreign investors for a coffee plantation.

We look to other examples in Africa and the world to measure ourselves against and despite the vast achievements we have made in food security over the past twenty years; not every citizen in South Africa has fully enjoyed the right to food.

As we celebrate 20 years of political freedom and Human Rights month, we should take stock of how far we have come as a nation to ensure the rights, including the Right to Food are realized. 

Did you know?

SA has one of the highest rates of poverty and inequality in the world. Currently 11 million people in SA are food insecure.

70% of those who don't know where their next meal is coming from live in rural areas, and are women.

There's enough food in the world to feed everyone, but factors like private companies' ownership of seeds means few can access food.

Snippets from the Rights to Food Conference

Debate on lifeblood of the nation

The Right to Water and Sanitation



Deputy Chairperson Pregs Govender leading discussions at the launch of Water and Sanitation Report.

Dignity is the inherent worth and value of every human being. Humanity's birthright was silenced by apartheid's capitalist and patriarchal paradigm, which devalued, fragmented and destroyed human beings.

The earth, air and water that sustain life became commodities to exploit for profit. South Africa's democratic Constitution reinstated dignity as its first founding value and as a substantive right.

The Constitution's revolutionary commitment to dignity, equality and social justice can potentially transform old fault lines of political, economic and social power.

For centuries, those who colonised the wealth of the world were seen as valued citizens.

Their trade and profit, even though through weapons of war or pollution of the world's water, is counted as an economic contribution. Those who were poor were depicted as scroungers and scavengers, lazy wastrels, who contributed nothing to society.

Contributions to social reproduction, through subsistence farming or caring for children, the elderly, those with disabilities or who are ill, or are not recognised as economic contributions.

In South Africa this paradigm's dominance is reflected in an enduring apartheid spatial geography.

Disaggregated statistics reveal that those who lack most rights, including water and sanitation are those

who were historically deprived of their rights. They remain black and impoverished. Unequal power relegates women to "bearers of water", who cook, clean and care. Their jobs in the formal economy are the first to be cut. They have little protection in the "informal economy" while the lack of water and sanitation increases vulnerability to violence.

A global economy driven by greed for massive profit searches for low wages, poor working conditions and subsidised water. The result is one of the most unequal societies, characterised by wealth ownership by wealthy whites (who are today even wealthier) and a small black elite.

Who government values and who it doesn't is reflected in decisions by the DA and ANC municipalities to build unenclosed toilets, in the rape of children and women forced to use open fields as toilets, in the pit in which six-year-old Michael Komape died, being described as a "VIP" (ventilated pit latrine).

These priority choices are reflected in budgets, trade agreements and contracts with companies who are unregulated "service providers".

The four people killed by police, while protesting the lack of water in Madibeng ("place of water") municipality demands interrogation of those priorities.

Mining companies, agribusiness and tourist industries pay less per kilolitre than households in South Africa. Yet they use, waste and pollute most water, with little consequence.

Continues to Page 10

Non-action by Parliament and Government on reports a waste of taxpayers money

From Page 9

quence.

Madibeng's four dams include Hartbeespoort in the platinum-rich North West. The poorest live in what was a former apartheid homeland, Bophuthatswana.

Apartheid's rulers nurtured compliant and easily corruptible "leaders". Unsurprisingly, these areas remain the most corrupt. After 1994, government needed to develop the necessary infrastructure alongside a systematic capacity building programme to instil a culture of service to the poorest, across wealthy and poor municipalities. This has not happened. National Treasury this year embarks on developing financial capacity, only in big metros and municipalities, not in the poorest municipalities.

In 2010-2011, in addition to ruling and ensuring that the unenclosed toilets were enclosed to uphold dignity, the commission ruled that the presidency's Department of Performance Monitoring and Evaluation (DPME) compile a country-wide report on the right to sanitation and government's plan to address the lack of rights.

The DPME provided its report in two phases in 2012 and 2013, on both water and sanitation.

The commission's demand for a systemic response is affirmed by the DPME, "key water services sector weaknesses and challenges has been attributed to a lack of adequate funding and poor revenue collection leading to financial instability, a lack of technical, management and business skills, political interference and corruption, unclear municipal powers and functions".

The commission launches our report, Water and Sanitation, Life and Dignity: Accountability to People who are Poor, shortly after the 2014 budget.

National Treasury needs to address the "lack of adequate funding", strengthen financial capacity and specify that funds allocated to local government improve the lives of the poorest.

For years the commission dutifully tabled reports to Parliament, including socioeconomic rights and Promotion of Access to Information Act (PAIA) reports that show non-compliance of over 80% by local government and significant non-compliance by crucial "service delivery" departments. Parliament needs to use its oversight mandate to hold to account ministers who received this report's draft recommendations in 2013.

Government's commitments to the commission include eradicating the bucket system in communities and ensuring all schools have access to water and sanitation this year.

Despite daily experience of poverty's institutionalised violence, those who came to the commission's hearings believe in our constitutional democracy. They laid complaints, made submissions and used the commission's PAIA training to access information.

Their insights are captured in our report and cannot be filed on forgotten shelves. Non-action by Parliament and government on the reports of a constitutionally mandated institution is a waste of South Africa's money.

Political will can ensure power is deployed effectively. After Michael Komape's tragic death, the commission met with his family, community and school staff, before meeting education officials. It asked them to install decent toilets linked to proper infrastructure, which they did.

