

Fanelo

"It's Your Right"



Transforming Society. Securing Rights. Restoring Dignity

The South African Human Rights Commission Newsletter

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Volume 18



**SAHRC new Commissioner
Adv Mohamed Ameerma
speaks dignity for all**

SAHRC discusses Police Brutality with National Police Commissioner



SAHRC concerned about racism at UFS, and calls on the university to proactively deal with the issue

More in this issue:

SANEF and SAHRC meet

SA Must Condemn Rights Violation and Homophobia On the Continent

HUMAN RIGHTS DAY, 21 MARCH

We celebrate this day each year to remind us of the great suffering and loss of life that accompanied the struggle for human rights. It is to remind us that people in South Africa will never again be denied their human rights.



The day will be celebrated in Sharpsville under the theme “20 years of freedom and democracy.”

In this issue:

Editor’s Note: Experimental Human Rights, p 03

Pfanelo brings you the new Commissioner Adv. Ameerma, p 04

SAHRC concerned about racism at UFS, calls on the university to act proactively to deal with the issue, p 06

SAHRC, SAPS pledge to work together in matters of policing and Human Rights, p 08

SA must condemn Uganda’s Anti-Gay Law, p 09

Uganda’s anti-gay law: Rights groups warn of violence, p 10

In pictures: SAHRC at work, p 12

My human rights - My freedom of choice, p 13

North West Province host the Right to Food event, p 14




Guess who is In the Hot Seat..., p 15

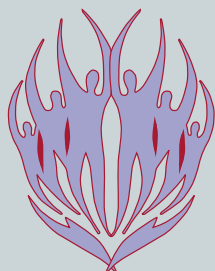
Rights Abroad, p 16

SAHRC and SANEF team up to stop the harassment of journalists, p 17

Human Rights Day, 21 March, p 18

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Notice

The Commission will launch the Water and Sanitation report on 11 March 2014.

Venue: ST George’s Cathedral, Cape Town
Time: 09H00 - 15H00

For more information www.sahrc.org.za



Kayum Ahmed
CEO, Editor in Chief

On 24 February, Section 27 and other civil society stakeholders hosted a workshop on the Know Your Constitution Campaign. One of the aims of the campaign is to improve constitutional literacy in South Africa. It emerged that a Foundation for Human Rights study found that only 10% of South Africans surveyed had ever read the Bill of Rights or had it read to them.

The Commission's strategic focus on advocacy for 2014-2017 is therefore timely. However, the conference also found that teaching communities about human rights will not necessarily result in them applying these rights. Communities are often unable to apply the provisions in the Constitution because their lived realities and personal beliefs may differ from the values enshrined in the Constitution. This poses significant challenges for human rights education which is sometimes seen as a panacea for mitigating rights violations.

We often buy into this notion that as long as individuals are educated about their rights or the police are provided with human rights

training, they will automatically apply these rights. However, in a well known psychological study, students at Princeton Theological Seminary were asked to deliver a talk on the Good Samaritan parable in a building a short distance from where they were located. Along the way to the talk, the students were confronted by an actor who appeared injured and slumped in a doorway. The experiment attempted to determine under what conditions the student would stop to assist the 'victim.'

Half of the students were asked to talk on the Good Samaritan parable while the others were given a different topic. Some students were told they were late and should hurry, some were told they had just enough time to get to the building to deliver the talk, and some were told they would arrive early.

63% of students that were in no hurry stopped to help. Of those who were told they had just enough time to get to the building to deliver the talk, 45% of them stopped, and 10% of those that were in a great hurry stopped. It made no difference whether the students were assigned to talk on the Good Samaritan parable.

If trainee priests were unable to appreciate and apply the lessons of the Good Samaritan parable because they were in a hurry, our assumption that communities who are taught about their rights will automatically accept and apply these rights, may require further interrogation.

Human rights education that is limited to teaching communities

about their rights is therefore insufficient. Relegating this type of teaching to Life Orientation in schools and law faculties at universities does not help the situation either. André Keet finds that 'instead of facilitating the transformative radicality of human rights,' human rights education is often taught in a way that 'limits (its) pedagogical value.' The solution, according to Meira Levinson, is to teach human rights and justice through 'guided experiential civic education.'

This approach includes assisting communities to write letters to government officials requesting detailed plans for improving the conditions in schools and clinics, training them as election observers, or preparing a presentation to their local elected officials on a public policy issue such as access to water and sanitation. The value of experiential education is that it empowers communities to not only learn about their rights, but to actually claim their rights as active citizens.

Active citizens are not born; they are shaped through experiences. Exposing young people to these experiences at an early age will increase their likelihood of playing a more active role in their communities.

Trying to lecture communities about respecting the rights of others will only get you so far. What is needed instead, are facilitators to guide communities through experiential human rights education. **Pf**

Editor's Note

Human rights at heart

New SAHRC Commissioner Adv. Mohamed Ameerma,

Speaks to *Pfanelo* about his perspective on human rights



Commissioner Ameerma speaking to *Pfanelo* on his appointment

When staff members were introduced to the new Commissioner, Adv. Ameerma, on 06 February 2014, little did many anticipate that they were going to be schooled about the impact that this Human Rights defender has made in attempting to restore dignity of the disabled, the poor, the vulnerable and marginalized communities of our country. Most people would have chosen to give a brief introduction of themselves, but not Commissioner Ameerma. He spoke passionately about his work in the human rights environment with a proven track record of strongly advancing socioeconomic rights of the weak, poor and vulner-

able sectors. He also elaborated on some of the challenges facing government and civil society that he thinks are hindering the attainment of human rights of the needy and the poor. In addition, he suggested solutions that he is convinced would restore the dignity to marginalized who are dependent on the state support for access to basic services such as water, sanitation, housing, electricity and a the creation of a conducive decent living environment.

