



# Pfanelo

Celebrating 20 years of the SAHRC 02 October 1995 - October 2015

Transforming Society. Securing Rights. Restoring Dignity

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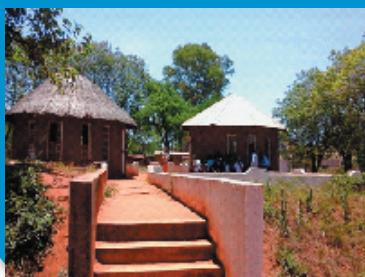
## Happy 20th birthday SAHRC



Chairperson visits Mpumalanga



Commissioner Malatji visits Limpopo



SAHRC calls on authorities to act with speed to resolve student protests

SAHRC condemns police actions in the killing of Krugersdorp suspect

# Universal Children's Day

## 20 November

By resolution 836(IX) of 14 December 1954, the General Assembly recommended that all countries institute a Universal Children's Day, to be observed as a day of worldwide fraternity and understanding between children. It recommended that the Day was to be observed also as a day of activity devoted to promoting the ideals and objectives of the Charter and the welfare of the children of the world. The Assembly suggested to governments that the Day be observed on the date and in the way which each considers appropriate. The date 20 November, marks the day on which the Assembly adopted the Declaration of the Rights of the Child, in 1959, and the Convention on the Rights of the Child, in 1989.

Nearly 25 years ago, the world made a promise to children: that we would do everything in our power to protect and promote their rights to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential. In spite of the overall gains, there are many children who have fallen even further behind. Old challenges have combined with new problems to deprive many children of their rights and the benefits of development.

To meet these challenges, and to reach those children who are hardest to reach, we need new ways of thinking and new ways of doing - for adults and children.

There is much to celebrate as we mark the 25th anniversary of the Convention, from declining infant mortality to rising school enrolment, but this historic milestone must also serve as an urgent reminder that much remains to be done. Too many children still do not enjoy their full rights on par with their peers.

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### In this issue....

*SAHRC calls on authorities to act with speed to resolve student protests, p 03*

*Chairperson Mushwana assess the state of health-care services, water and sanitation in Mpumalanga, p 04 - 06*

*SAHRC condemns police actions in the killing of Krugersdorp suspect, p 07*

*The role of the SAHRC in SA society and mandate with reference to children, p 08 - 13*

*20 years of the SAHRC, a journey to remember, p 14 - 17*

*In the hot Seat with..? p 18 - 19*

*Back pages*

*In the hot seat with..?*

*Back pages: Snippets, Birthdays, new employees*

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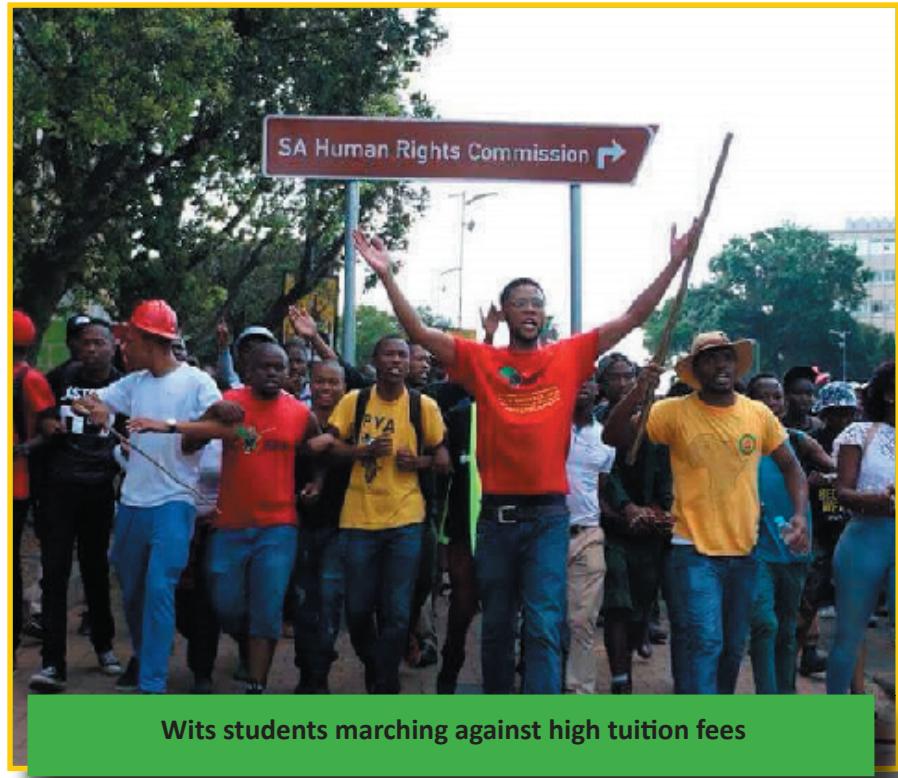
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# SAHRC calls on authorities to act with speed to resolve student protests

Statement released on 22 October 2015.

The South African Human Rights Commission (SAHRC) notes with concern the growing intensity of student protest at various universities across the country. Whilst it is clear that the protests point to underlying and systemic factors that require resolution, the Commission is desirous that normality of classes, learning and teaching is restored. For this reason, the Commission urges all stakeholders to aim to achieve speedy resolution of the issues that give rise to these widespread protests.

The SAHRC is aware of a number of initiatives that preceded the eruption of these protests. These include the hosting of a Summit on Transformation of Higher Education in Durban, which brought together stakeholders from Government, Civil Society, Chapter 9 Institutions, Academia, Student Unions and Business to consider, amongst other things, mechanisms for improving affordable access to higher learning and fostering greater speed in transforming higher education. A central issue that received priority attention at the Summit was how tertiary education could be funded in order to ease the burden of students, particularly those from disadvantaged backgrounds. The Commission is encouraged by some of the concrete recommendations that were presented that, should they be implemented, should go a long way to alleviating the cost of tuition burden currently exacted on students and families.