After the tragic killings in the North-West, the commission met with community representatives before meeting local government representatives, proposing immediate access to clean water linked to sustainable long term solutions.

The national water affairs minister secured army trucks to ensure access to water. The premier redirected water that was going to a mine – to poor communities. Yet both tragedies could have been prevented by a proactive plan and action that the commission requested from the Presidency in 2011.

Our report is dedicated to Michael Komape, to those who live with daily humiliation and those injured and killed for standing up for their rights.

The government has a constitutional obligation to cooperate across all spheres and departments to protect and advance human rights, which are universal, indivisible and interdependent.

It has to urgently evaluate all policies, including macro-economic choices that have deepened inequality, poverty and the accompanying human rights violations.

Pf

The Water and Sanitation Report is available on the website: www.sahrc.org.za

Minister of Human Settlements responds to the SAHRC report on Water and Sanitation



Minister of Human Settlements, Ms Connie September; Deputy Minister of Water and Environmental Affairs, Ms Rejoice Mabudafhasi and Chairperson of the Human Settlements Portfolio Committee, Ms Nomhle Dambuza at the launch

Positive results will soon be felt by the people whose dignity has been assaulted by the bucket toilet system, says Human Settlements Minister Connie September.

On receiving the South African Human Rights Commission report on the state of water and sanitation, I promised deputy chairperson Pregs Govender that I would study and respond. I did so in the conviction that on assuming office I swore to uphold the constitution of this beloved country of ours and the SAHRC is an institution borne out of this constitution. It gives me no joy to acknowledge the parlous state of sanitation in many of our communities, a fact brought home in my first meeting with the SAHRC on assuming office last year. I started a process in September to prioritise sanitation for the remainder of my tenure.

As we celebrate Human Rights Month

it is apt to reflect on how far we have come in restoring human rights. That apartheid sought to destroy the dignity of black people is evident in the most degrading lack of basic sanitation services in general and the dehumanising bucket toilet system in particular.

In proactively responding to this evil inheritance, the Department of Human Settlements has implemented an intensive Bucket Eradication Programme (BEP) which will replace the bucket toilet system with water borne sanitation systems.

A partnership between the Departments of Human Settlements, Water Affairs and Co-operative Governance and Traditional Affairs, as well as the Department of Science and Technology, has been forged to ensure an integrated and sustainable approach to this complex legacy.

As government we have tirelessly

worked in our quest to restore our people's dignity, through, among other things, the BEP. As President Jacob Zuma pronounced in his State of the Nation address, phase one of BEP will see the eradication of buckets in formalised townships of the Free State, Eastern Cape and Northern Cape. These provinces have the highest volume of bucket toilets. Phase two will ensure the eradication of buckets in each of South Africa's nine provinces.

BEP is buttressed by a financial allocation as announced by Minister of Finance Pravin Gordhan in his budget speech. A total of R40 billion in infrastructure grants has been made available for among other things, sanitation services.

The bucket system is the unwanted legacy of deliberate neglect. Daily the users of this unhygienic sanitation system as well as workers responsible for the collection and disposal of human waste from bucket toilets are subjected to dehumanising and unhygienic conditions.

Twenty years into our democracy, this inhumane sanitation legacy still poses a challenge. We still have fatal incidents that remind us of the death traps that these toilets can be. Recently 6-year-old Michael Komape died in a pit latrine at his school. Our country mourned with his family.

The integrated planning approach as well as implementation across departments ensures that sanitation service delivery is not reduced simply to a toilet at the expense of other matters related to sustainable sanitation services.

This is an edited version of an Opinion Piece by the Minister of Human Settlements Ms Connie September that appeared in the Cape Times.

Continued to page 12

From Page 08



Minister of Human Settlements, Ms Connie September promised to implement the report recommendations

CoGTA Welcomes SAHRC Report on Water and Sanitation

The Department of Cooperative Governance and Traditional Affairs welcomes the SAHRC's report on access to sufficient water and decent sanitation.

While South Africa has done much to meet the social and economic rights set out in our Constitution, the SAHRC draws attention to those areas where we fall short.

As a department we commit to studying the report in detail. Like the SAHRC we agree that more can and must be done to progressively realise the social and economic rights enshrined in the Bill of Rights.

In recent months we have taken a number of steps to deepen the professionalization of local government, and support the aims of the National Development Plan to improve local government capacity.

The recent gazetting of regulations on the appointment and conditions of employment of senior managers will tighten up and improve the quality of these appointments.

By strengthening governance and institutional systems these regulations, and other steps we are taking to improve the performance of municipal administrations, will help municipalities to achieve the human rights-based governance called for by the SAHRC.

As we mark and celebrate 20 years of democracy in South Africa, we are mindful that to meet the challenges we face, particularly in remote, rural and poor communities, we need to continue to partner with business, labour, communities and tertiary institutions to nurture the skills and leadership that will make all municipalities centres of excellence where all residents have access to sufficient clean water and to decent sanitation.



Michael Komapi's mother poured her heart out describing how her son died trying to access sanitation at the launch.



The launch attracted community members, NGO's, Government Departments.



SAHRC's response to Department of Water Affairs regarding report on Water and Sanitation

Ours is not a representative sample study, but one that provides a unique look at reality faced by the poor.



Commissioners Ameermia and Malatji with Deputy Chairperson launch the Water and Sanitation report in Cape Town.