Subsequent to the staff meeting, Adv. Ameerma, took time to do a meet-and-greet with several units. And

when he came to the Communications Unit, home to the *Pfanelo* Newsletter, instead of coffee and biscuits, he found cameras, papers and pens waiting for him.

About his arrival at the Commission.

"I feel excited to be joining the Human Rights Commission. It's a wonderful team we have here. I realise I will be part of the collective that strives to ensure that human rights in this country are not only jealously protected and guarded, but also promoted and respected." He said.

He stressed the significance of the right to dignity as a fundamental cornerstone of our democracy and why he believes that the Commission should make it an absolute high priority. "The right to dignity is one of the most important values that are entrenched in our Constitution, because if people are not treated with dignity, they will not be able to enjoy other rights that are guaranteed in the Constitution and the Bill of Rights," said Commissioner Ameerma.

He was frank and honest, that inasmuch as he has wonderful ideas about what can be done to effect changes in society, he cannot change everything alone but with the collective effort of all human rights champions engaged at the Commission, and with everyone putting their shoulder to the wheel, we can achieve the ideals of a free and democratic society within the framework of the rule of law.

'I am not a saviour. I don't have all the answers and solutions. I come here as a humble servant of the vulnerable, the poor, the marginalized, the homeless and I am tasked to

To page 05

More should be done to help the poor - Adv Ameerma

champion democratic ideals and fundamental freedoms as guaranteed in the Constitution and the Bill of Rights. It's a formidable challenge that requires hard work, dedication and a lot of empathy.

Human Rights Commission's relevance in this day and age.

"In 1994 the dynamics were different, but the Bill of Rights is as relevant today as it was yesterday. The main difference is that today there is a sense of urgency as the poor and the marginalized are getting poorer by the day. What happened before 1994 must never ever be allowed happen again. Hence all Chapter 9 Institutions continue to be relevant and crucial in South Africa. The South African Human Rights Commission is no exception and it plays a very critical role in supporting constitutional democracy", he said.

Whilst still talking about relevance of human rights in South Africa, the Commissioner paused for a moment, as he was distracted by a service delivery protest in the Bronkhorspruit news segment playing on television. He said, "That is where I come from". The SABC news highlight seemed to have reminded him of another burning issue. "What people must understand is that irrespective of how angry they are, they cannot go on a rampage burning buildings labelling it lack of service delivery protest. The authorities on the other hand, must also take collective responsibility for allowing service delivery protests and go the extra mile to engage dissatisfied communities with empathy in a more transparent, responsible and accountable way. By sending the police and the army to diffuse the tensions on the ground, is no answer to addressing service delivery challenges when we have democratically elected leaders who are constitutionally tasked with expanding the public funds in the public interest for the benefit of the constituencies they have been elected to serve. Burning a clinic like the

one in Zithobeni, Bronkhorstspuit, means that old people, children and women who are mainly vulnerable and mostly unemployed, will have to travel long distances to access healthcare and other basic services at additional costs to themselves." He added.

How we fared: 20 years of Human Rights and Freedom

"We have made tremendous strides as a country. For example in Limpopo, in 2008, 85% of villages were electrified. This is a clear indication that if extra effort are put in place, more can be achieved.

"People, whilst fully aware and mindful of the oppression and painful history of the past, must get out of mode of what happened during the struggle for freedom and democracy, and concentrate on current challenges and find sustainable solutions. We are now talking about Economic and Social Rights, these are the basic 'bread and butter issues' of the day – people want houses, clinics, water and sanitation and access to basic services, etc."

On a more positive and encouraging note, Adv. Ameerma reflected on our momentous achievements as a nation and cited the recent national experience when high powered delegations from around the world, attended Former President Nelson Mandela's memorial service and funeral in December 2013. This was a clear statement to the world at large and a testament that South Africa has a lot to celebrate since attaining freedom in 1994, and we are the envy of the world. "Where did you hear of four American Presidents at one great gathering, all attending same function at one venue (outside their country, let alone in Africa)" he asked, referring to President Obama and ex presidents George W Bush, Bill Clinton and Jimmy Carter with the likes of the other world leaders such as President Rauol Castro from

Cuba and others, converging to celebrate the life and times of our glorious leader and father of our free and democratic South Africa. " We are indeed a great nation, the time has come for all of us to start believing in ourselves."

Immediate priorities as SAHRC Commissioner

Commissioner Ameerma says he would like to meet with the Human Settlements Minister, Ms. Connie September to get first hand information on the countrywide status report on housing delivery. In addition, he will use the opportunity to get more information on backlogs and how the Department is planning to eradicate them within the budget allocation dedicated for this purpose.

Commissioner Ameerma highlighted the need for Government to ensure 'water tight contracts' when they do business with construction companies and contractors that build social houses. This he said, "Will help avoid having substandard RDP houses which always fall apart, denying the needy from accessing their rights to adequate housing and decent shelter. Should any contractor be found to have been in breach of its contractual obligations in delivery of these low cost houses or other services in the public interest, they should be black-listed by the National Treasury and be barred from being awarded state contracts and be sued for damages for non performance and be held criminally liable.

