



# Ffanelo

*"It's Your Right"*

Transforming Society. Securing Rights. Restoring Dignity

The South African Human Rights Commission Newsletter



Volume 24

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**Commissioner Danny Titus in the Northern Cape, to assess human rights issues**

**-Indigenous people feel trapped & neglected**

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**Lindela High Court judgment a victory for migrants in SA**

**Marikana:**

**Two years still no hope or justice for the widows**

## Heritage Day

Heritage Day is one of the public holidays that owe their existence to the democratic South Africa. It is a day in which all South Africans are encouraged to celebrate their cultural traditions in the wider context of the great diversity of cultures, beliefs, and traditions that make up the nation of South Africa.

In KwaZulu-Natal, the 24th of September was formerly known as Shaka Day, in commemoration of the legendary Zulu king, King Shaka Zulu. When the proposed Public Holidays Bill before the New South African Parliament omitted Shaka Day, Inkatha Freedom Party (IFP), a South African political party with a large Zulu membership, objected to the bill. A compromise was reached when it was decided to create a day where all South Africans could observe and celebrate their diverse cultural heritage.

In an address marking Heritage Day in 1996, former President Nelson Mandela stated:

“When our first democratically-elected government decided to make Heritage Day one of our national days, we did so because we knew that our rich and varied cultural heritage has a profound power to help build our new nation.”

In the vein of celebrating shared culture rather than focusing on cultural divisions, a recent initiative by the Braai4Heritage calls upon all South Africans to celebrate their common roots by having a braai (barbeque) on Heritage day. The idea has had some high profile converts, the most notable being that of Archbishop Emeritus Desmond Tutu, who in 2007 was made the National Spokesperson for “Braai Day.”

Source: SAHistory.org

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# High Court judgment a victory for migrants in South Africa



The South African Human Rights Commission welcomes the judgment handed over by the South Gauteng High Court in a matter relating to the illegal detention of immigrants against the Department of Home Affairs.

The judgment was given on 28 August 2014, in the matter of the South African Human Rights Commission & others v Lindela Repatriation Centre & others.

The court declared judgment in favour of the South African Human Rights Commission (SAHRC), People Against Suffering, Suppression, Oppression and Poverty (PASSOP), and 39 individuals who were detained in Lindela. These organisations and individuals were represented by the Legal Resources Centre (LRC).

In this matter, the SAHRC and other applicant organisations argued that Lindela's practices regarding detention at the facility are unconstitutional and in contravention of the Immigration Act 13 of 2002.

Lindela is the only facility of its kind in South Africa where illegal migrants are detained while awaiting deportation. The individuals in this matter had been subject to inhumane treatment, including being detained for longer than 30 days without the necessary warrant of a magistrate permitting extended detention, experiencing a miscalculation by the Department of Home Affairs of the start of the 30 day period of detention; the failure of Lindela officials to follow the fair procedure and; keeping the migrants in detention for longer than 120 days.

Handing down his judgement, Judge Tsoka pointed out that the actions of the Department and the Minister in



**Non-nationals held at the Lindela Repatriation centre. Pic Gallo images**

detaining the migrants at the Lindela Repatriation Centre are unlawful and unconstitutional.

Although the individuals in detention had been released prior to the current matter being heard in court, the SAHRC was concerned about the long-standing history of violations of the Immigration Act and detainees' constitutional rights at Lindela, dating back to at least February 2000. Furthermore, Lindela denied repeated requests to issue reports on the facility, despite the fact that the SAHRC is statutorily authorised to make these requests.

The court ordered Lindela Repatriation Centre to, without delay, cease all practices that result in non-compliance

with the Immigration Act, such as those experienced by the individuals in this matter. It further ordered that Lindela allow the SAHRC access to the facility on a regular basis and that regular reports on the number and status of detainees at Lindela be issued.

In particular the Judge ordered that the Department ensure that no person is detained for a period exceeding 30 days from the date on which that person was first arrested.

While Lindela is a self-regulating facility, the court felt that oversight by institutions such as the SAHRC is necessary considering the systemic and pervasive non-compliance with detainee's constitutional rights.

## What they said on Twitter



**Sipho Kings @SiphoMcD:** NB #Immigration victory for @SAHRCCommission - @homeaffairsZA not allowed to detain people in Lindela for more than 30 days + other changes

**BusinessDay TV @BusinessDayTV:** Refugees will benefit from case, SAHRC will help Dept. <http://m.bdlive.co.za/national/?articleId=335798> ...