The South African Human Rights Commission (SAHRC) would like to respond to the Department of Water Affairs (DWA) following the release of its report on the right to access water and sanitation, last week.

The report, entitled “Water and Sanitation, Life and Dignity: Accountability to the People who are Poor” was presented to government officials, including the Deputy-Minister of the Department of Water Affairs, Ms. Rejoice Mabudafhasi, and the Minister of the Department of Human Settlements, Ms. Connie September, at a public launch in Cape Town on Tuesday, 11 March 2014.

On Wednesday, 12th March, Min-

ister of Water and Environmental Affairs, Ms. Edna Molewa, labelled the SAHRC’s report as “outdated”, “baseless” and “misleading”.

The SAHRC is disappointed by the DWA’s response to the report as the findings of the report were informed by the views of the communities that the SAHRC visited in all the nine provinces. The hearings were attended by community members, who presented oral and written submissions on the challenges that they face on a daily basis in accessing water and sanitation. Civil society leaders and government officials, including DWA representatives, were also invited to the hearings.

It is important to note that the

SAHRC did not aim to do a representative sample study that illustrated the level of access to water and sanitation in the country as a whole. This has already been done in numerous studies, including the 2011 Census by Statistics South Africa. Instead, the SAHRC aimed to assess the level of access to water and sanitation in the poorest communities in each province in the country. The SAHRC also wanted to speak with people in these communities to listen to their experiences in accessing basic services.

The purposive methodology used by the SAHRC does not negate the findings of the study, particularly the experiences of the poorest communities in the country. On the contrary, the study provides a unique look at the reality faced by rural communities that is not illustrated by national and provincial statistics.

It is important that national departments, like the DWA, take note that despite the improvement in access to water and sanitation at a national level, the poorest people in the country have not benefited from these improvements and feel helpless and ignored. Often, their complaints are not even responded to by ward councillors, local government or provincial and national government. The SAHRC understands that the provision of services like water and sanitation is the competency of local government. However, in the many areas where the inadequate provision of basic services has reached crisis proportions, like Mothotlung in the Madibeng municipality, the Minister of Water Affairs can and should

Continued to page 14

From page 13

intervene to ensure access to water and to realise the dignity of people in those communities.

Further, the SAHRC embarked on a comprehensive process of verification of the findings and recommendations of the study with all relevant government departments, a process which the departments of Water Affairs, Human Settlements and Cooperative Governance and Traditional Affairs participated in (via meetings and subpoena

hearings).

The SAHRC study did not assume that the provision of sanitation is the responsibility of the DWA, but specifically delineates the competency of different government departments and different spheres of government. The report does however note with the concern, the lack of collaboration between different departments and spheres of government, to

the detriment of communities.

The SAHRC would like to encourage all relevant government departments to study the findings of the report and assess ways in which operations can be improved, to ensure access to services for all people, especially those that have been historically disadvantaged and are tired of living undignified lives in deplorable conditions. **Pf**

In pictures: SAHRC work on water and sanitation



OPINION: What is life without freedom?



Kebothale Motseothata,
Visiting student

The ability to create. To go beyond the depths of life and reflect the dimensions of its beauty. To create the beauty of the supreme through the nobility of nature. To hear the music of life through its beaming glory. To understand the truth of peace. What is life without this ability? What is this ability without Ori, God, Ngwale, Krishna, Allah, nature and science? Freedom is the life of the spirit. Without divinity, there is no life. So I ask again, what is life without freedom?

It is not by chance that the very essence of this script is existent at a time where I feel the most free. The cosmic nature of this ability lies in the nature of the freedom that the spirit has granted me.

Two days ago, I received a call from Wisani Baloyi with regards to writing an article for Pfanelo (The SAHRC's House Journal.) I was humbled by the request, more especially the topic he gave me. I was delighted to get an opportunity to write about what freedom means to me. In this era of consciousness and liberation in South Afrika, my thoughts about freedom matter. This is it. This is what our constitution is all about, and this is what

my freedom means to me. This is what all those courageous men and women of the struggle fought for. To that, I am eternally grateful.

The beauty of our democracy lies in our ability to have the freedom to create. To reveal our characteristics through the elements that make us. To establish dimensions of the ultimate buoyancy. To create the ultimate forces of balance. Through this ability, lies freedom. We are in an era where South Afrika needs transformation. We are in a platform where our democracy allows us to come up with new solutions. This is indeed the time for the establishment of the great phenomenon of Ubuntu. The essence of our being. We understand contemporary politics, but we are Afikans, how about we look into solutions that give us freedom? The ability to advance the creation of love in a practical way. We are in an era in our democracy where we should come together as one and unite to create new dimensions of livelihood.

It is in this realization that I am only beginning to understand Nelson Mandela's theory of unity. We are at a time in our lives where our art is the only thing that can save us. Art is the entire purpose of creation and our nature is to reflect it. We are rich in culture. We have a lot of stories to tell. We have the freedom to do so, why are we so distraught? So blind? So obsessed with pain that we don't realize that life is much better than it was before. Why are we pulling ourselves towards a position that will one day make us miss these times of joy? These times of peace in our land? Forget the political semantics for a while and think about how easy it is to say anything you want. I can sit and talk about the idea of black

consciousness all day and I won't end up imprisoned for being passionate about freeing my people. This is what freedom means to me.