**Wits students marching against high tuition fees**

The Commission was represented at the summit by the Chairperson and the Chief Executive Officer.

The SAHRC is also aware of recent commitments at the highest level of Government to intervene in this matter by convening an appropriate forum for the ventilation and resolution of the very important problem of funding of higher education in South Africa.

For its own part, the SAHRC will shortly be sharing a suite of findings and recommendations arising out of a National Hearing that investigated the factors that either constrain or enhance levels and speed of transformation in Institutions of Higher Learning in the country. This Report will be presented to Parliament as well as stakeholders for implementation.

In view of these efforts, the Commission appeals to student councils and unions to co-operate with ongoing processes and allow these processes to reach fruitful conclusion. The Commission is confident that the combined outcome of these state-led initiatives on the one hand, and the participation of student and union representative bodies, on the other hand, will result in a desirable and sustainable outcome for all concerned.

In the meantime, the Commission will continue to monitor the situation across the country through its provincial offices. The Commission also avails itself to participate in the mediation of positions of various role players, mandate holders and parties having an interest in this matter.

# Chairperson Mushwana assess the state of healthcare services, water and sanitation in Mpumalanga

The South African Human Rights Commission recently conducted a three day provincial visit in Mpumalanga.

The overall aim of the provincial visit between 02 and 04 November 2015 was to assess the state of healthcare services and access to water and sanitation in the Province.

The first day of the provincial visit started at Mapulaneng Hospital in Bushbuckridge where the SAHRC met with the hospital CEO Ms Dikeledi Sekatane who took the SAHRC on a site visit of the entire hospital.

Ms Sekatane indicated that "the hospital is currently facing a lot of infrastructural challenges, it is old and the issue of accommodation for nurses and doctors is a big problem. The hospital is expecting



Adv. Mushwana with CEO of Mpulanga Hospital (Red) Ms Dikeledi Sekatane during inspecting the Admission ward.

doctors from Cuba to help alleviate staff shortages."

"Another challenge we are faced with is the fact that patients seem to be bypassing clinics and come

directly to the hospital due to unavailability of doctors in clinics and this result in overcrowding and long queues in the hospital," Ms Sekatane told the SAHRC delegation.

Ms Setakane further indicated that the hospital is also facing a challenge with the municipality as waste in the hospital is at most times not collected and they have to collect their hospital waste using their own transportation, this is a very serious health hazard to our patients in the hospital.

Chairperson Mushwana in his remarks during the site visit at Mapulaneng hospital said, "The SAHRC will intervene with the municipality to ensure that relevant duties are performed and also the hospital mortuary needs serious and urgent



Adv. Mushwana with Head of Traditional leaders Kgosi Mokoena and other traditional leaders after the meeting.



**Old infrastructure at the Mpumalanga Hospital in Bushbuckridge**

intervention. The walls are cracked and are falling apart, something has to be done as the walls may fall soon on the deceased,” He said.

The visit proceeded to Rolle Community to assess the state of water and sanitation in the area as some communities have access to water and others do not have while sharing the same reservoirs. This is due to separation of some villages from each other by the local Chiefs.

The South African Human Rights Commission on the second day visited Rob Ferreira hospital, to meet with the Head of the Department of Health on the 2013 access to healthcare services report. The report made findings that patients were then sleeping on the floors and most of the floors at the emergency unit were cracked making it difficult for people on wheelchairs to move around.

The SAHRC during the site visit ob-

served that the hospital complied with the recommendations on the report and were taken into consideration.

Chairperson during the site visit said, “I am quite impressed with the progress that the hospital has made thus far from the last visit, and it shows that our recommendations were not falling into deaf ears.” He said.

The second day proceeded to a meeting with the House of Traditional Leaders on Traditional Courts Bill and the impact of cultural practices on human rights. Kgoshi Mokoena as the head of traditional leaders said, “I am pleased that the SAHRC is recognizing us as an institution and we will ensure that we advocate human rights back in our respective villages.”

The provincial visit third day concluded with a visit to the Mpumalanga Provincial Legislature with

Speaker of the Legislature Ms Yvonne Phosa. During the visit with the Speaker Chairperson Mushwana said, “the visit is merely about strengthening relations between the South African Human Rights Commission and the Provincial Legislature as well as addressing challenges faced by the SAHRC provincial office in its relations with Municipalities and Provincial Government Departments,” He said.

The Speaker indicated that the province is facing a lot of service delivery protests and most of them are associated with access to basic services including water, sanitation and electricity and we would gladly like to work with the SAHRC to assist to curb this crisis,” She said.

# Mpumalanga visit in pictures

The Mpumalanga Hospital in Bushbuckridge



SAHRC Chairperson Adv. Mushwana with Mpumalanga Provincial Manager Eric Mokonyama listening to Rolle residence raising their concerns over lack of water supply in the area.



# SAHRC condemns police actions in the killing of Krugersdorp suspect

**Statement released on 05 October 2015**

It with the greatest concern that the South African Human Rights Commission observe yet another video on police brutality and human rights violations, in this case the death of suspect Khulekani Mpanza in Krugersdorp. This unnecessary death opened again the raw debate on policing and crime, the extreme circumstances in which our police find themselves in exercising their law enforcement and the constitutional requirements of human rights and policing. It appears that we have to work much harder on the law and law enforcement.

The SAHRC does not condone the criminal acts linked to the suspect prior to his killing, and acknowledges that policing is hazardous occupation which saw several of their members killed in recent months. However, we also acknowledge that we are living in a society which prohibits the police from taking the law into their hands.

We emphasize the importance of police respecting the rule of law. Vigilantism and extrajudicial killings are outlawed.

The Constitution protects every person, including criminal suspects, and guarantees for everyone the right to life, and security of the person. It also protects criminal suspects on the right to be presumed innocent until proven otherwise in a fair trial.