"If Government is able to enter into 'water tight contracts', it can be able to hold a contractor responsible and contractually liable, should the contractor not supply the service it was meant to deliver on. Contractors must meet the minimum norms and standards and give a performance guarantees for all workmanship for services rendered," He added.

To page 06

The Commission must continue to take hard stance against Police brutality

From page 05

He also spoke on the need for public servants to incorporate Batho Pele Principles in their daily activities in the workplace. "Public servants should not give people what they, themselves, cannot live up to. They should demonstrate that they can walk the talk. The fact that a person is poor, that person doesn't deserve second best treatment. If you set high performance standards for yourself and find that it is good for you, it should also be good for the other person." He stressed.

Police Brutality

"This is something we fought against (during apartheid). We should take a hard stance on this matter. No to police brutality.

The SAHRC must continue to take a hard stance against police brutality. Police Officers must held be accountable in terms of the Bill of Rights. The SAHRC must intensify its campaign for the police to be held accountable for

their actions. Everyone must be treated in a dignified manner and with respect." He said.

However, the Commissioner stated that reported police brutality incidents on service delivery protests are symptomatic of wider issues and challenges facing communities at grassroots level. Police interventions are not the ideal solutions to address these challenges. "The executive at a local level must take full responsibility and accountability for not addressing service delivery challenges timeously as they are the democratically elected Government in charge of providing basic services and they must deliver accordingly. SAHRC must intervene not only at a local level, but with all spheres of government, to ensure that every municipality's Integrated Development Plan Budget addresses service delivery challenges faced by communities. When people who are in charge of delivering services are un-

able to do so, the Constitution allows for interventions from either national and/or provincial government. We are a constitutional democracy after all." He elaborated.

On Human Rights

"I think we have a long way to go in terms of promoting human rights in our country. I think it needs to start by creating a responsible citizenry by creating a national plan of action in responsible citizen education programs in all schools. I think that we should teach the Bill of Rights as a education program in the life orientation course in all schools. In this way we will create a responsible citizenry that will easily have high regard to respect for the rule of law. We should start by putting up these building blocks together. Only then we can truly say that we are the champions of democracy." He said.

Pf

Did you know?

Adv Ameerma was appointed SAHRC Commissioner on 03 February 2014. He is responsible for Housing and oversees North West Province.

SAHRC CONCERNED ABOUT RACISM AT UFS, CALLS ON THE UNIVERSITY TO ACT PROACTIVELY TO DEAL WITH THIS ISSUE

The South African Human Rights Commission (the Commission) is gravely concerned about the reported incidents of racism at the University of Free State (UFS).

It has just been brought to the attention of the Commission that a Bachelor of Commerce student was allegedly run over by a car and beaten by two white UFS students. The Commission has decided to launch a preliminary investigation into this latest incident and will in due course issue a statement setting out the way forward.

What is particularly disconcerting is that despite efforts made by

various individuals and institutions, including the Commission, to deal with incidents of racism at the UFS, these incidents continue to occur.

With the country celebrating 20 years of hard-won democracy, it is deeply concerning that South Africa is still grappling with intolerance and hatred among racial groups.

The Commission welcomes the swift action by the university management in dealing with the perpetrators of this act by summarily expelling them from the UFS with immediate effect. This swift action will serve as a clarion call to would-be perpetrators of the same act,

that racism has no place in our democracy.

We call on the law enforcement agencies to ensure that those responsible for acts of racism are dealt with decisively.

Following the Reitz 4 incident as well as the advertisement calling on white students to apply for accommodation still fresh in our minds, the Commission calls upon the UFS and its management to fully implement and adhere to the letter and spirit of the settlement agreement of the Reitz4 matter reached in 2011.

Pf

Summary of some of the racism cases

- **Number of racism cases the SAHRC is dealing with.**

From April 2013 to January 2014 the SAHRC has dealt with 233 Racism cases. Free State alone accounted for 44 of those cases.

- **Are cases of racism on the increase or decrease since the dawn of democracy?**

The cases of racism remain the highest in terms of complaints received by the Commission. Most of them are reported on Social Media. For example, in 2013 the Commission mediated in a matter involving Zama Khumalo, a young 24-year-old from Westdene who had posted on his facebook wall inviting his friends to a braai where the deaths of white children would be celebrated. He had walked to the dam after reading a book by Chief Albert Luthuli which talks about white people celebrating the deaths of black people in Pretoria. Khumalo then saw this plague at the Westdene dam with the names of white school children who died in a bus accident there a few years ago. On the spot he wrote on his Facebook remarks that were deemed racist by the Commission and those affected.

- **Summary of some of the recent cases, especially in the Free State**

2014: A newspaper advertisement in Bloemfontein targeted “non-affirmative action” white female students at student houses.

This matter was condemned and monitored. No investigation because the University had already

approached a Rental Housing Tribunal which is currently dealing with it.

In other similar cases in Cape Town, a black man was told places to rent were not available but when his girlfriend (she has a white name and surname although she is black) emailed the same places, she was told they were available.

- * In another case, a black university professor who just moved to Cape Town tried calling to see if certain advertised apartments were available and she was told no but when she made a white colleague call the same places, the flat was suddenly available. In both cases they had indicated they will approach the SAHRC.