# Are human rights still relevant in the eyes of law enforcers, asks Commissioner Titus?

Provincial  
Visit

**Commissioner Danny Titus embarked on a provincial visit to Northern Cape. Commissioner met with the police in Upington to talk about human rights and policing; held talks with indigenous community about specific human rights challenges affecting them; and held a roundtable on 20 years of democracy.**

Commissioner Titus started the meeting on Human Rights and policing on a persuasive note by posing a critical question to law enforcers, "Is there a need to include human rights in policing?" The question drew attention from the law enforcement sector.

He referred to statements made by various experts that when police are faced with serious actions they take action at that particular moment, human rights issues are asked at the end. He also quoted National Commissioner Ria Phiyega who said certain people such as mayors, etc are not doing their jobs and police are called at the last minute to stop violence. "Are we on the same side; are Human Rights too fancy to apply?" asked Commissioner Titus.

Furthermore, Commissioner alluded to misunderstanding of circumstances faced by law enforcement, which makes it difficult for ordinary people to understand circumstances that law enforcers face. "We understand that police are sworn at, spat by teachers, nurses etc, and people who are expected to know that rights come with responsibilities. At the end of the process it is the police who are thrown all sorts of things but human rights prevail above all."

Commissioner said the meeting was an opportunity to understand that, in spite of all the circumstances, people have to engage in a manner where there is understanding and respect. He said the Commission is



**Commissioner Titus tackling Human Rights Challenges in the Northern Cape**

there as a mechanism to assist the police with understanding how to implement law in a human rights based manner. "In the midst of arrest, there is a right to Human Dignity. We need to respect ourselves" he said.

Criminals come heavily armed, as put by then General Bheki Cele. "Commissioner said answers have changed for Human Rights. No one else has a right to arrest, use reasonable force but the police."

"Brown or blue uniform, when we hear Human Rights Commission wanting to meet with us we are so afraid. What did we do wrong? The way Commissioner Titus explained the role of the Commission in meeting with us gives an opportunity to raise frustrations and concerns regarding Human Rights issues that we are faced with," said Ms Ursula Petula Mkanzi, Area Co-ordinator

Corrections Upington  
Management Area.

In addition, the Upington Station Commander, where there were lots of service delivery protests stated "Upington community is not welcoming foreigners and it brings a challenge for the police who have to take action. We sometimes feel like everything is against us. There is a need to educate people about human rights.

During arrests, communities are not assisting- people make jokes at us."

The Law Enforcement agencies indicated that their officials are trained and human rights and circulars are circulated on human rights.

On the other hand Independent Police Investigative Directorate (IPID) stressed the issue of distance as one of the challenges affecting how the unit performs. "It takes too long for investigators to arrive at police stations. In other instances, police do not know the mandate of IPID, which in turn makes their work difficult. Lack of capacity delays investigation of cases.

The stakeholders agreed to form partnership with the Commission to improve their human rights based approach.



## 20 years on, Indigenous people still feel abandoned

Provincial  
Visit



The Indigenous people came in their numbers to hear how the Commission can help them reclaim their rights

Issues of land and property ownership are some of the major human rights challenges that continue to face the people of Upington 20 years into democracy. People are still crying for fundamental rights. Commissioner Titus referred to a meeting held with the Khoisan people where they raised concern that they are unable to hunt, and practice their traditional way of leaving due to unavailability of land. "One of the Khoi persons from the seminar took us to his house where he created fire using a stick, showed ingredients of making traditional herbal tea, and general life experience of how they live. "There are concerns, but there are also positives - these are unique advantages of this area (Upington)," he said.

The Northern Cape Provincial Manager, Chantelle Williams raised a concern that there is a decrease in the number of complaints received. "The unique challenge with the Northern Cape is the distance. The Commission is not able to reach all places it needs

and as a result some people suffer in silos. The Commission is working on strengthening partnership with civil society in order to get more people knowing about the mandate of the Commission and also how to access it."

The Commission receives complaints from the farming sector where people who worked on

farms and are being let off by farmers. "They are challenged by poverty; they unwillingly squat on private land." Another major complaint was from ZS Ngcawu where they alleged that one clinic was serving 10 communities. People are forced to travel long distances to access health.

Luvuyo from the Parliamentary Democracy Office responding to issues raised by the Commission said there is a need for more people to be educated about how democracy works. "People burn tires but if they do petitions & submissions their issues can be attended to. There is no communication"

People with disabilities continue to be discriminated by society. "There is a concern about lack of institutions to accommodate people with disabilities."

The Commission will work with civil society to ensure that human rights challenges are brought before it for investigation.

Pf



# The forgotten

Provincial  
Visit

Visit to Piet !Aru's homestead taught the SAHRC crew about one or two survival tricks.