Section 49 of the Criminal Procedure Act also states that police officers also the right to defend



**The video of police officers aiming at Mr Mpanza raises concern over the police brutality**

themselves, but only if their life is under immediate threat from a suspect. This will include when a person takes out a gun and starts shooting at the police or other people. What the police cannot do is to shoot and kill a person who no longer poses any immediate threat to themselves or any member of the public, which, based on the video footage circulating, seemed to have been the case in Mr Mpanza's killing.

Police brutality is a serious problem in the country, and the actions of these police officers highlight the longterm nature of this scourge. The killing of Mido Macia, Andries Tatane and the execution of some miners in Marikana are well documented, and cannot be divorced from the killing of Mr Mpanza. What is of concern to the SAHRC is that these cases including Mr Mpanza's killing are highlighted by the use of video and photographic images. We have to ask what is happening where there are no cameras and no shining lights?

The SAHRC started to work with the SAPS on longterm plans to eradicate police brutality and to establish a culture of human rights in policing. The commitment by the SAPS to professionalise the police and to operate as an integral part of the new democratic order is appreciated, and we believe will go a long way in ensuring police officers act within the law.

We will continue to engage the police management in light of the recent killing.

The SAHRC welcomes the swift action of the Independent Police Investigative Directorate to arrest the police officers implicated in the killing of Mr Mpanza and to subject them to the rule of law. We call on the public to allow the law to take its cause.

SAHRC welcomes 15 years imprisonment handed to the 9 police officers who killed Mozambican national Mido Macia. The officers were fired from the service subsequent to their arrest.

## Commissioner Malatji visits Limpopo

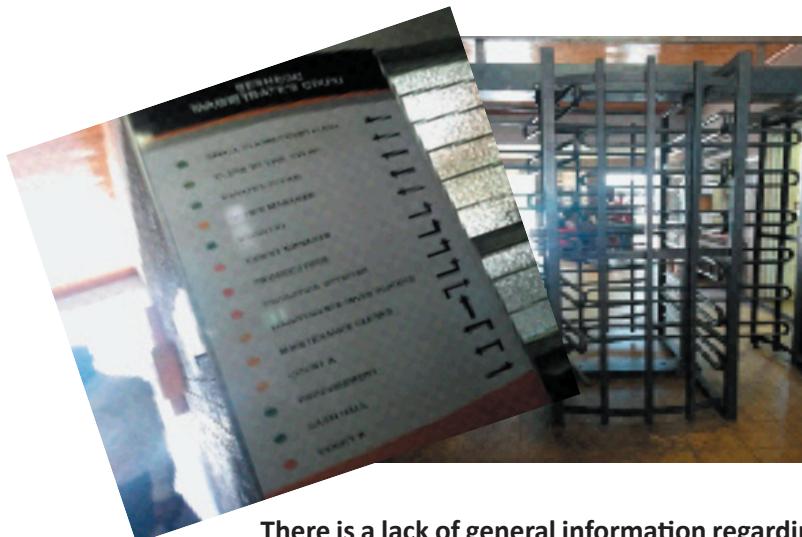
The Commission team headed by Commissioner Malatji, with the mandate to promote and protect the rights of persons with disability and older persons conducted a provincial visit in Limpopo from the 19th to the 23rd of October.

The objective of the Provincial visit was to; raise awareness of the Commission's work in promoting and protecting the rights of persons with disabilities and older persons; monitor compliance to the Convention on the Rights of Persons with Disabilities as well as the Older Persons Act; raise awareness on the rights of persons with disabilities and older persons and create collaborations with relevant stakeholders.

The Commission visited Seshego, Mankweng, and Polokwane magistrate courts to determine; if these courts had equality courts, if the services of the equality court are public knowledge and if the courts were accessible to persons with disabilities.

It was gathered during the visit to these courts that though equality courts deed in fact existed in these magistrate courts, they were ineffective and the services rendered were not known to the public. There were no proper signs and in some cases no signs directing the public to where the equality court is located nor any information about the equality court.

The Commissioner also noted that these courts were not accessible to persons with disabilities as some



**There is a lack of general information regarding the location or existence of the Equality Court at SeshegoThe main entrance at the Seshego Magistrate Court is not wheelchair accessible.**

of them didn't have ramps to allow for wheelchair access, halls were poorly lit, braille materials were not available and there was no sign language interpreter.

The Commissioner was particularly concerned about these situation as the equality court is a platform for persons with disabilities to seek redress for any violation of their rights. However if the existence of these courts are not made known to the public and are totally inaccessible to the person they intend to protect, then their right to justice is particularly hampered.

The Commission will have a meeting with the department of justice to highlights its findings and discuss ways of ensuring that the equality court are popularized, effective and accessible to everyone.

In line with its strategic objective 3 "to expand visibility of the Commission and raise awareness to enhance understanding of human rights and promote a human rights culture", Commissioner Malatji delivered a speech at the programme for albinism awareness campaign in Sehukhune on the 20th of October 2015.

The Commissioner's address highlighted the various challenges faced by persons with albinism which were but not limited to stigma, gender based violence, killings and harvesting of bodies, discrimination in employment and in the education system.

The Commissioner further educated the audience on the laws promoting the rights of persons with

albinism and on the process of lodge a complaint at the provincial office.

The Commission also visited Lok-sop Old Age Home to monitor the institution's observance and compliance with human rights laws relating to older persons in particular with the Older Persons Act.

The institution informed the Commission of the various challenges they faced which were; lack of funding from the department which made it impossible for the institution to keep running efficiently and non-delivery necessarily medication to the institutions.

The Commission has decided to continue to consult with the department and the institution so as to reach an immediate solution to these challenges.

The Commission visited Maisha High School, where a learner was bitten by a snake because there was no proper toilet. The Commission was happy to note that after consultation with the Department of Education that toilets are now being built in the school.

However during the visit the Commission noted the dilapidated state of the classroom where the children were being taught and the Commission will be engaging with the department on this matter.