2013: An unusual case of a white Free State father who approached the SAHRC after his children told him of how their teacher and school treated black children at Wilgehof Primary school. They claimed that the teacher called black children kaffirs, sometimes she held a mirror and asked them what they saw, and when they say their names, he said “wrong”. You see a baboon”. The teacher also hoisted the old Union-Jack flag and had put the picture of Julius Malema alongside that of a baboon.

The SAHRC investigated this matter and through our intervention, the teacher and school principal were suspended.

2013: During his provincial visit to Mpumalanga, the Chairperson listened to Samson

Sibanda of Malelane explain his racism ordeal. Sibanda was called names by a white farmer; he lodged a complaint with the SAHRC, but his white boss was not happy and he fired him for standing up against another white person. He tried to open a case with the police but there also he was advised against it because the white suspect was a well-known business man around the area and they told Sibanda that he stood no chance. Subsequently his matter was won after the SAHRC took it to the equality court. But Sibanda lost his job, his wife, his dignity.

2013: Dr Viljoen Combined School Bloemfontein (June 2013 Incident)

Racism allegedly perpetrated by teachers against black learners. Report under consideration by the SAHRC.

2010: PINKY MOKEMANE & GORON IDRIS / WERNER SCHOLTZ (FS/2010/0059)

Summary (22 May 2010)

Two white male students at University of the Free State dragged the Complainant next to their moving car as they screamed and hurled racial insults at her.

The SAHRC stepped in and lodged proceedings in the Equality Court. The Respondent approached the Commission with a view to settling this matter outside court. Both parties were amenable to a mediated settlement under the auspices of the SAHRC.

SAHRC, SAPS PLEDGE TO WORK TOGETHER IN MATTERS OF POLICING AND HUMAN RIGHTS



National Police Commissioner, Riya Phiyega

Commissioner Titus flanked by SAHRC Chairperson, Adv Mushwana and Deputy Chair, Pregs Govender at the Section 11 meeting on Policing

The South African Human Rights Commission held a meeting on Friday 21 February 2014 with the National Police Commissioner of the South African Police Services, Riah Phiyega, police top management, and experts in policing and human rights matters to discuss particular areas of human rights concerns in relation to the work of the police.

The SAHRC considers this meeting as valuable in establishing a long term process to address the country's pressing issues on the use of force by police, police killings, and the causes and violence nature of public protests.

We recognize that we have to step out of our trenches and meet each other around the negotiating table.

The meeting, which formed part of the SAHRC's Section 11 Committee meetings, comes at the backdrop of recent alleged incidents of police brutality and the disregard of the civil and political rights reported during the service delivery protests in the country.

The SAPS has been in the public eye on matters that are raising serious human rights concerns, including the deaths of protesters both in the street and in police custody. These include the reported incidents in areas such as Mothutlung in Brits, Relela in Kgapane Limpopo and Bekkersdal in Gauteng.

The meeting noted that more often the police are drawn into conflicts as tail-end interveners. It

was noted that it is not SAPS' duty to provide clean water, sanitation, roads and other services.

The SAHRC acknowledged that the police are often challenged to walk the tightrope when dealing with public protests on one hand, and everyday needs of policing on the other. The SAHRC deplores the loss of life during protests, and is equally seriously concerned with the high levels of violence at some of the protests

The SAHRC is encouraged by the assurance by the SAPS of a continuous, much more intense process of engagement between the SAPS and the SAHRC.

For this reason, the two parties agreed to meet again in March to engage further on policing and human rights issues, and to tackle challenges that have been very well articulated. Both see this engagement as a long term process with no quick fixes.

Pf

Did you know?

Research from UJ says there's been a sharp rise in the number of people killed in service delivery protests in the last decade.

A total of 43 protesters were reportedly killed by police between 2004 and 2014. This excludes the victims of Marikana.

The high level of unemployment among young people is a big factor to service delivery protests.

Source: Mail & Guardian

SA Must Condemn Uganda's Anti-Gay Law



Gay pride is held Annually to celebrate sexual orientation in South Africa. Pic: Radio Netherlands Africa

The South African Human Rights Commission (the Commission) welcomes the announcement by the South African government that it will seek information from capitals around the world on the protection of lesbians, gays, bisexual, transsexual and intersex persons.

This follows concerns raised around the decision by Uganda to pass the Anti-Homosexuality Act, 2014, which was signed into law by President Yoweri Museveni early this week. The promulgation made Uganda the 38th country in Africa to outlaw gay rights.

The Ugandan law allows for repeat homosexuality offenders to be jailed for life. The legislation also outlaws the promotion of homosexuality and requires people to denounce gays and lesbians. The Commission fears that the law could potentially put the safety of citizens, not only Ugandans, but even South Africans who work or

travel to Uganda, at risk.

The Commission believes that our government should make its rejection of Uganda's draconian law clear and visible, and join those who respect the rights and freedoms of every person to call for the repeal of this and all similar legislation and to follow good human rights practices in line with its commitments under international and regional laws.

In 2011 South Africa initiated a resolution at the UN Human Rights Council in support of gay rights. South Africa is a member of the Human Rights Council and is considered a leader in the area of human rights. Our government therefore is rightfully expected and needs to speak out against all laws that seek to discriminate against and violate the rights of vulnerable and marginalised groups.

The Commission also strongly rejects the notion that the freedom

to live and love without fear of violence and regardless of one's sexual orientation is part of a rights framework from Western countries. The struggle for these and other freedoms has been at the heart of liberation struggles throughout the African continent. The Commission remains deeply concerned about the alarming growth of state-sanctioned homophobia taking place on the African continent and even across the globe.