## Commissioner Malatji participates in workshop on protecting the rights of people with disabilities in Uganda



Commissioner Bokankatla Malatji with his counterparts during training

The workshop was intended to facilitate a process where NHRI staff working on the rights of persons with disabilities could discourse together, identify problems and offer practical solutions towards effective monitoring. In addition, the stated objective of the organisers was to test and refine an Article 33 Monitoring Tool for onward use by African NHRIs.

The workshop was facilitated by:

- Mr. Lawrence Mute – Rights and Governance Consultant, Commissioner of the African Commission on Human and Peoples' Rights and Chairperson of the Committee for the Prevention of Torture in Africa
- Dr. Bernard Mogesa – Kenya National Commission on Human Rights

The first day of the workshop focused on a broad contextualisation of the rights of persons with disabilities in Africa, and the specific challenges faced by NHRIs in promoting, respecting and monitoring

the rights of persons with disabilities on the continent.

Commissioner Mute provided an overview of the Convention on the Rights of People with Disabilities (CRPD) and the objectives of the Convention, while the group participated in a dialogue about the specific contextual challenges faced by NHRIs in Africa, including resource constraints, lack of trained personnel and, in the case of South Africa, the absence of a designated Article 33 monitoring body.

The workshop then turned to the subject of human rights monitoring as a focus area, emphasising the need for strong personnel as well as rigorous instruments. This provided an introduction for the Article 33 monitoring tool, as developed by Commissioner Mute. The tool poses questions to both States Parties and other stakeholders about the implementation of provisions of the CRPD, by examin-

ing progress in respect of:

- The obligation to respect rights;
- The obligation to protect rights; and
- The obligation to fulfil rights.

Day Two was reserved for a full day of group work, during which participants were required to examine the extent to which the draft monitoring tool captured the obligations outlined in the CRPD. Groups were split into Civil and Political Rights; and Socio-Economic Rights.

Following intensive group discussions and formulation of proposed questions which would assess the country's implementation of the CRPD, groups were invited to present to a plenary their findings as well as the experiences of their colleagues in various sister NHRIs.



## Are NHRIs prepared to deal with persons with disabilities?

Some pertinent themes included:

1. The importance of engaging third parties, such as businesses;
2. The importance of using laws, policies and education as complementary mechanisms for achieving social change;
3. The need to be critical of government's efforts, while maintaining a constructive working relationship;
4. The need for further reflection on the distinction between physical disabilities and psycho-social disabilities and the allocation of resources to each of these.

Day Three comprised of field visits, during which participants were split into four groups. Each group was assigned a location to visit.

These included:

- A Community Health Centre;
- A Hospital for persons with psycho-social disabilities;
- A school for children with psycho-social disabilities; and
- The Ministry of Gender and Persons with Disabilities.

Participants utilised the opportunity of the field visits to ask specific questions related to the accessibility and accommodations of each location, as well as the level of preparedness of staff and their readiness to deal with persons with disabilities.

Following site visits, participants re-entered the plenary in order to report back on the findings of their visit as well as the experiential observations regarding use of the tool.

Pertinent themes which emerged during the report back included:

1. The need for further refinement of questions to take into account local context;
2. The importance of working with staff at facilities and ensuring training and capacity-building;
3. Issues of disability being secondary to other considerations, such as poverty alleviation;
4. The need to engage third party stakeholders, such as the corporate sector;
5. Cultural and traditional beliefs which, at times, marginalise persons with disabilities; and
6. The importance of independent monitoring to ensure impartiality and independence.

The stated purpose of the thematic workshop included the further development of the monitoring tool, developed by Commissioner Mute and his colleagues, incorporating the experiences and reflections of participants. As such, the Commissioner undertook to revise the monitoring tool before circulating to participants for further inputs and comments. It is intended that the tool will become a standard monitoring instrument for the purpose of assessing implementation of the CRPD across the continent.

The need for a uniform instrument notwithstanding, it was stated that localisation and national validation exercises would need to be undertaken in order to ensure that the tool would be useful and relevant for the varied contexts found throughout Africa. It was, therefore, stated that it remains incumbent on civil society, NHRIs and other stakeholders to remain engaged on the subject of monitoring, particularly with national focal points and designated Article 33 monitoring bodies, where such designation has taken place.

Where such designation has not taken place, it was stressed that, in order for States Parties to be fully compliant with the provisions of the CRPD, this would need to take place as soon as is practically possible.

An official report is forthcoming from the Network of African National Human Rights Institutions (NANHRI), in collaboration with the Raoul Wallenberg Institute (RWI), which will highlight the experiences of participants from various NHRIs and incorporate the presentations to plenary, as discussed above. In addition, the second draft of the monitoring tool, along with proposals for localisation, is forthcoming.