I am blessed to have the ability to ask all of you, your excellencies, whether there is hope? And to also tell you that there is. I have mentioned many times that I am grateful for the existence of an organisation such as the Human Rights Commission. You are the servants of peace, in all of you there is a great love for humanity. It is through this humble opinion that I ask for the establishment of effective platforms of creativity. We need laws that are going to work for us if we are going to remain the light of Afrika. I ask that we create platforms of transformation in order to secure the future of our generation. On 02 March 2014, Reserve Bank Governor, Gill Marcus made a very important announcement, yet the youth didn't really understand. Who is explaining all these theories of economy to us? How are we going to build if we do not understand the true value of the cents we earn?

I am grateful for the freedom to ask these questions, but I do not enjoy my freedom as others do not have it. This is the time where I feel the most free. But I would like for all my people to attain knowledge beyond samsāra. For all of us to understand the divinity of nature. I ask for our brilliant minds to come together and create a new phenomenon of livelihood. We have all the minds we need. In the future, Gold would be worthless and the mind would be the greatest treasure. We will need an ubuntu kind of Archimedes to determine whether our minds are made of pure gold or

Continued to page 23

Human Rights awareness through art exhibition at the SAHRC

The South African Human Rights Commission hosted Philippe Bousquet, an artist who exhibited his work on human rights to make awareness of the human, social and environmental consequences of the decisions we make as human beings and as societies.

The exhibition took place at the Commission's head offices from 07 - 31 March 2014.

The exhibition forms part of the Commission's innovative ways to foster discussions around human rights and offer an opportunity for the country to reflect on the status of human rights as part of celebrating human rights month, and 20 years of freedom.

While there is often a strong association between human rights and the law, Amartya Sen argues convincingly that, "The implementation of human rights can go well beyond the implementation of legislation, and a theory of human rights cannot be sensibly confined within the juridical model in which it is frequently incarcerated."

In order to give full expression to the notion of human rights, it is therefore imperative that we consider the rights discourse from philosophical, anthropological and artistic perspectives amongst others.

This exhibition allows us to reconsider our assumptions about human rights through an artistic



Artist Phillippe Bousquet taking SAHRC staff through his pieces



Police Brutality also formed part of the exhibition



SAHRC Chairperson Adv. Mkhawane also joined the exhibition tour

lens. It provides us an opportunity to reimagine our understanding of the rights discourse and ultimately, to reflect on how we engage with our human rights.

More about the artist

Philippe Bousquet is a qualified architect who transitioned into the world of art and design in 1997. Affiliated to the Southern Guild, he has exhibited with them at the Johannesburg Art Fair, the Everhard Read Gallery, and the Foundry in Cape Town, MOAD and Design Days Dubai. He has exhibited his work at the Design Indaba, the FWD Show, the 157 Gallery and the Bell Roberts Gallery. His up cycled lights have been sold in Anthropologie stores across the United States.

Philippe’s art work asks people to look both inwards and outwards. To consider where our everyday thoughts and actions are taking us, as individuals, as a country and as a world. Also to ask ourselves, and those around us, is this really where we want to go? If the answer is no, then what vision appears to our minds?

His artwork seeks to stimulate public dialogue. It encourages people to raise their voices, to speak about what matters, as change is not someone else’s responsibility, but our own. While we need to advocate for meaningful, systemic change, our everyday actions and choices have the power to either reproduce the world or create a new one.



Bousquet’s art brought attention to some of the serious Human Rights challenges facing the country.

In the seat with Poppy Mochadibane

Administration Officer, North West



Tell us about Poppy in a nutshell?

She is a hardworking, mother of two and a wife to a loving Husband. Ambitious and a no nonsense young African woman. I am the only child from my mother's side and have 3 half-sisters and a half-brother from my father's side. I am a loving, caring and fun person.

Where were you born and how was it for you growing up?

I was born in a small village called Luka under the leadership of Kgosi Leruo Molotlegi in the North West Province, which is now known as the Platinum Province because of the Platinum deposit found in the area. My upbringing like any other child born within the confine-

ments of poverty was not easy, I lost my mother at a tender age of seven, however I had a loving family which ensured that I do not feel at all lost without my mother. Growing up in Luka was an experience that I would not trade for anything in the world, I am grateful for all that life offered me growing up in that part of the world.

Educational background?

I started my primary at Ramotse Primary School and completed my matric in 2009 at Bakwena High School. I further studied and completed my Secretarial course and managed to get a diploma with the little money that my mother left for me when she passed on. I worked in retail for a number of years before I was given an opportunity to further develop myself within the HRC.

Describe your position at the Commission and explain what it means to you holding that position?

Yoh! I don't even know where to start..... My Journey started in 2007 as a cleaner I remember I always came very early in the morning because I wanted to make a good impression. I would make tea for everyone and start with my cleaning routine then I would finish early then report to the lady who was minding the reception who always seemed to be very busy with the pile of papers scattered on her desk and offered to help her with whatever she was

doing and she would not hesitate to give me some of her work. From that day I made it my mission to learn more and help around the office. Then later the reception/admin assistant position was advertised I then went and applied for it and God granted me the opportunity that I had always prayed for. I was fortunate enough the lady who was working as an admin officer did not keep her experience to herself; she even showed me how to do her job. And after she left the Commission I managed to act in the position for almost 11 months and now am occupying her office as an Admin Officer.

In summary can you take us through your day at the Commission?