The South African government should actively engage with African countries that seek to outlaw fundamental freedoms and human rights, including gay rights, to desist from such intended practices.

The Commission lends its support to government and civil society in efforts to address the challenges of violence against sexual minorities, and attempts to improve the responsiveness of our criminal justice system. **Pf**

Uganda's anti-gay law: Rights groups warn of violence



A watchdog group has warned that a backlash of violence may occur in Uganda after President Yoweri Museveni signed an anti-gay Bill into law.

As AFP reports, Uganda's new anti-gay law has been condemned around the world.

Uganda's president on Monday 24 February 2014 signed an anti-gay Bill that punishes gay sex with up to life in prison, a measure likely to send Uganda's beleaguered gay community further underground as the police try to implement it amid fevered anti-gay sentiment across the country.

Ugandan President Yoweri Museveni said the Bill, which goes into effect immediately, was needed because the West was promoting homosexuality in Africa.

Museveni may have defied Western pressure to shelve the Bill, four years and many versions after it was introduced, but his move – likely to galvanise support ahead of presidential elections – pleased many Ugandans who repeatedly urged him to sign the legislation.

Nigeria's president similarly signed an anti-gay Bill into law just over a month ago, sparking fears of increased violence against gays who already were persecuted in mob attacks. Some watchdog groups warn a similar backlash of violence may occur in Uganda.

"Experience from other jurisdictions with similarly draconian laws, such as Nigeria or Russia, indicates that their implementation is often followed by a surge in violence against individuals thought to be lesbian, gay, bisexual or transgender," the International Gay and Lesbian Human Rights Commission said in a statement on Monday. "The Ugandan government has not indicated any plans to counter such violence or to investigate potential allegations of abuse."

The Ugandan law calls for first-time offenders to be sentenced to 14 years in jail. It sets life imprisonment as the maximum penalty for "aggravated homosexuality," defined as repeated gay sex between consenting adults and acts involving a minor, a disabled person or where one partner is infected with HIV.

International condemnation
Uganda's new anti-gay law has been condemned around the world.

UN high commissioner for human rights Navi Pillay warned that the law would institutionalise discrimination and could encourage harassment and violence against gays.

The office of European Union foreign policy chief Catherine Ashton in a statement said she is "is deeply concerned" by "draconian legislation" to criminalise homosexuality in Uganda.

At least six people have already been arrested over alleged ho-

To page 11

Uganda's "draconian" legislation slammed

homosexual offences and more than a dozen have fled Uganda since lawmakers passed the Bill in December, according to a prominent Ugandan gay activist, Pepe Julian Onziema.

"The president is making this decision because he has never met an openly gay person. That disappoints me," he said.

Museveni signed the Bill at the presidential palace as government officials, journalists and Ugandan scientists looked on. Government officials applauded after Museveni affixed his signature. Scientists wrote a report, which found there is no proven genetic basis for homosexuality, Museveni said, citing it as a reason for signing the Bill.

"They should rehabilitate themselves and society should assist them to do so," Museveni said after signing the Bill.

Sanctions

Some European countries have threatened to cut aid to Uganda if the measure was enacted, though some EU officials have cautioned that interrupting development aid may not be the best reaction since it would harm Ugandans.

US President Barack Obama warned that signing the Bill would "complicate" the East African country's relationship with Washington. After Museveni signed the Bill, the White House said the US would urge Uganda's government to repeal the "abhorrent law".

"As President Obama has said, this law is more than an affront and a danger to the gay community in Uganda, it reflects poorly on the country's commitment to protecting the human rights of its people and will undermine public

health, including efforts to fight HIV/AIDS," the statement said.

But in signing the legislation passed by lawmakers, Museveni said he rejected such reaction as interference in Ugandan affairs.

"We Africans never seek to impose our view on others. If only they could let us alone," Museveni said. "We have been disappointed for a long time by the conduct of the West. There is now an attempt at social imperialism."

Museveni accused "arrogant and careless Western groups" of trying to recruit Ugandan children into homosexuality, but he did not name these purported groups.

Museveni said he believes Western homosexuals have targeted poor Ugandans who then "prostitute" themselves for the money, an allegation repeated by the Bill's Ugandan defenders. Museveni did not cite any examples of people he called "mercenary homosexuals".

More arrests predicted

Some critics believe Museveni signed the Bill in hopes of galvanising political support within his party, the National Resistance Movement, ahead of an upcoming meeting that is expected to endorse him as the party's sole choice in the 2016 presidential election.

Fox Odoi, a Ugandan lawmaker who was once Museveni's legal adviser and the only legislator who publicly opposed the anti-gay measure, predicted more arrests over alleged homosexual offences now that the bill is law.

"I find it utterly primitive," he said.

"But the president doesn't think so. It is a very dark day for the gay community. It is going to result in big harassment of gay people."

The Bill in its original draft called for the death penalty for some homosexual acts. That penalty was removed from the legislation following an international outcry.

The Bill is widely popular in Uganda, where it has been championed by Christian clerics and many politicians. Ugandan schoolchildren from various schools in the capital, Kampala, celebrated after Museveni signed the bill. With big smiles on their faces and arms stretched in jubilation, they held placards including one that said "Obama leave us alone: Homosexuals have no room in Uganda."

US evangelicals

The anti-gay measure was introduced in 2009 by a lawmaker with the ruling party who said the law was necessary to deter Western homosexuals from "recruiting" Ugandan children.