The Commission visited Setotlwane Special School and Rivoni School for the Blind. The purpose of the visit was to observe and assess the challenges that the schools are experiencing in order to ensure that people living with disability are entitled to equal education.

The state of the schools was very disheartening as these schools lacked access to qualified teachers,



**Toilets at Rivoni School for the blinds were found to be broken and in bad condition**



**Rivoni school building has cracks which might hurt learners**

sign language interpreters, Brailists, mobility instructor or teacher's aids. The schools were dilapidated, dirty and not accessible to the children.

Schools catering to the needs of learners with disabilities within the province require urgent assistance. It is sad to note that right of children with disabilities to education is adversely affected by the challenges experienced in the schools. The Commission will investigate possible human rights violations and have consultative meeting with the department in order to ensure the children's right to education.

The Commission during its visit had a consultative meeting with the Speaker of the Limpopo Legislature. The Speaker indicated her willingness to work and collaborate with the Commission on campaigns that raises awareness on human rights.

The provincial visit was extensive as the Commissioner visited various district and not just Capricorn. This enabled the Commission to get a broad review of compliance in the whole province.

It can be concluded that the level of observance of the laws protecting the rights of persons with disabilities is very low and a lot needs to be done to ensure that the rights of these vulnerable groups are protected and promoted.

The Commission will according to its mandate ensure that these rights are protected and promoted through raising awareness, education, investigation and engagement with relevant stakeholders.

By Akintoye Omolara Toyin  
Research Associate for Commissioner Malathi

# The role of the SAHRC in SA society and mandate with reference to children

## Rights of the child at the Human Rights Council



*Presentation by Commissioner Lindiwe Mokate delivered at the United Nations Conference on Blind Spots of the Human Rights Council Agenda – Ways to Move Forward in Geneva, 05 October 2015. Commissioner Mokate is responsible for Children's Rights and Basic Education.*

The SAHRC is an independent state institution established by the Constitution of the Republic of South Africa (Constitution) and operating within the framework of the Principles Relating to the Status of National Institutions (Paris Principles) adopted by UN General Assembly Resolution 48/134 in 1993.

According to the Constitution, the SAHRC is mandated to (1) promote respect for human rights, (2) promote protection of human rights, and (3) monitor and assess human rights.

The South African Constitution

provides a comprehensive and adequate framework for the national protection of children's rights in the country.

However, South Africa currently does not have an independent, designated body to exclusively monitor the rights of children in the country.

Recognising this shortcoming in national institutional arrangements for children in the country, representations have been made to Parliament, in collaboration with UNICEF, for the establishment of a dedicated children's caucus. If suc-

cessful, such a mechanism will serve to heighten the prominence and attention to children-focused legislative frameworks in the country.

In the meantime, the SAHRC continues to take on the role of advancing children's rights both at the domestic and international levels.

The SAHRC plays this role by advocating for policy and legislative reforms at the level of cabinet and parliament, accelerating children's rights awareness in communities, undertaking monitoring and research initiatives to generate evidence-based data on the extent of advancement of children's



Children with disabilities should also enjoy their right to education.  
Pic: UNICEF

rights and investigating complaints where children's rights are alleged to have been violated.

### **Country specific profile on children in South Africa**

In terms the Constitution children are defined as 'individuals under the age of 18 years'. They comprise more than a third (35.79%) of South Africa's population in 2015 .

A number of challenges face South African children. Some of these include the following:

### **ORPHANS AND CHILD HEADED HOUSEHOLDS**

Statistics South Africa, the main body charged with collection and analysis of statistics in South Africa, indicates that just below one fifth (17,8%) of all children in South Africa, approximately 3,2 million children, were orphaned of which 3.2% were maternal orphans, 10.6% Paternal orphans and 4% double orphans .

The levels of orphans are also higher among Black African children (20%) compared to the 8,2% coloured, 5,3% Indian/Asian and 2,7% white children .

Between 2002 and 2012 the number of children that lived in child-headed households fluctuated between 82 000 and 143 000 .

### **CHILD POVERTY**

Children are disproportionately affected by poverty. While slightly more than (52,7%) of all South Africans lived in low-income households, nearly two-thirds (64,5%) of children resided in such households . (compared with adult pov-

erty – using the upper poverty line, which is at 45.1% ). Child poverty could have been worse if it had not been for the extraordinary expansion of social grants in the last 15 years.

Two provinces (Limpopo and Eastern Cape) that had homelands created in the 1970s during apartheid currently record the highest percentages of children who live in poor households.

The percentage of poor children is much lower in the relatively prosperous and more urbanised provinces such as Western Cape (43,2%) and Gauteng (43,3%).

### **CHILD SUPPORT GRANTS**

South Africa provides child support grants for upkeep of children who come from impoverished back-

grounds. Children receiving the Child Support Grant increased from 7,863,841 children in 2006/2007 to 11,703,165 (2014/15).

The above indicate the large numbers of "needy" children in the country as well as improvement of coverage of eligible children. The coverage is likely to increase as efforts are underway to ensure extended coverage, especially of children with low uptake (especially those under two years of age).

Children with severe disabilities receiving the Care Dependency Grant increased from 98,631 children in 2006/2007 to 126,777 in 2014/15

### **HEALTH AND NUTRITION**

In South Africa there is both public healthcare and private health care.



**Children have a right to education. PIC: UNICEF**

## In 2013/14 mother-to-child-transmission of HIV is at its lowest ever, i.e. 2.2% (was 8.4% in 2008/09)

The latter involves medical aid programmes and children are less likely to access medical aid than the rest of the population .

The latest data shows that Infant mortality rate (IMR) stands at 34.4 infants per 1,000 live births and the under 5 mortality rate (U5MR) stands at 45.1 young children per 1,000 live births. It is concerning that 1 in 4 children under 5 is stunted .

In South Africa about 7.2% of infants are exclusively breast fed during the first 6 months of live.

