

# Ffanelo

"It's Your Right"

Transforming Society. Securing Rights. Restoring Dignity.

Volume 04

The South African Human Rights Commission Newsletter



01 - 31 January 2013

## Commission end the year on a high!



Commissioner Malatjie sets the bar high as an inaugural host of the Internal Seminar

Also... Festives messages from Heads



"Holiday Greetings and wishing you and your family a human rights centred 2013" - SAHRC Chair, Adv Mushwana

## About the Commission

The Commission is part of Chapter Nine Institutions. These institutions are enshrined in terms of Chapter 9 of the South African Constitution to support Constitutional Democracy.

The institutions are:

- the Public Protector
- the South African Human Rights Commission (SAHRC)
- the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission)
- the Commission for Gender Equality (CGE)
- the Auditor-General
- the Independent Electoral Commission (IEC)
- Independent Communications Authority of South Africa (Icasa).

Chapter Eight institutions include Judicial Service, and Chapter 10 deals with public Service



### The SAHRC has a new Chief Operations Officer.

Lindiwe Khumalo, the current Free State Provincial Manager who is also acting as North-West Provincial Manager, takes up her new position on 1 February 2013.


Making the announcement, CEO Kayum Ahmed said: "I trust that you will all join me in wishing her

well in her new position and that you will afford her the necessary support to carry out her responsibilities effectively".

From all here at *Pfanelo*, we wish Lindiwe all of the best in her new role within the Commission.

**“Festive is not a time nor a season, but a state of mind. To cherish peace and goodwill, to be plenteous in mercy.” Calvin Coolidge**

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*“ Transforming Society, Securing Rights, Restoring Dignity ”*



Kayum Ahmed – CEO, Editor in Chief

It is amazing what happens to colleagues when they are moved from the boardroom to the soccer field. You get to see a side of your colleagues that you never knew existed. The end of year staff function that took place in early December was therefore a wonderful eye opening experience for me. I once again confirmed how bad I was at soccer but also spotted a few very talented colleagues on the field. When Nobesutho dove for the soccer ball preventing the opposing team from scoring, and Isaac dribbled the ball like Maradona, I thought I was watching a Pirates vs Chiefs game.


What was even more fascinating was the dance-off between colleagues from the Internal Audit team and the CEO's office. I'm still not sure whether Greg and Minnesh from Internal Audit beat Sue and Judy from the CEO's office – it was too close to call!

The provincial offices I'm told, also had some good bonding experiences, which is essentially what these staff functions are about. It is an opportunity to engage and connect with colleagues outside of the office and to strengthen and build relationships. These platforms for informal discussion and engagement between members of the Secretariat are absolutely essential and we must ensure that more opportunities for getting to know each other are created.

At the same time, the Chairperson's remarks at the staff function during which, he referred to the Commission as a family were absolutely correct. Without being too sentimental, we spend a significant amount of time at the office with our colleagues. It is therefore imperative that we create a positive working environment that keeps office politics to a minimum so that we can get on with the important work we have been entrusted with.

As we move into 2013, we should not only take the relationships that were formed and developed during December into the new year, but to also build upon these relationships. Working together we can ensure that the goals and targets we have set for 2013 are fulfilled, and in doing so, that the lives of our people are improved and that their dignity is upheld.

During 2013, we plan to host the national water and sanitation hearing, conduct various access to information workshops, conclude our strategic planning for 2013/14, launch the Charter on Basic Education and participate in various activities during human rights month – and that's just the schedule for the first three months of 2013.

I would therefore like to suggest that all Commissioners and the Secretariat take some time to rest and relax during the break. I would also like to wish you well over the festive period and look forward to working alongside you to deal with the challenges and explore the opportunities that await us in the new year. 