I am usually the first one in the office because I carry the office keys. The first thing I do is to check if everything is in order then open office windows, put the kettle on to make myself a cup of coffee then make a short prayer, switch on my computer to check any urgent emails and respond to them. Check my diary if I have anything planned for that day or if PM has some scheduled meetings to remind him of. Make follow ups with head office regarding unattended requisitions. Attend to any other office matters that need my attention.

Day outside the Office?

I love spending time with my family, playing with my 4 year old son and listening to him complaining and sending me from pillar to post it really fulfils my day.

Continues to Page 20

From Page 19

What motivates you and what inspires you?

I get my motivation from everything that surrounds me, life in general and more specifically from people who come from humble backgrounds and make it big in life.

Favourite activities?

I am a very loud person, I love music (house music, R&B) Sade is my favourite and when I play

my favourite jam I make sure I pump up the volume. I am not a good dancer but I try my best. Attending social clubs and family gatherings every second month is the best activity ever because we usually talk about things in the past, make jokes and laughs a lot. I also love travelling.

Any interesting things that people don't know about you?

Not much..... I am very passionate about underprivileged children. That is why am doing my part and contributing to UNICEF (United Nations Children Fund) I believe that nurturing and caring for children is the cornerstone of human progress.

Tell us more.....

I hate driving a manual car.....

Pf

Beyond South Africa

The Chinese Foundation for Human Rights Development delegation visited the SAHRC for a tour on 19 March 2014. Commissioners Ameermia and Malatji were there to welcome their Asian counterparts.



Pf

Rights Abroad

ICC Chairperson Advocate Mushwana hands accreditation certificates



ICC Chairperson, Adv Mushwana hands accreditation certificates to National Human Rights Institutions in Geneva on 13 March 2014

Members and delegates of national human rights institutions from across the globe gathered in Geneva, Switzerland to attend the 27th General Meeting of the ICC which is held every year at the Palais des Nations. The ICC's General Meeting is scheduled to coincide with the first session of the year of the Human Rights Council, the UN's custodian of human rights. This was also the first meeting that the SAHRC Chairperson, Advocate Mushwana, chaired since taking over office as ICC Chairperson in May 2013.

The highlights of the week-long engagement included courtesy


meetings with the Deputy High Commissioner for Human Rights, Flavia Pansieri, the President of the Human Rights Council, Baudelaire Ndong Ella, meetings with delegations of various national human rights institutions including Bahrain and also with representatives from key stakeholders such as the International Ombudsman Institute (IOI) and the Association for the Prevention of Torture (APT).

During the meeting, the Chairperson presented several NHRIs with accreditation certificates which meant that following a rigorous review by the ICC's Sub-Committee on Accreditation of inter alia, their work in promoting and protecting human rights,

they were found to be in full compliance with the Paris Principles.

(Attached photo-Chairperson together with the Deputy High Commissioner for Human Rights, Flavia Pansieri, presenting the Public Defender (Ombudsman) of Georgia with the A status certificate)

The annual General Meeting is also an invaluable opportunity for NHRIs to share experiences and best practices on the promotion and protection of human rights at the domestic level. In recognition of this, the ICC ensures that during the annual meeting several thematic sessions are also included in the agenda of the meeting. This year presentations and discussions were held on: NHRIs experiences with the Second Cycle of the Universal Periodic Review (UPR) of the Human Rights Council, the Belgrade Principles on the Relationship between NHRIs and Parliaments, National Actions Plans on Human Rights, and the ICC accreditation process. The SAHRC shared its experiences on the UPR and its interactions with Parliament.

The success of the meeting continues to reflect positively on the SAHRC and its capability to provide leadership in the field of human rights. The months ahead will provide more opportunities for the SAHRC under the leadership of the Chairperson to continue to positively influence the ICC's work and activities in championing the voice of NHRIs within the international human rights mechanisms. 


 Rights Abroad

Closing statement ICC Chairperson Advocate Mushwana delivered at the Annual General Meeting



By Advocate Mushwana
ICC Chairperson,

Ladies and gentlemen,

Thank you for taking the time out of your busy schedules to attend ICC 27. I am pleased to announce that this session witnessed the highest attendance of NHRI delegates since the inception of the ICC which bears testament to the growth of the network. I welcome those NHRIs and other national institutions that attended this meeting as observers and look forward to receiving your applications for accreditation. While the ICC has evolved over the years, its structure as an institution needs to be strengthened through increasing for instance its funding base in order to set up a fully functionally and well-resourced secretariat. This will address some of the issues raised by the Finance Committee and will contribute to the continuity in administering the ICC. But this also requires that members support the ICC by ensuring that their sub-

scription fees are paid or that waivers and requests for fee reduction are sought within the prescribed time frames.

The thematic discussions have been fruitful and engaging and as we conclude today, I am certain that you will take back home valuable experiences and information that you will apply to your work. I take particular note of the session on accreditation and urge institutions to proactively engage with the Sub-Committee on Accreditation to seek clarity on the process and to work towards ensuring that the process is rigorous. I thank the members of the SCA for their contribution to the process which in itself demands enormous resources of both the individual and institution in terms of finances and time. I also congratulate the members of the Working Group on business and human rights for their commitment to the promotion and protection of human rights within the business sector and especially in seeking ways to capacitate NHRIs to effectively address the issues that this area of human rights presents.