An official report from the NANHRI, which will highlight the experiences of participants from various NHRIs and incorporate the presentations to plenary will be released on a time to be communicated.

*Pf*

## Did you know?

The SAHRC has a library section dedicated to people with disabilities

The library can be accessed free of charge. For more information please call Ms Hellen Mankwate on 0118773671. More information available on [www.sahrc.org.za](http://www.sahrc.org.za)



## SAHRC participates at Gender Mainstreaming Awards



Commissioners Ameermia and Malatji at the awards

By Mantsibile Mojapelo

Gender Mainstreaming – a concept that has different meanings depending on who you are, what your beliefs are and how you view the world. On a cold starry August night, in the middle of Women’s Month celebrations; the beauty and splendor of Vodaworld in Midrand; gave a new meaning to what gender mainstreaming means. From the speeches delivered during the crowning of companies with a demonstrated commitment to gender mainstreaming, all those gathered on 21 August 2014, shared a common definition of gender mainstreaming; that women and men are crucial to any business success model.

The South African Human Rights Commission; through Commissioners B J Malatji and M S Ameermia were judges at this year’s Gender Mainstreaming Awards – Mainstreaming Gender and Disability Category. The awards have been developed by Business Engage; a non-governmental organization, to encourage private sector to buy into achieving more meaningful representation of women in the mainstream of business. Business Engage is an organisation that aims to enable individu-

als and companies to maximise their growth and profits through its diverse offerings that include networking, mentorship, training, collaboration, entrepreneurship development and support. The awards, sponsored by PWC, target the Private Sector but also have a certain number of categories for government.

In its second year, the Gender Mainstreaming Awards told a beautiful story of how the human rights of women to form part of society and in particular the business sector. With a

number of companies; in particular PPC Ltd, a company that manufactures cement, demonstrated their consistency in mainstreaming gender for two years in a row. The Commission is particularly concerned with ensuring that Business places its role in mainstreaming gender and human rights.

The Commission’s annual theme of Business and Human Rights was a fitting background to the awards. In line with the United Nations, Guidelines on Business and Human Rights, 2011, which states that, “the role of business enterprises as specialized organs of society performing specialized functions, are required to comply with all applicable laws and to respect human rights” the Gender Mainstreaming awards was an opportunity for Business to reflect on what they have done to advance human rights in the area of gender and disability.

As gender mainstreaming is still fairly new worldwide, many companies are just starting on their journey. The awards can be used as a springboard to further such achievements.

Pf



This year’s winner for the Mainstreaming Gender and Disability Awards is PPC Ltd.

## Societal stereotypes make it difficult for women to enjoy their rights, 20 years into democracy

Women's  
Day

*When a husband passes on, a woman is expected to wear black clothes – when a wife passes on a man does not wear black clothes for a year, when women talk about abuse society victimises them, women are meant to be super natural and learn to suffer in silos. These are some of the challenges that women at the South African Human Rights Commission (Commission) poured at the Internal Seminar on Women. The seminar was held to commemorate women's day by looking at the Human Rights challenges that women continue to face 20 years into democracy.*

Deputy Chairperson, Commissioner Pregs Govender together with Commissioner Mohammed Ameerma started the seminar by appealing to staff that they should be addressed by their first names as part of fostering Equality at the Commission. "As the Commission we need to break away from protocol and treat each other as equals" said Commissioner Ameerma.

Commissioner Govender who chaired the seminar stated that in order for the country to fully implement legislative instruments with a bearing on women's rights such as Equality Act, constitutional rights institutions such as the Commission should break away from obsession about titles and treat people equally.

Staff were requested to list some of the challenges that they think women continue to face 20 years into democracy. The effect



of drugs, labour pains, patriarchy, not understanding the role of women, lack of appreciation, men, brutal killing of children, access to education, depression etc were listed as some of the major issues that affect the well being of women. Commissioner Govender concurred that the problems identified have a bearing on the well being of women not only in the workplace but also in society. "Some of the problems are societal and they intersect. Issues such as single parenting, definition of muscular hood, child care, whether there are proper crèches in society have a bearing on women. However to society some of the issues are minor" she said.

Traditional stereotypes are used to exploit and abuse women. When women who are abused by their partners come forward

to raise their issues, society says they should not wash dirty linen in public. Commissioner Govender referred to an incident where a female political figure raised concern about how her husband abused her, "senior people challenged her. Most people especially those on leadership suffer in silos," Govender added.