In 2013/14 mother-to-child-transmission of HIV is at its lowest ever, i.e. 2.2% (was 8.4% in 2008/09) .

In 2013 the Immunisation rate was 84% (the same as 2012 and the lowest since 2007) .

In 2014 159,726 children were on ART, but enrolment declined (which is stated to be linked to the decline in MTCT) .

The top five causes of childhood deaths in South Africa are HIV, tuberculosis (TB), pneumonia, diarrhoeal diseases and malnutrition.

Because of its racial history, access to health care continues to depend on racial background. Different health care facilities are used by different population groups, with 84.8% of black African and 66.1% of coloured child-inclusive households usually went to a public clinic or hospital first, 34.2% of Indian/Asian- and only 12.1% of white child-inclusive households did the same .



**Children should be allowed to participate in sporting activities as part of their development and decision making. Pic: UNICEF**

## FOOD AND HUNGER

The percentage of children that lived in households that experienced hunger generally exceeded the percentage of the general population that lived with hunger. In 2002 34% of children lived in households that experience hunger compared to 15.3% of children in 2012. This is higher than the percentage for the total population, which stands at 13.1% .

Female-headed households that contained children were more likely to report hunger, i.e. 16% compared to 10.2% of male-headed households and 11.2% of child-headed household .

## HOUSING AND STANDARD OF LIVING

More than two-thirds (71.5%) of child-headed households lived in formal houses as opposed to infor-

mal structures and other less adequate housing.

The percentage of children that lived in traditional dwellings declined from 18.3% in 2002 to 15% in 2012. More than three-quarters (75.8%) of children resided in formal housing in 2012, up from 70% in 2002. The decline in children living in informal housing are relatively slow, being 9% in 2012 compared to 11.2% in 2002 .

In 2012 63.1% children birth to 17 years lived in dwellings with access to piped water in the dwelling or yard, which is lower than the population average of 69.4% .

In 2012 70.6% children birth to 17 years lived in dwellings with a flush toilet, which is lower than the population average of 75.2% . In terms of access to sanitation, children were affected by the challenges related to lack of access to improved sanitation.

There has been a commendable and steady increase (to 85.8%) in the number of children living in households that have electricity. Ideally all children should live in households that have electricity as electricity plays a vital role in children's education.

The number of children who have access to the internet is still very low and studies in this access only started in 2005. In 2012 7% children birth to 17 years lived in dwellings with access to the internet, which is lower than the population average of 9.2% .

## EDUCATION

Good education starts with quality and accessible early childhood development. In 2014 1 in 3 children (33.8%) birth to 4 attended an ECD centre and 1 in 6 children (16%) birth to 4 receiving day care from the child minder . Furthermore, 9 in 10 (90.8%) 5 and 6 year old children attended Grade R or above in

2013 .

The Gender parity index is 0.989 overall (0.945 for primary school and 1.060 for secondary school) .

In 2013 99.3% of 7 to 13-year-old children attended educational institutions in the country. The participation in this age group has remained stable since 2002 .

Participation in compulsory education (7 to 15 year olds) was 98.8%, which also remained relative stable since 2002 .

These figures decline within the secondary school attendance and only 90.3% of 14 to 18-year-old children attended educational institutions in 2013, with only 86.1% of 16 to 18-year-old children attending educational institutions in 2013 (non-compulsory schooling age). Of these 16 to 18 year olds 87.4% were boys and 84.9% were girls' .

According to the Department of Basic Education the number of 7 to

18-year-old children out of school decreased from over 800 000 (7%) in 2002 to approximately 540 000 (almost 5%) in 2013. It is also reported that in 2013 25 949 children with disabilities aged 7 to 15 were out of school. Boys represented 12.6% and girls 15.1% of 16 to 18-year-old children not attending educational institutions in 2013. It also has a strong racial dimension with 12.5% African/Black, 25.7% coloured, 23.7% Indian/Asian and 11.8% white 16 to 18-year-old children not attending educational institution .

The reasons provided for children aged 7–17 years who were not attending any educational institution in 2012 included being too old (3,4%), has completed school/education (5,1%), transport difficulties (1%), no money for fees (18,8%), working, do not have time (2,6%), family commitments (9,6%), education not useful (12,7%), poor academic performance (14,1%), illness (7,8%), disability (9,1%), pregnancy (4,9%) and other non-specified (10%) .

Some of the challenges that continue to manifest include children having to travel long distances to school, sometimes taking more than half an hour to get to school. In 2012 13.9% of children 7 to 13 years and 20.4% of children 14 to 17 years lives more than 30 minutes travel away from school . In 2014 learners indicated that that a lack of books (3,7%), high fees (3,6%), large classes (3,3%), bad facilities (3,0%), lack of teachers (2,2%), poor teaching (1,8%), teachers absent (1,7%), and teachers striking (0,9) are some of the main problems they experience in school .

There are also challenges such as access to sanitation facilities at



Children need care from parents and society. Pic UNICEF

## The Universal Periodic Review has helped in the promotion and protection of human rights in South Africa

school that affected children's attendance. In 2013, 83% of learners in Grades 1-9 had received their workbooks. While corporal punishment is outlawed, 12.4% of children experienced corporal punishment by teachers in school. The Learner educator ratio in 2014 was 31.0. In 2014 532,860 children wrote matric of which 403,874 passed (75.8%)

## VIOLENCE AGAINST CHILDREN

Violence is widespread in South African society to the extent that the country has been described as having the highest prevalence of violence and violence-related injury in the world among countries where this is measured. South Africa also ranks extremely high internationally for reported incidents of sexual violence. It is therefore not surprising that violence against children is common.