However, we must bear in mind that our strength as NHRIs depends on our adherence to the Paris Principles. "A" Status NHRIs in taking up opportunities presented by their status must ensure that they can stand up to the test of independence and credibility. That is where our success lies.

The ICC also needs to strengthen how it deals with NHRIs under threat. I am pleased to note the appreciation expressed by the Ukrain-

ian NHRI for the support that it has received from the European regional network during its time of need. The ICC also need to continue supporting other NHRIs facing difficult situations such as Egypt, South Sudan, Venezuela, Iraq and the Philippines which is still dealing with the aftermath of the destruction caused by Typhoon Yolanda.

We leave here today with still a lot of work to accomplish including implementing the Strategic Plan, getting the other existing working groups off the ground to ensure that NHRIs do not miss out on crucial human rights discussions such as the post-2015 development agenda and the discussions on a convention for the rights of older persons. The ICC will continue to work to strengthen its structures including building its relationship with the regional networks and increasing the human resource capacity of the Geneva office.

I thank all the panellists, the session Chairs for their invaluable contribution to the thematic session of ICC 27. I also thank the preparatory committee for ICC 27, the Office of the High Commissioner for Human Rights in particular Mr Vladlen Stefanov and his entire team at NIRMS, Ms Shireen Said of UNDP and UNDP for its commitment to working with NHRIs and the ICC staff. I also thank you the participants, without whom the meeting would not have taken place and the interpreters for a job well done.

At this juncture, I would like to

Continues to Page 23

From Page 22

convey my appreciation to the ICC membership for taking the time to remember our former ICC Chairperson, Jennifer Lynch. I will now take this moment to present the memorial books to David Langtry the Chairperson of the Canadian Human Rights Commission.

I wish you all safe journeys as you travel back home and see you all again in March 2015



Thank you and I declare ICC 27 closed.

From page 16

What is life without freedom?

Prabhupada says: “unfortunately, everyone is trying to conquer and predominate. Countries race to the moon in order to put up their flags and claim that planet...We have the right to utilize but not to claim or hoard.”

Freedom is the ability to give love. The ability to look beyond

owning anything or anyone. To allow the beauty of nature to blossom without any interruption. Freedom is the essence of faith. It is the cosmic divinity of acceptance and unity. I am grateful for the 27th of April 1994. Through Ori, God, Ngwale, Krishna, Allah, nature and science, peace is possible and divine.

20 years of democracy: People living with disabilities


Theledi Komana:
Legal Officer, Limpopo Province



SUBJECT: The South African Human Rights Commission (SAHRC) is one of the chapter nine institutions mandated in terms of Section 184 of the Constitution of the Republic of South Africa (Constitution) to promote respect for human rights, with an added critical role to educate people about their rights. The Constitution encourages people with disabilities to be active and contribute to their society, as well as their working environment. Nevertheless, challenges remain, even 20 years into democracy for persons with disabilities. Information is power, and to empower (for instance, persons

who are visually impaired) on an equal basis with others, information must be made accessible. This however remains a hurdle as mostly whenever information is disseminated by organs of state, such information is not available in Braille or increased fonts, and therefore in essence denying such persons access to the information contained in such document. This, in turn, makes them to rely on second hand information which might be misinterpreted.

Inequality, discrimination and transformation remain the key challenges which are faced by people with disabilities in South Africa. There are however a number of legislations which are meant to prohibit practises of discrimination against people with disabilities, including the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA), Employment Equity Act 56 of 1998, Labour Relation Act 66 of 1995 as well as the Children’s Act 38 of 2005. Moreover, South Africa has an international commitment in

respect of the Convention on the Right of Person with Disabilities. The Constitution guarantees equality before the law and freedom from all forms of discrimination to all people in South Africa. By catering to the needs of persons who are unable to access information in the manner sighted persons may use, we are taking small strides in facilitating the enforcement of their rights as contained in the Constitution. The SAHRC as the custodian of the Constitution should ensure that these barriers people with disabilities experience are eliminated. By making sure that offices in all provinces have Braille material at hand, as well as materials printed in larger fonts, we take small strides towards realising democracy for all people. We have come a long way since 1994. Let us realise that 20 years consists out of the effort of each individual day by day. Let’s reignite our daily commitment to all persons, including people with disabilities, and build towards another 20 years which will ensure that the rights of people with disabilities  respected and pro-

20 years of democracy: what it means to some of the staff members of Limpopo

Mahlatse Ngobeni
Admin Officer: Limpopo



For me, 20 years of democracy reflects on the fact that under apartheid, the right to choose, as well as freedom of movement and association were denied to the majority of our people.

People were also forced to live in racially divided communities which served to enforce a culture of oppression. We have moved decisively from a repressive regime to a society built on the values of human rights, human dignity and democracy.

The right to choose which was denied for so long has come to define the new society we are building e.g. the right to vote which was denied to a large part of South Africa's population for so long under apartheid has come to symbolise our freedom and the new society we are building.

We should never forget the sacrifices of countless patriots who fought tirelessly so that all people in South Africa are free and allowed to vote for a party of their choice.

Thembi Madalane
Legal Officer: Limpopo



In democratic South Africa, people's lives are being transformed and human rights are increasingly being realized. After two decades of democracy, South Africa has become a vastly different place politically, racially and socio-economically from what it had been before Democracy. These improvements are sufficient to make people believe that their lives have changed for the better and just enough to sustain hope. I hope the situation will be further transforming, even in continually impoverished communities.