For decades, women issues have been regarded as private matters during the drafting of the Constitution, some people thought women's rights should not be included as they felt it was private affair. "Women should take a stern point against victimisation and copy the courage of the 1956 heroines. No one has control over our bodies without being clear that is for our best interest. A man raping his wife is a crime. A husband cannot assume ownership of wife's body," she added.



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

**Women's Day**

**There are constitutional gains but women continue to suffer.**

"A girl gets to their teens being taught that men are superior and they grow with that notion. It becomes difficult for them to adapt to the culture of Equality and Human Rights," said Tshanga Netshifulani, RA to the Chief Operations Officer

Head of Supply Chain, Alice Price responded that, "In whatever we do as the Commission, we should set an example that this is the institution that practices gender equality."

Commissioner Govender gave an example of her recent visit to Marikana where mines were electrified, had water running whilst paying less per kilolitre than ordinary people. "In Marikana, water



**The Internal Seminar on Women brought much needed opportunity to discuss issues affecting women**

**I used a pit toilet in Marikana and can not imagine a child using it.**

comes into the taps at night for a limited period and women are expected to fetch water in pitch dark.

I used a pit toilet in Marikana and can not imagine a child using it. The area makes it difficult for women and children to live. They are prone to rape and violence," She said.

**What is the SAHRC doing to advance the rights of women?**

It was agreed that a committee will be formed to look at how the Commission is regarding the rights of women.



**SAHRC women vow to talk more to raise their concerns at the Internal Seminar to commemorate Women's month**

Turn to the next page to find out more on how the SAHRC celebrated its women



# Women's Day

## Women's Day pictures

*No, it was not the July or Met. Women at the Head Office outdid themselves when they attended their day*



Women's Day



Women's  
Day

# THE RAVAGED WOMAN!

POEM BY MOTSHABI MOEMISE

LET US BOLDLY RISE UP  
TO RECLAIM OUR  
GOLDEN THRONES



HER DISEMBOWELED MAGNIFICENCE LAYS BARE;  
FOR ALL AND SUNDRY TO SEE!  
HER PRECIOUS JEWELS VICIOUSLY EXCAVATED-FROM  
THE VERY DEPTH OF HER FERTILE CORE.  
LAYER BY LAYER THEY UNEARTH HER FULLNESS AND  
LEAVE HER STRIPPED, BARREN AND RAW.  
FOR ALL AND SUNDRY TO SEE!

HER BOUNTIFUL OFFSPRING IS CONCEITEDLY  
ADORNED ON THE EXCAVATORS' STIFFENED NECKS,  
ON THEIR SHUT EARS AND ON THEIR GREEDY-CAL-  
LOUSED HANDS.

YES. THOSE VERY SAME RUBY ADORNED CROOKED  
HANDS THAT COMMAND THE DEMISE AND EVIS-  
CERATION OF THE MOTHER'S RICH WOMB. AND  
THEIR DIAMOND ENCRUSTED EARS THAT ARE INHU-  
MANLEY MUTE TO THE CRIES OF THE SEVERED MA-  
TRIACH AND HER SCATTERED FRUIT.

FOR AS THOSE GEM-LACED BODIES FLOAT AND GLOAT  
AND CLINKITY-CLANK AROUND IN THEIR CONCEIT-  
ED WORLD-THEY ARE OBLIVIOUS TO THE BARREN;  
HOPELESS AND RAVAGED UNDERGROUND WORLD  
OF THE LIFE-GIVER AND HER PRECIOUS SEEDS.

YES! FOR THEIR GIGANTIC EMPIRES WERE AND CON-  
TINUE TO BE BUILT ON THE CROOKED BACKS OF  
THOSE THAT DWELL IN A FORGOTTEN ABYSS! YES!  
FOR THEIR STOLEN WEALTH WAS AND CONTINUES  
TO BE RUTHLESSLY UPROOTED BY THE WITHERED  
AND CARCASSED HANDS OF THE VERY CHILDREN OF  
THIS SOIL.

THEIR CRIMSON-BLACK BLOOD AND TEARS; THEIR

DEHYDRATED SWEAT AND UNWARRANTED FEARS  
SOAK AND SHAMEFULLY STAIN THE PHYSICAL AND  
EMOTIONAL LANDSCAPE OF OUR BEING. FOR THE  
BLOOD-STAINED AND DESOLATE WOMB BEARS  
FRUIT NO MORE.

HER RIGHTEOUS PEOPLE WITHER HOPELESSLY AND  
AIMLESSLY, SHROUDED IN SHACKLES OF UNRE-  
PORTED PAIN AND UNDOCUMENTED STRUGGLES.

BUT NO! FOR IF THE MIGHTY PHOENIX ROSE FROM  
THE INDOMITABLE ASHES; SHE TOO CAN RISE!  
SHE TOO CAN STAND ON HER UNSHOD FEET AND  
FIGHT!