Up to 30 per cent of child homicides in South Africa are perpetrated by the child's mother compared to 5.8 per cent by the child's father. The majority (73.8 per cent) of all children killed under the age of 5 were killed in the context of abuse and neglect. In 2012, of the 1,018 overall cases of child homicide, 386 involved children from 15 to 17 years,

In 2013/14, the South African Police Service recorded 2,630 cases of ill treatment and neglect against children. There is widespread acceptance of physical abuse of children within homes and schools, and many children are subjected to corporal punishment. A national survey found that more than half (57%) of parents with children under 18 reported smacking their children at some point and 33%

reported using a belt or object to beat their children. In 2013 12% of learners had been threatened with violence by someone at school, over 6% of learners had been assaulted, and almost 5% had been sexually assaulted or raped.

Sexual violence against children is prevalent. Cases of child sexual abuse constitute almost half of all reported sexual abuse cases, with 61% of the affected children under 15 years of age and 29 % under 11. Most violence happens in the domestic sphere and is perpetrated by persons in authority over the child. Violence against children is either not reported or is under-reported. Children are often not able to report because they don't know their rights or they fear being blamed.

## Work done by HRC

The Universal Periodic Review has helped in the promotion and protection of human rights in South

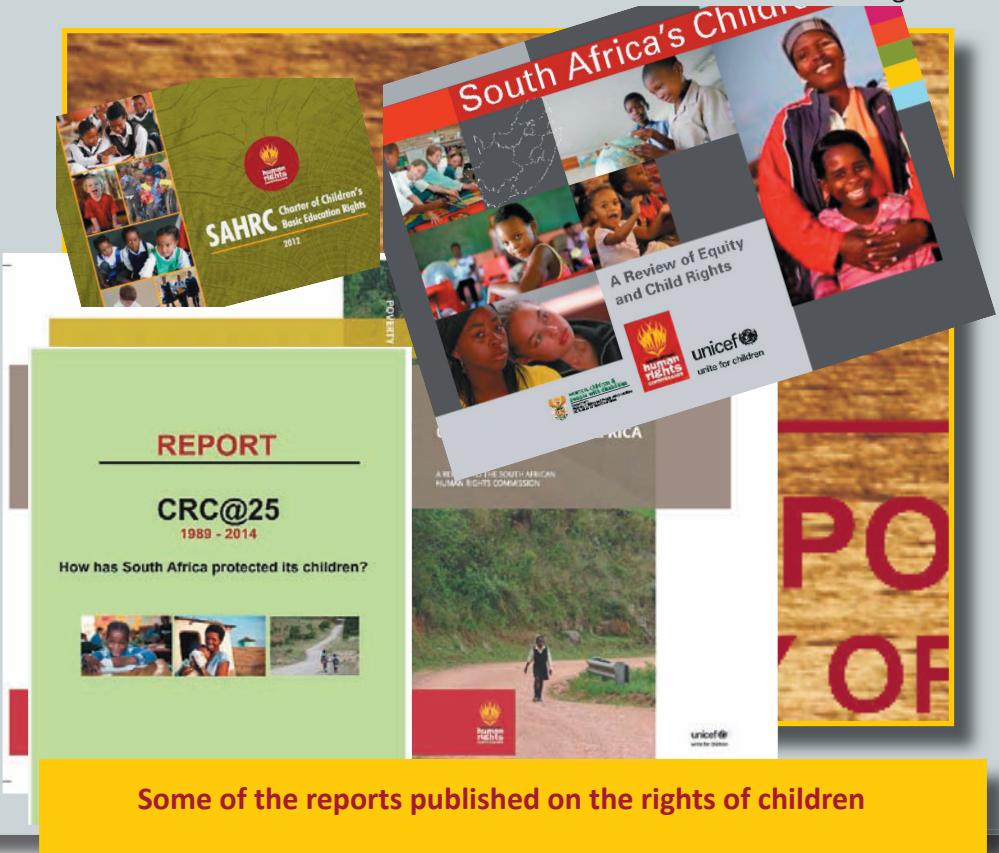
Africa, through its monitoring function. This function is useful in terms of issue identification, generation of evidence-based data, recommendations for enhancement of framework protections and high-level engagements with policy-makers.

By establishing a number of mandates such as:

- 1) Special Rapporteur on the sale of children, child prostitution and child pornography
- 2) Special Rapporteur on trafficking in persons especially women and children,

that deal with children's rights, the Human Rights Council has recognised that even though there were institutions such as the Committee on the Rights of the Child, such committees were in themselves not sufficient to handle the myriad issues affecting children.

- The importance that states place on the advice from the HRC can be seen in efforts of South African gov-



## **SAHRC position on proposal of biennial or triennial review**

ernment to try and ensure better protection of children. For example, South Africa has taken steps to reform immigration regulation to require better identification of children while travelling (even though met with some resistance) through the borders. These measures were in response to the work of the HRC's work on the protection of children from being trafficked.

### **Adequacy of HRC mechanisms eg UPR and special mandates to resolve children's rights issues**

- The HRC has, through the UPR system and the mandate of the Special Rapporteur, has served to strengthen the protection of children's rights in South Africa.
- An analysis of South Africa's country report under the UPR issues indicates that issues of child grants, education and child headed household have received some attention.
- Further, from the work of the Special Rapporteur, human rights issues of trafficking and child pornography affecting children in South Africa have been addressed by the HRC.
- However, some of the sub-region specific human rights issues that affect children in South Africa have not been addressed.
- These include the issue of violence against children, orphans and child-headed households, hunger and food insecurity which are endemic human rights issue in South Africa.
- That said, it is important to acknowledge the work of other international human rights mechanisms

and international development agencies that buttresses and supplements that of the Council. These include the work of the CRC and UNICEF in advancing the protection of the rights of children in South Africa.