Eileen Carter
Senior Legal Officer: Limpopo



In one of Plato's chapters in his

book Republic, he makes an allegory regarding a prisoner being released from his previous confined restraints:

"Will he not fancy that the shadows which he formerly saw are truer than the objects which are now shown to him?"

In making this statement, it has been suggested that Plato illustrates that in reflecting on all the negative things that has happened to him and occurred in his past, the ex-prisoner would consider himself fortunate, in spite of all the pain, and remembering his former fellow-prisoners, he would feel obliged to return to liberate them, too. This, however, turned out far more challenging than he thought, as the things that he was promised, turned out to be less true than the truths he knew under his suffering. 20 years of democracy has liberated our people from the injustices of the past.

The liberation has however remained more true to some, than for others. Most people are still faced with the reality of inequality and poverty. Celebrating these 20 years, let us turn back for our fellow brothers and sisters, and despite it being challenging, secure their journey towards true liberation. 20 years have proven that our nation can overcome great adversity, and that our spirit as a country is unwavering. From here on, ours is a duty to ensure that the reality of our people, unlike the prisoner in Plato's Republic, will truly reflect the promises and guarantees made under our Constitution, and not the shadows of their suffering.

Continues to page 25

From page 24

Florah Dipela
Intake Officer: Limpopo



Democracy means that we are

free from apartheid. We have a right to freedom of movement, freedom of speech and so much more. There is however still a huge gap between people from Urban and rural areas. In rural areas there is lack of service delivery e.g no electricity, shortage of water, houses, health care and children are still without adequate resources for their education. Even if we have experienced 20 years of democracy there are

people who are still unable to enjoy their constitutional rights as contained in the Bill of Rights. This was confirmed in a recent trip in which I accompanied the HURAP Officer to an area known as Baltimore farm under Waterberg District Municipality. What I saw was shocking and painful, and made me to realize that many of our people continue to live in severe poverty.

Snippets

SAHRC: Wedding venues cannot turn away gay couples

Mambaonline | March 27, 2014 | In HEADLINES

The South African Human Rights Commission (SAHRC) has confirmed that it is illegal for wedding venues to turn away customers because they are gay or lesbian.

The CEO of the SAHRC, Kayum Ahmed, told Mambaonline on Thursday that the Kilcairn wedding venue's policy of not hosting same-sex weddings is not acceptable, no matter what the owners' personal view are.

The Western Cape venue recently turned away a lesbian couple because the owner refused to host same-sex weddings on the premises.

Based on other reports received

by Mambaonline, this does not appear to be an isolated incident in the wedding venue business.

Ahmed agreed that many service providers do not seem to understand that they are not allowed to discriminate against anyone under the law.

"It is important to recognise that that the Constitution provides for the right to equality, particularly with respect to race, gender and sexual orientation. To discriminate on any of these grounds is a violation of human rights and of the Constitution and the Promotion of Equality and Prevention of Unfair Discrimination Act."

He added that, "Everyone in South Africa is expected to uphold the values enshrined in the Constitution and the Act – and failure to do so could result in various sanctions being taken against them."

Ahmed, who spoke to Mambaonline while he was participating in a roundtable dialogue on equality in Soweto, revealed that the SAHRC is looking into the Kilcairn venue's discriminatory policy, which he described as "sad".

"We have dealt with similar matters where we've found in favour of other gay and lesbian couples," he said. Ahmed also urged LGBT South Africans who have experienced similar discrimination to lay a complaint with the SAHRC, no matter where they are in the country. (Visit the complaints page of the SAHRC website.)

He noted that while surveys have found that 60% of South Africans are opposed to gay and lesbian relationships, the SAHRC is addressing how to bridge "the gap between people's beliefs on one hand and the values in the Constitution on the other."

Continues to page 25

Zuma announces general election date as May 7

07 Feb 2014 12:25 Mail & Guardian Staff Reporter

President Jacob Zuma has proclaimed May 7 2014 as the date for the national elections, the presidency said on Friday.

The presidency in a statement said the electoral term will come to an end by April 22.

It said, "I have met with the Independent Electoral Commission [IEC] to discuss preparations, and also with the premiers. We deliberated on this very important right of our people to elect a government of their choice, for which thousands of South Africans laid down their lives.

"I am satisfied that the IEC preparations are at an advanced stage."

The statement continued: "These are historic elections as they take place during the 20th anniversary of our freedom from apartheid bondage."

President Jacob Zuma called on all South Africans to register to vote on February 8 and 9, which will be the last registration period before the election.

New textbook scandal rocks Limpopo

Times Live
Poppy Louw | 31 March, 2014 00:07

On Tuesday 01 April 2014, the Pretoria High Court heard that more than 20 schools in Limpopo are still without textbooks.

Last week social justice NGO Section27 went to court after unsuccessfully attempting to have textbooks delivered to thousands of pupils in the province.

City Press yesterday reported that 23 schools were still short of more than 18000 books.

Solanga Milambo, a Section27 activist in Giyani, could not establish the exact number of pupils affected but said some schools were short of about 100 books per grade.

"The minister [of Basic Education] promised a complete delivery by the end of 2013," he said.

"A report by the department said 99% of schools had received textbooks by then but Limpopo is once again lagging behind," Milambo said.