## Notice: Office Closure

The Commission will be closed from 24 December 2012 to 02 January 2013. For emergencies kindly, contact the following focal persons:

General office matters: Peter Makaneta on pmakaneta@sahrc.org.za or 083 212 8617

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SAHRC Twitter account is @SAHRCommission

## SAHRC launches Internal Seminar Series



**Commissioner Malatji and Advocate Steve Kekana (Pink Shirt) set the bar high as they engaged staff about disability issues.**

The Communications Unit in collaboration with Commissioners Office and Research launched the Internal Seminar Series on the 13th December 2012. This is part of the Commission's Internal Communications drive to familiarize staff members with the work done by the Commissioners, Head of Programmes, and to get colleagues talking on issues that the Commission work on every day.

The launch focused on Disability, one of Commissioner Bokankatla Malatjie's focus areas. Various issues were raised and discussed.

A surprise guest Musician Adv. Steve Kekana who is visually impaired showered the seminar with his presence and also engaged on issues relating to disability more especially visually impaired. "Working with disability is the third most difficult thing after Jesus' mission with the calvary and a single mother of 5 boys," Kekana said. Public and private companies need to be work shopped around issues of disability".

He ended his presentation by mesmerising staff members with an accapella of hit hit song, *Take Your Love And Keep It*.

The series, to be held every month, will provide staff members with an opportunity to engage Commissioners on human rights issues, and get more insight on decisions taken regarding certain complaints.

### Did you know?

The following terms can be used to avoid offending people living with disabilities:

**Confined to a wheelchair** - This and similar terms, such as wheelchair bound, place excessive emphasis on the wheelchair, to the detriment of the person in the wheelchair. Preferably, use "wheelchair user".  
**Crippled** - Old-fashioned and derogatory. Use physically impaired or physically disabled.

**Epileptic, diabetic etc** - Refers to condition not person. Use person with epilepsy, diabetes etc.

**The handicapped** - Unacceptable for reasons discussed earlier. Use person with a disability.

**Mad** - Old-fashioned and imprecise. Use person with mental health needs or mental distress.

**Mentally handicapped** - Unacceptable for reasons given earlier. Use person with a learning difficulty.

**Spastic** - Spasticity is a precise medical term and should not be used to describe a person. Use person with cerebral palsy.

**Victim of / suffers from** - Reinforces stereotype of helplessness, dependency, etc. Use person with disabilities.



*"Transforming Society, Securing Rights, Restoring Dignity"*

## FISD: COLLECTIVE POWER IN A FORUM?

By Naomi Webster, Head of Commissioners Office



Members of the Forum for Institutions Supporting Democracy deliberating on key strategic issues

Working with the Chairperson in the Forum for Institutions Supporting Democracy (the FISD), reminds me of a quote by Nkrumah (former president of Ghana), ‘we face neither East nor West, we face forward’. The quote aptly describes the trajectory the FISD has taken since its inception in 2009; that of constantly evolving to define itself as the collective voice of Constitutional bodies supporting democracy in our society.

The FISD currently consists of Chapter 9 and 10 Constitutional bodies such as; the South African Human Rights Commission, the Gender Commission, Public Protector, the Independent Electoral Commission, the Auditor-General, etc. Its mandate is derived from the Terms of Reference that were recently adopted at the September 2012 FISD meeting. The Terms of Reference (TOR) defines the FISD as ‘a platform for Forum members to pursue cooperation, collaboration and an alliance while maintaining their independence and autonomy’. From what was a ‘Chapter 9 Forum’ in 2009, FISD now has adopted Terms of Reference, developed its branding (new logo) and produced collaborations in the form of FISD

submissions on draft legislation and government country reports.