FOR YES! YES! YES! WE TOO CAN STRIKE BACK ON  
BEHALF OF THOSE WHOSE CHANCE AT A DIGNI-  
FIED LIVELIHOOD HAS BEEN RAPTURED. YES! WE  
TOO CAN SING WITH ONE UNITED HARMONIOUS  
CHORUS! AND RESIST THE EVIL TIDES OF THEIR LAS-  
CIVIOUS GREED AND SHATTER THE PULSE OF THEIR  
WICKED VEINS.

YES! YES! YES! LET US BOLDLY RISE UP TO RECLAIM  
OUR GOLDEN THRONES AND THE PRECIOUS GAINS  
OF OUR ANCESTRAL MAJESTIC LAND.  
THIS LAND WE CALL HOME!  
THIS, OUR MOTHERLAND!  
AFRICA!



Women's  
Day

## Limpopo Women's day in pictures

Limpopo Women's Day Celebration took place at Mike's Kitchen Polokwane. The women had lunch in the Garden on a beautiful sunny day. Subsequently, the women had discussions on issues affecting women in today's democracy. "It was a very interesting day because we had to relate on a personal level as colleagues, more especially talking about ourselves and our aspirations as women in the Human Rights Commission", as put by Mahlatse Ngobeni, Limpopo Admin Officer.

The Office also expressed its appreciation for our employer, who provides us with a platform to engage with each other as women.



Pf

## Two years gone, no justice for Marikana widows

The South African Human Rights Commission, together with the "Sikhala Sonke" women of Marikana, commemorated women's month and led an inspection focusing on the living conditions of widows and other women that have been affected by the 2012 Marikana massacre.

The inspection follows the death of 34 miners that were shot and killed by the police on 16 August 2012 during a strike at the Lonmin Platinum mine in Marikana. The Sikhala Sonke Women of Marikana described their living conditions as inhuman and pleaded for government's intervention as "nothing has been done thus far and it seems everyone has turned a blind eye," they said.

"Two years have passed since we lost our loved ones and nothing has been done as yet; we still stay in shacks and when it rains we stand on top of our beds to avoid floods; an ambulance cannot enter through to our shacks when it's raining; anyone that is extremely sick or in labour has to be carried in a wheelbarrow to the main road as the road also gets flooded," they said.



SAHRC Deputy Chairperson, Pregs Govender during visit to Marikana

SAHRC Deputy Chairperson, Commissioner Pregs Govender led the inspection and described the living conditions of these women as terribly inhuman. "There are no decent houses, no water, no healthcare facilities, no schools as most children that should be in school are idling around the shacks and there is no proper sanitation," she said.

Deputy Chairperson shared her experience after using one of the toilets used by these women and said no

child will be able to use these toilets, they may fall inside and this is completely unacceptable," she said.

Gender Commission Representative Nomasonto Mazibuko said "government must intervene and we as the commission will work with these women to ensure that their dignity is restored". The Deputy Chairperson of the Commission further indicated that a report on these findings should be compiled and presented to the Farlam Commission of Inquiry. **Pf**

## 'Traditional practices are still relevant'

South African cultural practices are still relevant in the modern day as long as people's rights are not tramped on. This was the general answer to a question asked at Sowetan Dialogues discussion that took place at Uncle Toms Hall in Orlando West, Soweto, on Thursday, 28 August 2014.

The discussion examined the relevance of traditional practices such as ukuthwala (abduction of girls with the aim of marriage), umelulo (com-

ing of age ceremony for girls) and ukuzila (mourning practices).

Congress of Traditional Leaders of South Africa secretary Nkosi Xolile Gcinibanda Ndevu said: "While people still exist, our cultural practices are still relevant. We do them because we are proud of them."

Human Rights Commission Chairperson Lawrence Mushwana said the

five cultural practices were relevant provided they conformed to the constitution. He said the issue of consent needed to be looked at closely in the case of virginity testing. "You can not consent to be humiliated and hurt." The audience gave virginity testing the green light because children would avoid getting sexual transmitted diseases such as Aids

**Source: Patience Bambalele, Sowetan**

**Pf**





## ICC Report on its activities

various regional and cross-regional NHRI networks.

### Human Rights Council

The 26th session of the Human Rights Council (HRC) was held from 10 to 27 June 2014. A number of NHRIs from all regions participated under various agenda items, including by commenting on Special Procedures country mission reports and on the adoption of respective Universal Periodic Review (UPR) reports.