South Africa: Thuli Madonsela - a Triumph for Constitutional Democracy

All Africa
By Hamadziripi Tamukamoyo and Gareth Newham, 20 March 2014

19 March 2014: All Africans had a reason to be proud of the brave and principled leadership that exists on this continent in the form of South African Public Protector, Thuli Madonsela.

In a sober and considered manner, she read out the findings of the long-awaited Nkandla report - her investigations into the 'unconscionable' amount of R246 million of taxpayers' money spent on upgrades to President Jacob Zuma's private residence to no public benefit.

In spite of attempts by the security ministers to interfere with her investigation and recent attacks on her character by the president's supporters, she was not swayed from her constitutional duty to act in the interest of members of the public.

The slander she experienced was not surprising given how far ethical and accountable governance has deteriorated under the current dispensation. The investigation found that the president breached the executive members' code of ethics, giving licence to the widespread breakdown of adherence to constitutional principles, laws and procedures.

There appears to be a perception that the public protector's sole role is to investigate high-ranking government and political officials. This perception is driven by the unfounded claims that the public protector is driving a political agenda simply because the earliest she could release the Nkandla report - after all the interference - was shortly before the elections.

These claims could not be further from the truth. The Nkandla investigation is only one of thousands of investigations that the office of the public protector conducts each year. Those who accuse her of harbouring some motive to influence the outcome of the 2014 elections have not adduced a shred of evidence to prove this claim.

It is important that the public understands the role of the office of the public protector in South Africa's constitutional democracy. As stated in Chapter 9 of the Constitution, this office is but one of several state institutions that are meant to 'strengthen constitutional democracy in the Republic'. Others include the South African Human Rights Commission and the Independent Electoral Commission (IEC).

Steve Biko Foundation In Human Rights Twitter-view with SAHRC

The South African Human Rights Commission @SAHRCCommission participated in a Twitter interview with SteveBiko Foundation @BikoFoundation responding to questions about Human Rights. The interview led by CEO Kayum Ahmed took place from 11H00 - 11H30 on Human Rights Day, 21 March as part of advancing the realisation of Human Rights. Pfanelo gives you snippets of the discussion



Q: Who are you and how long have you worked for SAHRC?

A: My name is Kayum Ahmed, the CEO of the SAHRC for nearly 4 years

Q: What is the SA Human Rights Commission?

A: The SAHRC is an independent constitutional body that monitors, protects and promotes human rights in SA. SAHRC is a Chapter 9 institution.

Q: How many Commissioners are there in #HRCCom?

A: There are 7 Commissioners. Five full time and two part time Commissioners responsible for setting our strategic direction

Q: What are some of the cases SAHRC faces?

A: The SAHRC deals with nearly

10,000 cases of violations a year. Top complaints include racism & administrative justice.

Q: Sad to note we still have racism in our communities. Do you have a figure for such cases?

A: 16% of cases relate to race. Unfortunately, social media is increasingly used by young people to perpetuate racism

Q: Wow. So how does the public access you?

A: You can contact SAHRC at <http://sahrc.org.za>, twitter, Facebook, call 0118773600 or email info@sahrc.org.za

Q: Is there equal access for all & is this body not biased for government?

A: Based on our findings against

government and opposition parties, I would argue that we are unbiased. If you consider our track record you'll realise that we act without fear or favour.

Q: Okay. Lets hope more people benefit from SAHRC, all the best. Thanks for your time and happy Human Rights Day!!!! Remember Sharpeville

A: Thanks for taking the time to engage with the SAHRC. Happy Human Rights Day

Q: Attempts to contact you at above internet address simply features Telkom as domain name? Please advise. @BikoFoundation

A: Please try emailing us at info@sahrc.org.za

How to reach the SAHRC

The SAHRC can be reached through the following:

Tel: 011 877 3600

Twitter: @SAHRCCommission

Facebook: SAhumanrightscommission

Head Office

33 Hoofd Street

Braampark Offices, Forum III

Braamfontein

Provincial Offices are listed on www.sahrc.org.za

General information: info@sahrc.org.za

Spot the difference winners

Congratulations to Alufheli Nefhale, Lesedi Sojane, Sizakele Ntoyi and Nokuthula Ntantiso for identifying Hamilton Garishe from the picture. Hamilton is the one wearing short sleeve shirt. The one wearing white shirt is his identical twin brother.



Happy Birthdays

08 April - Martie Muntingh (NC) 10 April Daisy Kenny (HO) 11 April - Dikeledi Mosekare (HO)

13 April - Nomathemba Tyulu (EC) 17 April - Oupa Dithejane (HO)

17 April - Benjamin Ntombela (KZN)

18 April - Isaac Mangena (HO) 19 April - Mabel Kodibona (HO) 20 April Nobesuthi Cekiso (HO)

21 April Muzi Ngwenya (MP) 21 April Julian Msimila (WC)

22 April Esterhuizen 23 April - Commissioner Lindiwe Mokate (HO)

28 April Mpho Tau (FS) 28 April Lesedi Sojane (HO)

29 April - Mankwate Makwana

How to lodge a complaint

Visit one of our offices: more info on www.sahrc.org.za
Complete the online form and send to complaints@sahrc.org.za
Twitter: SAHRCommission
Facebook: SAhumanrightscommission

Human Rights Calendar Days

07 April - World Health Day

22 April - Earth Day

23 April - World Book and Copyright Day

27 April - Freedom Day

April Appointments:

Makutla Mojapelo - Records Manager

Lutendo Siphugu - Finance Assistant Manager