This brief article aims to provide Commission staff with information on the role of the Commission within the FISD and it concludes with FISD achievements to date and future plans. The Chairperson of the Commission also chairs the FISD. As Chairper-

son, his role is to provide leadership to the FISD. In his capacity as chairperson, the Commission has the role of administration (Secretariat) of FISD. This entails coordination of logistics for each meeting, dealing with FISD members as well as external stakeholders such the Office for Institutions Supporting Democracy (OISD), various government departments and other country national human rights commissions. (FISD has received correspondence from the Nigerian Human Rights Commission on how to establish a Forum or Network of organizations working on democracy). Many Commission staff will recall the Kader Asmal Report which created OISD. A critical role of the Chairperson is to direct strategic interventions of FISD. A notable achievement in this regard was the FISD submission to the UPR (Universal Periodic Review) Country Report. Through the FISD submission, government departments, and in particular the Department of Justice and Constitutional Development, is able to provide progress reports to different Chapter 9 and 10 institutions. This sense of accountability, to different institutions at the same time, strengthens our monitoring role. As FISD, we collectively hold government accountable.

Our collective power as FISD can be illustrated as follows; in the UPR Re-

port, one of the recommendations that FISD makes is for government to hold public hearings on matters that affect women rights in the area of employment, family (customary marriages) etc. As the Commission, we would expect government to deliver on this commitment. Where government does not deliver, we are limited to reporting this to Parliament, the media and internationally. Our ‘reach’ as a Commission is limited. As a member of the FISD, and with the collective FISD submission made on UPR; that includes information from Financial and Fiscal Commission on Economic implications supporting our recommendation, we are able to report to National Treasury and this in turn may influence the way in which government departments are allocated funds. As the Commission, we can report on non-compliance by government departments, but as FISD we can report and we can also use our advocacy agenda to influence and bring about change.

FISD is faced with an interesting 2013 – the Terms of Reference include the establishment of Working Groups and next year will see the collaboration across FISD members in the different Working Groups. Provinces will begin to play a more visible role within the National FISD. One of the clauses of the TOR requires each province to establish and define provincial FISD that reports to National FISD. In turn National FISD is report to provinces and encourage ‘best practise models’ among provinces.

2013 will also mark the end of the Chairperson’s role as chair of FISD. This presents an interesting dynamic for the Commission; to see how it is able to influence the new Chair and how it will provide a ‘mentoring role’ to ensure that FISD is able to build on gains of 2012. **Pf**

## SAHRC commemorates World Aids day

**Commission to partner with Gauteng Department in the fight against violations of the right of those affected by HIV/AIDS**



**SAHRC took a moment to honour of those that died of Aids.**

The South African Human rights Commission joined the rest of the World to commemorate World Aids. The day was marked by words of encouragements; self-introspection and robust discussion on challenges that those infected and closely affected by the disease continue to encounter especially gauging efforts that are made by role players to curb prevalence and stigma.

SAHRC Deputy Chair, Dr Pregs Govender, an advocate for Equality and self-introspection challenged the Commission to implement vigorous activities to protect those infected and affected by the disease. "The SAHRC must uphold dignity of each person when executing its mandate. How work will be as an institution if we do not work in respect of everyone's dignity", she said

Debbie Mopedi from Gauteng Department of Health indicated that it is important to work with the Commission when executing its mandate especially as they deal with cases of human rights violations. "We would like the SAHRC as experts to work with us to make sure that cases of rights violated are resolved"

**Aids activist and guest speaker Patson "Champion" Phakati reveals how he managed to live with HIV for 14 years.**

Phakathi says he changed his name

from Patson to 'Champion' to represent the attitude that keeps him living a positive life despite living with HIV for the past 14 years. "I do not introduce myself as 'I am HIV positive' but rather 'I am living with HIV. Attitude plays a critical role on an HIV positive person.

Furthermore he said he redefined HIV from Human immunodeficiency virus to Human in persuade of victory.

Despite positive measures by role players in the fight against the disease 'Champion' is disappointed that there are people who are well educated but continue to disregard usage of condoms to protect themselves.

On the other hand stigma continue to be normalised despite its impact on those affected. "We have normalised stigma to the point where we do not even recognise our actions.", He said.

His parting words were "It is important to take charge of our lives."

In closure Commission's Chief Financial Officer Mr Peter Makaneta signified that the Commission will ensure that the staff are well cared for. "Mr Phiri's words encourages us to do something", he said.