In consultation with its members, the ICC presented a statement to the panel on gender stereotyping. The ICC statement is available on the ICC webpage <http://nhri.ohchr.org>. Among the HRC resolutions adopted that might be of particular interest to NHRIs are: a resolution on the role of parliaments, which acknowledges the important relationship between NHRIs and Parliaments; a resolution providing for the establishment of a Special Procedures mandate on disabilities, with references to the roles of NHRIs; and a resolution on discrimination against women, which includes references to the role of NHRIs and the Paris Principles. Other resolutions of interest include: two resolutions renewing the mandate of the UN Working Group on Business and Human Rights and establishing a process for the development of a binding Convention on business and human rights; a resolution on the death penalty; a series of country specific resolutions including on Ukraine, Syria, Belarus and Erit-

rea; and a resolution on “the protection of the family and its members”.

### The Conference of State Parties to the Convention on the Rights of Persons with Disabilities (COSP)

The 7th session of COSP was held from 10 to 12 June 2014, in New York. Due to it taking place in the same week as the Annual UNDP/OHCHR/ICC Tripartite meeting, full advantage was taken of the NHRI representatives that were in New York. In fact, the largest NHRI delegation comprising of 14 members and including the ICC Chairperson, Regional Chairs, Regional Coordinators and ICC staff attended.

The ICC delivered a statement during the General Debate at COSP. The ICC also hosted a side event entitled “Transforming words into actions - National Human Rights Institutions and the CRPD.” The NHRI delegation held a meeting on the side-lines of COSP where it was determined that NHRIs needed to enhance the coordination of disability work. The ICC Chair’s Office will take this matter further. There was also a meeting between members of the ICC delegation and the Chairperson of the Committee on the Rights of Persons with Disabilities, Maria Soledad Cisternas Reyes of Chile.

The Committee confirmed that it will host a first meeting between national human rights institutions and independent monitoring mechanisms in September

2014.

(See upcoming ongoing events beneath)

Annual Meeting of Chairpersons of Treaty Bodies On 26 June 2014, Dr. Jonas Christofferson the Director of the Danish Institute for Human Rights represented the ICC at the Annual Meeting of Chairpersons of Treaty Bodies and presented a statement on the ICC’s behalf. Treaty body Chairpersons welcomed the statement and expressed strong support for continued engagement with NHRIs in the treaty body processes. The ICC Statement is available on the ICC webpage <http://nhri.ohchr.org>

### UN Working Group on Ageing

The UN Working Group on Ageing met in New York from 30 July to 1 August 2014. An ICC written statement was submitted. We have received excellent cooperation from a number of member institutions in the preparation of the statement. The ICC Statement is available on the ICC webpage <http://nhri.ohchr.org>

The ICC chair’s office is currently coordinating the establishment of an ICC Working Group on Ageing. Should there be any NHRIs who are keen to be actively involved in such a working group, please contact Vivian John-Langba ([vjohnlangba@sahrc.org.za](mailto:vjohnlangba@sahrc.org.za)) in the ICC Chair’s Office

### Upcoming/Ongoing Events

\* Working Group on Arbitrary Detention, “Stakeholder consultation



## ICC Upcoming events

on remedies and procedures on the right to challenge the lawfulness of detention before court”, at the UN in Geneva, 1 to 2 September 2014

\* *United Nations World Conference on Indigenous Persons, a high-level plenary meeting of the UN General Assembly, will take place at the UN in New York from 22 to 23 September 2014*

\* *The Human Rights Council, 27th Session will take place at the UN in Geneva from 8 - 23 September 2014. Australia will present its bi-annual resolution on NHRIs*

\* *The first meeting between national human rights institutions and independent monitoring mechanisms appointed under article 33.2 of the UNCRPD and the Committee on the Rights of Persons with Disabilities, will take place at the UN in Geneva on 25 September 2014. Issues for discussion are: the participation of NHRIs and independent monitoring mechanisms in the proceedings of the Committee and the monitoring of the implementation of the UNCRPD at the national and international level. A draft agenda has been shared through regional coordinators with members, and further information including on NHRI remote participation in the meeting, will be made available.*

\* *21st Annual Meeting of Special Procedures, will take place at the UN in Geneva on 29 September to*

3 October 2014.

\* *OHCHR regional mechanisms workshop entitled “Enhancing cooperation between United Nations and regional mechanisms for the promotion and protection of human rights”, will take place at the UN in Geneva on 8 and 9 October 2014.*

\* *International Human Rights Day, 10 December 2014, further information still forthcoming*

*For further information please contact the ICC Geneva Representative Katharina Rose on [k.rose.icc@gmail.com](mailto:k.rose.icc@gmail.com)*