## **SAHRC position on proposal of biennial or triennial review**

- The SAHRC does not support the proposal of biennial or tri-annual review of state reports.
- The reasons why SAHRC will not support it is:
  - i. The prominence and visibility of children's issues on HRC agenda may be diminished;
  - ii. The sustainability and momentum of debate on children's rights may be lost;
  - iii. The level of detail given to children's issues in interim reports may be reduced;
  - iv. The levels of responsiveness of HRC to burning and fast evolving issues will be reduced;
  - v. The ability of the HRC to monitor its resolutions due to long periods between reporting will be placed under pressure.
- Examples presented above show that despite the adoption of Council resolutions relating to children's rights, implementation or the realisation of such resolutions remains a challenge for many countries and on-going debate and monitoring are essential
- The Council, as one of the main bodies promoting and monitoring human rights needs to continue to exercise its position to ensure that issues relating children's rights remain at the forefront of the UN agenda;
- Ongoing monitoring of the implementation and realisation of existing resolutions including those on children must continue with short reporting periods to ensure that the rights of the child are fulfilled, two to three year intervals are quite long;
- Resolutions taken by the Council still have gaps that must be filled and such resolutions will not be swiftly addressed if not given the appropriate platform and time for debate; and
- The Council should use all its available mechanisms, including the UPR mechanism to complement the mechanisms under the relevant treaties to ensure the effective protection of children's rights.

## **Proposals**

The South African Human Rights Commission does not recommend that the thematic area of children's rights be discussed every two or three years for the following reasons:

- The vulnerability of children and the dynamism of children's rights make it critical that the Council in addition to other bodies such as the Committee on the Rights of the Child, to ensure that children's rights remain a standing agenda item for the Council.

## **Did you know**

Children's Rights and Basic education Portfolio is headed by Commissioner Lindiwe Mokate.



# 20 years of the SAHRC, a journey to remember



Commissioners Mokate and Titus flanked by the longest serving staff members.

The South African Human Rights Commission during the month of October marked 20 Years since it was inaugurated as a Chapter 9 institution in 1995.

In commemoration of this anniversary, staff members, senior management and Commissioners wore their SAHRC t-shirts regalia and joined hands at the SAHRC's 2nd floor training centre to reflect, celebrate and cut the 20 years cake in celebration with this remembrance.

Head of Advocomm Ms Dieketseng Diale opened and welcomed everyone in attendance of the celebration and said "today we are here

to celebrate the anniversary of the 20 years of existence at the South African Human Rights Commission as an institution established to promote and protect human rights for all."

"Today is an important day for all of us and it is a privilege for us to be here as we are the only Chapter 9 institution that is humane in the country and we will continue to advocate human rights and ensure that people are aware of the rights."

Acting Chairperson Commissioner Ameermia indicated that 20 years is a journey that we must keep going as an institution to make a dif-

ference in people's lives even outside our office duties."

"The reason we are here today is because of the journey that we took for 20 years with the same vision of promoting and protecting human rights for South African citizens. Even though we are here for 20 years as an institution, during 21 years of democracy we are still facing challenges as a country as children still go to bed hungry and others still go to school without textbooks."

"We further salute the comrades that have been here since the inception of this institution and they must be thanked and continue with the hard work they have been do-

ing for so many years." He said

Commissioner Mokate as one the longest serving in the institution said "I was at the inauguration of the South African Human Rights Commission on the 25th October 1995 and I happen to have been part of this occasion." It is great to see that the Commission today is still here in one peace since the Minister of Justice declared it as a Chapter 9 Institution."

"This occasion took place in Braamfontein when we met at the Constitutional Hill, I wasn't a commissioner then, I was a guest when Barney Pityana was called as the Chairperson and following him was Commissioners that were sworn in on that day." She said

"The Commission is still here and Mme Lesedi was here longer than all of us, followed by Penny Carelse who has also been hands on in terms of running the office of the Western Cape."

Commissioner Mokate further reflected back on the journey of each and every long serving employee that has been at the Commission.

Special recognition to twelve long service serving staff members was given to Mme Lesedi Sojane, Penny Carelse, Tata Hammilton Garishe, Rhulani Khuvutlu, Ruth Diale, Witness Ndala, Sonto Nxumalo, Lerick Muthaphuli, Flora Dipela, Ntombentsha Lubelwana, Nomawethu Mhlomphe and Lindiwe Dlamini from Kwa Zulu Natal Office and some were given an opportunity to reflect back on the years that they served at the Commission.



Internal Audit Executive Gregory Paulse leading the toasting



Commissioner Ameermia and Titus at the birthday celebration

# 20 years of the SAHRC in Pictures





## Provincial Celebrations

Mpumalanga



Limpopo



Northern Cape



Free State



# In the Seat

with Sonto Nxumalo,  
Administrative Officer



**S**onto, as our guest is known is very selective of how she describes herself. When initially asked to do an interview with Pfanelo she responded with a straight face "I am shy and down to earth".

However, we didn't let her go that easily. We eventually got more from the fitting legend. As we celebrate 20 years of the South African Human Rights Commission we tap into the well of knowledge, talk about her life and work. Pfanelo gives you In the Hot Seat with Sonto Nxumalo.

## Tell us about Sonto in a nutshell?

I am mother of three, a guardian to nine and foster parent to one. When my parents and siblings passed I had to step in and raise the young ones in my family. In addition, I have adopted a neighbour's child after her parents had passed away in an accidents. It was so painful that after the funerals her relatives packed their bags and left the poor child alone. Imagine a 15 year old dealing with the fact that both her parents died in a car accident and all alone without any support structure.

Raising all 13 children was difficult. The little I was earning had to be divided for the needs of all these children. It was tough but I managed to make it work. Seeing them grow and able to fend for themselves has been the most beautiful contribution I have ever done in my life.

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

Growing up was not so bad. I was born in Madadeni Section 3, in Newcastle, KwaZulu - Natal. As a township girl, we had access to essentials such as water, grocery, shops, entertainment, transportation etc.

The most interesting story about

my area is that the legendary Lucky Dube used to live in my street. He used to play Mbaqanga (Zulu traditional Music). We used to go to Rhumelin Stadium (Inqayizivele) and watch musicians perform live.

Later on my family decided that we had to move to Verina in Kwa Ndebele, Mpumalanga.

Transition was difficult for me and as such I don't even have friends in Kwa Ndebele even today.