*Pf*

## SAHRC WORLD AIDS DAY PLEDGE 2012

On the 3rd of December the South African Human Rights Commission held its World AIDS Day commemorative event where staff members pledged to prevent and fight the stigma and discrimination attached to the virus in order to build a better and more aware society.

- I PLEDGE TO REDUCE THE HIV DEATHS ATTACHED TO HIV.
- I PLEDGE TO KEEP MY END OF THE STICK
- I PLEDGE TO EDUCATE YOUNG PEOPLE ABOUT THE DISEASE.
- I PLEDGE TO CARE AND TAKE RESPONSIBILITY FOR MY ACTIONS.
- I PLEDGE TO SUPPORT THOSE AFFECTED
- I PLEDGE TO BE FAITHFUL TO MY PARTNER
- I PLEDGE TO CARE FOR THOSE INFECTED AND AFFECTED BY HIV
- I PLEDGE TO BE FAITHFUL
- I PLEDGE TO TAKE ACTION TO REDUCE THE SPREAD OF HIV/AIDS
- I PLEDGE TO EMPHASIZE PROTECTION
- I PLEDGE TO LOVE RESPONSIBLY
- I PLEDGE TO TAKE CARE OF MY LIFE
- I PLEDGE TO ALERT PEOPLE ABOUT INFECTION
- I PLEDGE TO GET MORE INVOLVED IN HIV RELATED PROGRAMMES
- ACCOUNTABILITY, RESPONSIBILITY
- I PLEDGE TO BE FAITHFUL TO USE PROTECTION
- I WILL SUPPORT ALL THOSE WHO ARE INFECTED AND NOT JUDGE THEM
- I PLEDGE TO ALWAYS USE A CONDOM
- I WILL EXERCISE CAUTION IN MY LIFE, PRIVATE AND PUBLIC
- I PLEDGE TO SPEAK HONESTLY AND OPENLY ABOUT SEX AND NOT JUDGE PEOPLE FOR THEIR STATUS
- I PLEDGE TO EDUCATE MY CHILDREN ABOUT SAFE SEX

## Sojourning Cities and Crossing Boundaries: My Story

The story of Reason Beremauro brings hope to many non-South Africans that despite political challenges in their countries they too can determine a fruitful future



**Reason Beremauro**

Growing up in Bulawayo, a city in southern Zimbabwe two things shaped my life path and career in particular ways- violence and migration. My earliest and perhaps most enduring recollection is of soldiers armed to the teeth conducting

house-to-house searching, looking for weapons. This was in the post-independence era and in the midst of continued fighting within Bulawayo but more specifically in the whole of Matabeleland and the Midlands in what has come to be referred to as the Gukurahundi atrocities (where thousands of people were killed, some abducted, raped, tortured often in a perverse manner). Needless to say these episodes terrified grown men and women. It was a nightmare for me- then aged only four. I was always petrified. Somehow, I always managed to extend my chubby hands to greet the soldiers in an attempt to coax them into some form of leniency. I'm not sure if this strategy ever worked but I do remember everyone could afford a tense laugh, only if the soldiers laughed first. I'm quite sure deep down all the adults around wanted to extend a fawning handshake like me, even though they would not admit it. The conflict in Matabeleland had an ethnic element to it. Being a Shona family, ensconced in between Ndebele neighbours, one of our neighbours would come and seek refuge at our place. We called her MaSibanda and because she shared the same totem with my mom she was introduced as my mother's sister. She would come to our house once the search began or whenever she heard rumours of an impending search. Since her Shona was bad she would sit quietly in a corner and not say a word, her fear quite palpable. She would not even be able to laugh at my childish stunts. Such was the impact of the violence on individuals but our family and the likes of MaSibanda were fortunate in that we were not directly exposed to the worst excesses of the time.