That legislator, David Bahati, said on Monday that the Bill's enactment is "a triumph of our sovereignty, a victory for the people of Uganda, the children of Uganda."

Several Ugandan gays say Bahati and other political leaders were influenced by conservative US evangelicals who wanted to spread their anti-gay agenda in Africa.

Homosexuality is criminalised in many African countries. – Sapa-AP

SAHRC's work in pictures



Chairperson, Adv Mushwana hosted a Section 11 Committee meeting on the Right to Food on 18 February 2014



Pregs Govender interviewed by SABC about Pit toilets in Limpopo following the death of a 6 year old pupil



Deputy Chairperson Pregs Govender held her Section 11 Committee on the Right to access to Water and Sanitation on 18 February 2014



Commissioner Titus in an interview with ENCA following a fruitful meeting with National Commissioner of Police, Ria Phiyega



Know your Commissioner: Head of Communications Isaac Mangena with the new Commissioner Adv. Ameerma during a meet-and-greet.



Pregs Govender interviewed by Channel Africa on women and gender issues.

My human rights - My freedom of choice

Visiting student Kebotlhale Motseothata celebrates 20 years of freedom.



Kebotlhale Motseothata,
Visiting student

The fact that I have complete freedom of expression means a lot to me. I am an aspiring writer and I cannot begin to express how grateful I am for our constitution. Human rights are the fundamental building blocks of unity within human nature and as a South African, I am blessed. I am blessed because I am in a position to be protected by the laws of my land. I am recognized as a human being and my voice matters.

In the new South Africa, life cannot be more easier. Looking at the past, I do not believe for a second that I would have been granted the opportunity to express myself like the Human Rights Commission has allowed me to. The existence of this institution warms my heart. With all the turmoil we are experiencing as a country, my only source of solace lies in the existence of our constitution. Now more than ever I am grateful that there are men and women who have dedicated their lives to protecting me and my family. I represent something and I am not a mere mortal nor slave, I am not just a female but a lioness and this is all due to the fact that I have

been given a voice.

I have many concerns about our beautiful land and its people and I am truly grateful for the opportunity to voice them out. Without the acknowledgement of my existence as a potential substantial contributor to the progress of our country, my soul would be no more. My views are all I have and the existence of human rights have liberated them in a manner I will never be able to explain. Because of my rights, I have received an education, I have recognized and embraced the nature of my voice and grew to understand that I am blessed and highly favoured by the universe. I walk freely, talk freely, laugh freely and most of all I cry with my people freely.

I am grateful for the right to choose. A right my parents never had. I am grateful for the fact that I don't have to skip the country to liberate my people. That instead I

can freely visit the library and read a book that takes me all around the world in a single read. That I can walk away feeling like I might have solutions. That no one questions what I read and why. That no one deprives others of mental liberation by banning what I write.

My human rights have given me the opportunity to speak from the heart. To be whatever I imagine myself to be and to be protected from anyone who tries to take away my identity. I give absolute love and peace to all members of the Human Rights Commission. I am, because you are. Because of you, there is hope for our country. We are suffering, but through your protection, our struggle will one day end.

Thank you for giving me my freedom of expression. This has been the best gift I have ever received. I am truly grateful.

Pf

Did you know?

The Commission was inaugurated on 02 October 1995 under the Human Rights Commission Act 54 of 1994 and as provided for by the Constitution of the Republic of South Africa Act 200 of 1993.

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

The South African Human Rights Commission must –

- a) promote respect for human rights and a culture of human rights;
- b) promote the protection, development and attainment of human rights; and
- c) monitor and assess the observance of human rights in the Republic.

More information is available on www.sahrc.org.za

North West Provincial Office hosted the Right to Food event



Guest speaker Prof Madalitso Phiri from Unisa and North West Provincial Manager Iqbal Suleman leading discussions on the Right to Food at the Rustenburg Local Municipality.

South African Human Rights Commission acting provincial manager Fola Adeleke said the investigation of the case was not finalised because some departments did not want to take responsibility for what had happened.

Adeleke said the commission has since engaged with the Department of Home Affairs and the South African Social Grants Agency in particular to explain their roles in terms of food security and identity documents for the four children.

“So far there is no clear indication that either of the departments wants to take responsibility,” he said during the round table discussion on the right to food in Rustenburg.

Sowetan’s coverage of the story revealed that in almost the entire com-

munity of more than 1 500 households, people were unregistered, leaving them unable to access services such as social grants.

They have no birth certificates or identity documents and could not access social grants meant to benefit people in their situation.

In November 2011, the four children aged between two and nine died in scorching heat while following their sister and mother who had gone to visit the grandmother in the hope of getting food.

The postmortem results revealed that the children died of hunger and thirst. It also looked as if the children had not had a proper meal for a week.

Adeleke said as far as social grants were concerned, there was a huge


problem in the North West.

“It seems as if the offices here in the province do not send enough information about the social grants to the people, especially those in the rural areas,” he said.

Another shocking revelation that Adeleke found was that officials at the two departments might be giving out wrong information.

He said they had come across many of the people who thought that they cannot apply for the social grants because they do not have identity documents.

The commission took up this campaign following the Verdwaal four tragedy. The objective of the round table was to raise and strengthen awareness on the right to food and to explore challenges relating to the enjoyment of the right to food.

This article is by Boitumelo Tshehle, Sowetan North West reporter. 

Did you know?