Newcastle remained my second home and seeing Lucky Dube on TV playing Reggae and all famous always made me proud.

## Describe your position at the Commission and explain what it means to?

I am a Procurement Officer which means I procure most of the things here and source quotes for all the branding materials, catering and other nitty gritties. My position at the commission has given me an opportunity to express myself, and communicate with the inside and outside stakeholders.

When you get nice goodies for conferences etc., remember that it is because of people like Sonto that the materials are of the quality that they are and delivered on time.

Take us through 20 years of the



## SAHRC.

I was there at the Sandton Convention Centre when the first batch of Commissioners were sworn in. I was working as a security officer in the Department of Justice. (Remember the Commission was sharing office space with the Department of Justice). Little did I know that the Commission would be a home for me for many years to come. I eventually joined the Commission in 1997 when a decision was taken for the Commission to stand on its own and get its own premises. I was employed as a Security Officer

It was decided that there was no need to have two Security Officers and was moved to Commissioners Programme as a receptionist.

Another career growth saw me becoming a Switch Board Operator. Commissioners used to drink tea together with staff working at Com-

missioners office. I believe that this brought togetherness especially considering that the issue of Human Rights was a foreign concept to many and engagements with Commissioners helped some of us to understand human rights better.

## Day outside office?

Oh yes I love my family, most of the time I spend my free time with them especially my grandchildren. When I get an opportunity I go out with my grandchildren to a park or mall and chill. Time spent with my grandchildren is precious.

## My favourite Book, music, chill out place etc.

I love reading books especially the motivating one and listen to Gospel Music and some few Jazz like Tu Nokwe, Hugh Masekela, those kind of music. Nathi brought fresh air to my African Jazz.

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

I am like an open book what you see is what you read I don't have any hidden things

## My favourite quote

"Accept and love to be who you are and don't expect people to make you happy just be yourself"

## Favorite soccer team

I do not support any team but sort of lean towards Kaizer Chiefs to give my partner moral support. However, I do not understand this thing of people especially men getting angry and not eating after their team has lost a match

## Did you know

Sonto is getting married on 12 & 13 December 2015



Lucky Dube remains Sonto's favourite musician

## SNIPPETS

### Students divided over Fees must fall outcome

Saturday 24 October 2015 06:30

Students across the country are divided over whether or not the zero percent fee increase for next year is a victory for the #FeesMustFall movement.

Students across the country have been protesting for the past two weeks calling for no increment of fees in 2016 and fee tertiary education.

On Friday, over 10 000 students marched to the Union Buildings, where their leaders met with President Jacob Zuma. At the end of the meeting President Zuma announced that there would be a zero percent increase for 2016.

Though some students, mainly from Wits University saw this as a victory, others, mainly from Tshwane University of Technology, did not. Students were also upset by the fact that Zuma did not address them in person but made the announcement on TV.

The group of students who had already been violent while waiting for the meeting between their leaders and the President to conclude, began throwing stones at police and groups of journalists.

Police retaliated by shooting rubber bullets, discharging teargas and throwing stun grenades at the students. The violence then moved to the streets of Pretoria where police continued to shoot rubber bullets at students while the students threw rocks at them.

Source: SABC

### CRL apologises for summons on commercialisation of religion

Religious leaders were summoned to hearings after videos of congregants ingesting snakes and petrol emerged.

JOHANNESBURG - Religion watchdog Commission for Rights of Cultural, Religious & Linguistic Communities (CRL) has apologised to church leaders for serving them with a summons which stated they had to attend hearings or face a year behind bars.

The hearings are to investigate the commercialisation of religion and the abuse of people's beliefs, after videos showing pastors from different churches making congregants drink petrol and eat snakes.

Church leaders who have been summoned before the commission expressed their anger at being told they will face jail time if they refuse to appear.

But commission chair, Thoko Mkhwanazi-Xaluva, says leaders have been consulted.

"Summons tend to agitate people, but I must say that when people appear before us they might come in agitated; we have tried to send a second set of documents to assure people."

Archbishop Zondo, of the 'Rivers of the Living Waters' church, says he will comply with the commission and hand over all the required documents.

"The CRL apologised and they as-

sured us that there was no crime committed by us."

The commission wants leaders present documents including annual financial statements dating back to 2012, bank statements and proof of ordination.

The hearings have been postponed until 16 November. Source: The Citizen

### SAPS to act on Marikana recommendations: Nene

Finance Minister, Nhlanhla Nene says over the next three years, the South African Police Service will strengthen its public order capabilities and address training gaps, including those identified by the Marikana Commission of Inquiry.

Addressing Parliament on Wednesday when delivering his interrupted and delayed 2015 Medium Term Budget Speech (MTBS), Nene says in line with the commission's recommendations the police have established a transformation task force, which will investigate global best practice in combating syndicated and other crime, develop proposals for organisational reform and integrate recommendations from an independent panel of experts.

This follows the recent suspension of the National Police Commissioner, Riah Phiyega who has been widely criticised partly over the handling the Marikana incident where 34 mineworkers were fatally shot August 2012. Source: SABC

## Meet the Free State Office



### Appointments

Mr. Lawrence Mqgabo, Security Manager, CDS – Admin & SCM (HO)  
Mr. Similo Njokweni, HURA Fieldworker, Eastern Cape

### Happy Birthday

The following colleagues are celebrating their birthdays in November. Please join us in wishing them well.

Buang Jones 01st (FS) Ramanyoga 01st (HO)

Eric Mokonyama 02nd (MP) Commissioner Malatji 04th (HO)

Pandelis Gregoriou 11th (HO) Khulekani Moyo 12 th (HO)

Lesego Tau 15th (HO) Nicola Whittaker 17th (GP)

Mohammed Johaar 18th (WC) Nelther Magazi 22nd (WC)

Alice Price 23rd (HO) Angela Kariuki 25th (HO)

A Ntshalintshali 29th (HO)