My hometown- at least in the first fifteen years after my country's independence- was an immigrant sending and an immigrant-receiving city and also the country's industrial hub. The city received immigrant workers from Malawi and Zambia. It seemed to me that these workers always worked either for the Municipality or for a Railway company. Nowhere else. It often perplexed me. At the same time, the city sent its sons and daughters to work mainly in South Africa. Since the violence of the 1980s, many people in Bulawayo and within Matabeleland felt excluded and have often crossed the border en-route to Johannesburg. The reasons are historical, political, social and economic. Many young men would cross the border, work for several years and if they were fortunate to save enough to hire or buy a car- they would often visit family in Bulawayo to show that they 'had arrived'. We called them injiva. I never understood injiva. How all of a sudden an individual who spent about two decades in Zimbabwe could only converse in Zulu and a sprinkling of Xhosa, Suthu, Sepedi and maybe Afrikaans and not any other language even their mother language was beyond me.

Over the years I have studied these two issues- immigrants (including refugees, asylum seekers, displaced persons etc.) and the places they settle in as well as violence. How do mobile individuals live through conditions of violence and hardship, how do they cope? These interests have undoubtedly been shaped by my personal experiences. Unlike the violence I experienced and heard about as a child- which violence was physical and more pronounced I have come to appreciate that there are other forms of violence whose effects are no less devastating. Such violence is everyday it emanates from social, political and economic processes and it manifests itself in people living in poor, unhealthy and dangerous conditions and unable to access life's basic necessities. This violence maybe subtle at times, but it produces manifest poverty, inequality and hardship. It produces the same fear that was often exhibited on my neighbour's face. My passion lies in finding out and writing about how individuals live and how they make do in the midst of structural violence.

But studying immigrants when one is an immigrant inevitably becomes a study and a reflection of oneself. While focusing on immigrants living in fear of deportation, xenophobic attacks and limited livelihood options

*Continues on P. 08*

## A reason...able story

I have come to an appreciation of how privileged I am in certain ways. A solid education and a desire to learn, has enabled me to transverse boundaries and sojourn some of the world's most famous cities. Looking back I realize that some of the hardships I face whilst travelling- applying for visas, queuing in a different and longer queue meant for the 'other' and always being asked to show my passport to prove my legality pale into insignificance when compared to the difficulties and hardships hard-up immigrants face.

Apart from doing research and writing, I love reading- the two go together anyway. Away from these activities I love spending time with my family- Jacqui and my son Aiden. The youngest member of my family, Aiden, has amazing energy even for a two year old but his strong will fascinates me. He often reminds me of one of my favourite quotes from writer H. Jackson Brown Jr. who said- 'Life doesn't require that we be the best, only that we try our best'. Little as he is, he does his best to have his way and often comes out with the best! Jacqui is fun and intelligent and is the most amazing friend in my life- very loving and caring. In between my hectic schedule I often take late afternoon walks, affording myself time to reflect and enjoy tranquil nature. I am an avid football fan although my team, Liverpool, does its best to wane my appetite for the sport. Being an incurable optimist I keep watching the team!

**Pf**

*"While focusing on immigrants living in fear of deportation, xenophobic attacks and limited livelihood options I have come to an appreciation of how privileged I am in certain ways."*

## End of year party in pictures

**The Commission visited Ubuntu Kral in Soweto to unwind and celebrate the impact it made at both local and International fora. *Pfanelo* was there to give the highs and lows in pictures**



**Chair, Adv Mushwana being assisted by CEO Kayum Ahmed to cut a huge cake**

Colleagues from various programmes at the South African Human Rights Commission (SAHRC) took a day off the office to celebrate and ease up on the years heavy workload by hosting a year end function at the Ubuntu Kraal in Soweto, South of Johannesburg.



*Pfanelo* expresses gratitude to:

Isaac Mangena  
Nkosana Kwaza  
Patricia Cekiso  
Nobantu Sobekwa  
Ruth Diane  
Dikeledi Mosekare

For organising a memorable event

**"I am nothing without the secretariat. The achievements that I receive are as a result of your hardwork" Adv Mushwana thanking the secretariat for the outstanding work in the realisation of human rights for all.**