- The SAHRC went on a national campaign on the right to food asking communities, NGOs etc on challenges regarding access to the right to food.
- The SAHRC will be using the information received to ask Government to respond on measures to be taken to provide people with food.
- SAHRC will host the Right to Food event on 20 March 2014. *More information on the right to food is available on www.sahrc.org.za*

In the seat with Buang Jones

Acting Provincial Manager, Free State



Tell us about Buang in a nutshell?

I can describe who I am in three words. sociable, confident & diligent. My personal philosophy is simple and based on the Book of Luke Chapter 12 verse 48...."to whom much is given, from him much will be expected or required." God has been very good to me and blessed me, but the real value from those blessings is determined by what I do with them. If we are blessed with talents and knowledge it is expected that we use these well glorify God and benefit others.

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

I was born and raised in the City of Roses, Bloemfontein. I grew up in a happy family setting with my two brothers and four sisters. Although the environment wasn't ideal, I was surrounded by lots of love from everyone and was taught good moral val-

ues by my mother. Life was tough but I learned to survive and to cope.

Educational background?

Despite the difficult upbringing, I managed to obtain my LLB Degree and I'm now in my last year in Masters in Corporate Law. I'm left with a short dissertation. My study focuses on the Director's duty to avoid conflict of interest under the New Companies Act. I'm an admitted attorney of the High Court of South Africa.

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

In the past year I've had to be jack of all trades and learn to master them all. I'm currently the Acting Provincial Manager for the Free State. In this position I'm responsible for provincial operations, overseeing the implementation of the provincial operational plan and the Commission's strategy. I'm humbled to be in this position and have gained considerable knowledge on leadership and management. It has given me an opportunity to identify my strengths and weaknesses and a platform for growth.

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

My role on a daily basis is to ensure the operational effectiveness of the Free State Provincial Office. I basically review work done by colleagues, attend meetings, stakeholder engagements, handling complaints, and conducting investigations. I make sure colleagues master fundamentals, know clearly where they need to fo-

cus, communicate regularly and provide them with ample feedback both negative and positive. My day to day work is indeed fun and challenging.

Day outside office?

I'm a stay busy type person who thrives on accomplishment. I spent most of my time either engaged in church related activities or working on my dissertation.

What motivates you and what inspires you?

I believe in making a positive contribution to society and working for the Commission is a way in which I contribute to drive change in society. I'm motivated by the opportunity and desire to grow and learn new things. My work also motivates me as it presents me with an opportunity to change lives.

Favourite activities?

I love travelling, enjoy poetry and football.


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

I have an ear for music even though I'm not a good singer. I always look forward to singing in my church choir every weekend.

Tell us the compliment you get most frequently from people?

The compliment people give me the most frequently is I am presentable.

Pf



Rights Abroad

ICC statement presented during the opening session of the human rights council in Geneva on Monday, 03 February



**SAHRC Chairperson and ICC Head
Adv. Mushwana**

In December 2013, the United Nations General Assembly adopted a landmark resolution on National Human Rights Institutions (NHRIs).

The resolution reaffirms the critical role of NHRIs and the importance of the Paris Principles, in ensuring NHRIs' independence and effectiveness, 20 years after their adoption by the General Assembly.

The resolution welcomes the participation of NHRIs in United Nations mechanisms and processes, both Geneva and New York-based, including the Commission on the Status of Women and the treaty body strengthening process. The resolution takes the landmark

step to request the UN Secretary General to present in his next report to the General Assembly a vision for NHRIs' participation UN system-wide, on the same basis that they do at the Human Rights Council.

The resolution addresses the role of NHRIs in relation to reprisals. It sends a strong signal to the international community that NHRIs should not be subjected to any form of reprisals nor intimidation as a result of their mandated activities. This includes reprisals or intimidation in the form of budgetary restraints.

Building on the 2013 Human Rights Council resolution on human rights defenders and on the report of the Special Rapporteur on Human Rights Defenders, the resolution also addresses the role of NHRIs in relation to the protection of human rights defenders.

The resolution is an important step in promoting the role of NHRIs domestically and UN system-wide. The ICC therefore strongly supports the resolution and echoes its call to States to:

1. Establish effective, independent and pluralistic national human rights institutions and to

strengthen the existing ones in line with the Vienna Declaration and Programme of Action and the Paris Principles;

2. Guarantee financial and administrative independence and stability in order for the NHRIs to fulfill their respective mandates; and
3. Ensure that NHRIs and their staff are not subjected to reprisals or any acts of intimidation as a result of their mandated activities.

The ICC thanks Germany as the main sponsor of the resolution as well as UN Member States and non-governmental organisations for their support, and looks forward to cooperating with all stakeholders in implementing the resolution.

Finally, the ICC stands ready to assist States where requested when establishing NHRIs, and to provide capacity building to strengthen existing NHRIs in line with the Paris Principles.

The ICC welcomes this landmark resolution and looks forward to working together with stakeholders in order to give effect to the opportunities that it presents.



SAHRC and SANEF team up to stop the harrassment of journalists

The South African Human Rights Commission (SAHRC) and the South African National Editors Forum (SANEF) have agreed to spearhead the championing of freedom of expression dialogue.

During the Annual meeting between the two institutions, Mpumelelo Mkhabela, the head of Sanef raised concerns at the harassment of journalists by the police. He referred to the alleged killing of a Freelance Photographer Michael Tshela by Police during the recent service delivery protest in Mothutlung in the North West as a tragedy that robbed South Africa of the truth. "His killing and deletion of photos in his camera has denied the country to get to know what transpired on the day. Society is denied information. Imagine if the guy was not killed? We will be richer with information to know what happened there." said Mkhabela.

Other incidents that worry SANEF include the torching of Karabo FM, a community radio in Sasolburg, Free State. "Some people within the local municipality did not like the fact that the station exposed their corrupt behaviour and the station was set alight. Issues of human rights are not only about material things. We think the Commission can come in (to help) " he added.

Responding to Mkhabela, SAHRC Chairperson Lawrence Mushwana said that the Commission is concerned about the incidents as reported by Sanef. He encouraged Sanef to notify the Commission as soon as human rights violations occur in order to speed up the monitoring and investigation process. He offered a hand to help with investigating the cases. "We need time to look into the issues thoroughly." said Mushwana.

"Transforming Society, Securing Rights, Restoring Dignity"



SAHRC Chairperson, Lawrence Mushwana, Commissioners Malatji and Titus at the SANEF meeting



SANEF Chairperson and Sowetan Editor Mpumelelo Mkhabela, Mail and Guardian Editor Angela Quintal and Fontini Wilters from SANEF at the meeting with the SAHRC in Braamfontein.

Commissioner Titus echoed sentiments by Mushwana and suggested a joint dialogue to look deeper into the violations. "It would be prudent that the two offices spearhead a dialogue to look at freedom of expression and other human rights challenges faced by the journalists." he said.

He added: "It is difficult to maintain democracy. It is difficult for the Commission to paint a rosy picture of our country."

The SAHRC and Sanef agreed to work closely together to advance the realisation of human rights. Mushwana added that working together between the two institutions would advance democracy. "You (Journalists) complement our work. We value your contribution to nation building. No matter how much we can disagree. I don't think it is because we are enemies. It is because we both have the interests of our people and our country." He concluded.

Human Rights Day, 21 March



Bodies lie strewn in the streets of Sharpeville after hundreds of unarmed protesters were shot dead by apartheid police in 1960. Pic: Phambazuka.org

We celebrate this day each year to remind us of the great suffering and loss of life that accompanied the struggle for human rights. It is to remind us that people in South Africa will never again be denied their human rights.

What is Human Rights Day?

Human Rights Day (21 March) is the day set aside to celebrate human rights and to remind all South Africans of their human rights.

What are human rights?

Human rights are the rights that everyone has, simply because they are human beings. They are the rights we all have from the moment we are born. We do not have to earn them and they cannot easily be taken away from us.

The list of human rights protected in South Africa is the Bill of Rights, which is Chapter 2 of the Constitu-

tion. The Constitution is the highest law of South Africa. Everyone in South Africa, including the government, must follow it. The rules set out in a Constitution are very hard to change, and so the rights in the Bill of Rights are also very hard to change. This means that it is difficult for anyone to change your rights or to try and take them away from you.

Rights and responsibilities Because everyone has these rights regardless of their race, age or gender, we all have to respect other people's rights as well. It is no good saying that you have these rights if you are doing things at the same time, which go against other people's rights. And, we must all respect and follow the laws of the country as well.

Why do we celebrate Human Rights Day on 21 March? On 21 March 1960, events were planned for many parts of the country, for peo-

ple to protest against the Pass Laws. These laws required all Africans living or working in and around towns to carry a document (known as a pass) with them at all times. Failure to carry this document would lead to arrest by the police and to people being sent away from the towns in which they lived.

On this day people decided to go to police stations without their passes and to demand that the police arrest them.

The idea was that so many people would be arrested and the jails would become so full that the country would not be able to function properly. It was hoped that this would lead to the Pass Laws being scrapped. At Sharpeville in Gauteng, thousands of people gathered at the police station demanding to be arrested. They were met by 300 police officers. After a scuffle broke out, the police opened fire on the crowd. At least sixty-seven people were killed and 180 injured by the shooting.

These people were protesting against unfair laws and were really demanding their human rights. Many of these rights are now included in our Bill of Rights, and include the rights to:

- Equality (Section 9)
- Human dignity (Section 10)
- Freedom of expression (Section 16)
- Assembly, demonstration, picket and petition (Section 17)
- Freedom of association (Section 18) and
- Freedom of movement and residence (Section 21). **Pf**

Spot the difference

Our driver Mr Hamilton 'Tata' Garishe surprised *Pfanelo* when he visited us recently. Or was it him?. Can you spot the difference and win SAHRC 2014 diary and business card holder. E-mail Wisani Baloyi if you think you are spot on.



Happy Birthdays

Lawrence Mushwana 03 March Victor Mavhidula 03 March

Loyiso Mpondo 03 March Kisha Kandasamy 03 March

Kelly Stone 05 March Sebongile Mutlwane 07 March

Mamosadi Moletsane 07 March Bafana Malunga 07 March

Rakesh Kamraj 07 March Theledi Komana 07 March

Querida Saal 08 March Peter Makaneta 15 March Mamohapi Johnson 18 March

Kenny Seretse 21 March Tembi Madalane 21 March

Melina Mojapelo 25 March Corelia Mabothe - 25 March

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

21 March - Human Rights Day

22 March - World Day for Water

23 March - World Meteorological Day

24 March - World Tuberculosis Day

March Appointments:

Delicia Mahlasela - Accounts Clerk

Daisy Kenny - Deputy Human Resources Manager

Events Calendar

11 March - Water and Sanitation report launch

20 March - Right to Food Conference

21 March - Human Rights Day

27 March - Equality round table