### ICC Job Vacancy filled!

The ICC is pleased to announce that the recruitment process

for the ICC Geneva Assistant has been concluded. The successful candidate, Agnes Gracia joined the ICC on 1 August 2014. This is a one year fixed term position. The ICC Geneva Assistant will support both the ICC Geneva Representative and the ICC Chairperson’s office. Her contact details are [a.gracia.icc@gmail.com](mailto:a.gracia.icc@gmail.com)

### Financial news – 2013 Audit & Membership Fees

By the end of June 2014, our records indicated that 34 Members had paid their membership fees for 2014 and an additional 4 members had paid their outstanding membership fees from 2011, 2012 and 2013. Prompt payment of membership fees are appreciated. Those members that have not paid are requested to attend to this as soon as possible. Those members who are unable to pay their membership fees are once again reminded to consult the ICC Guidelines for the Determination of Fee Waivers which is available on the ICC website at <http://nhri.ohchr.org/EN/AboutUs/ICCACCreditation/Pages/finance.aspx>. Should you have any queries please contact Vivian John-Langba, [vjohn-langba@sahrc.org.za](mailto:vjohn-langba@sahrc.org.za)



The ICC chair’s office is currently coordinating the establishment of an ICC Working Group on Ageing

# Chapter Nine Institutions: Time to Guard the Guardians

**Video presentation: ISS-Goedgedacht Seminar: "Chapter Nine Institutions: Guardians of Our Constitution" by Pregs Govender, SAHRC Deputy Chairperson**



At the recent meeting between State Institutions Supporting Constitutional Democracy and Parliamentary Committees, MPs weighed in on 'this independence thing' of Chapter Nine Institutions. One MP asserted that there must be 'one country, one voice!' Instead of being vigorously challenged, she was supported by other MPs opposed to Chapter Nine Institutions criticising Government.

This week those with political power demonstrated a similar lack of understanding and respect for the independence of Chapter Nine Institutions. The ANC's Jesse Duarte and Gwede Mantashe labelled the Public Protector a 'populist' who is targeting President Zuma as 'her personal project', amongst other scathing and dangerous personal attacks. Such at-

tacks on a Chapter Nine Institution cannot go unchallenged by other Chapter Nine Institutions. All share joint responsibility for creating a human rights culture in our country. When Chapter Nine Institutions give effect to our mandates, political leaders across the board, are entrusted by the Constitution to respond with due respect and to use due process.

Section 181 in Chapter Nine of SA's Constitution asserts that 'no person or organ of state may interfere with the functioning of these institutions'. It recognises that our institutions are 'independent, and subject only to the Constitution and the law; must exercise their powers and perform their functions without fear, favour or prejudice. Other organs of state must assist and protect these institutions to ensure their 'independence, impartiality, dignity and effectiveness'.

The Review of Chapter 9 and Associated Institutions (popularly known as the Asmal report) notes that the Constitution 'established an array of Constitutionally protected institutions to strengthen democracy and to promote respect for human rights' Against the background of an 'inherited state which was farcically bureaucratic, secretive and unresponsive to the basic needs of the majority of its citizens', these institutions were established 'to restore the credibility of the state...ensure

that the state became more open and responsive to the needs of its citizens and more respectful of their rights'

One of its key recommendations; that there be a single human rights body, is not a panacea for the hard questions that Asmal recognised. In responding to and interrogating this recommendation, Parliament has to address the reality of political patronage. It has to scrutinise political influence in the selection process, in budgets and in Parliament's role and responsibility to ensure reports of institutions supporting democracy are used to exercise oversight over the executive (still often characterised by secrecy, bureaucracy and unresponsiveness). Otherwise there is the danger that Chapter Nine institutions can be weakened and set up against each other, rather than complimenting each other to achieve our shared objective.

Following the Asmal report, the Independent Panel Assessment of Parliament, was established in 2007 "to enquire into, report and make recommendations regarding the extent to which Parliament is evolving to meet the expectations outlined in the Constitution... specifically the extent to which Parliament ensures there is accountability, responsiveness and openness". It begins with a quote from former President Mandela's speech to the final sitting of the first democratically elected Parliament in 1999. "...the committees



## Political patronage, evident across political parties and civil society cannot continue.

posed difficult questions of the Executive and given the public insight and oversight of Government as never before..."

The Panel's report concluded that "The effectiveness of Parliaments oversight work is directly related to the independence of the institution and the ability of individual members of Parliament to raise a critical voice against shortcomings identified in other organs of state, particularly the Executive." The reality, as noted in the report, is that 'the integrity of

Parliament came into disrepute over the conduct of MPs and the Executive during the arms-deal, the HIV/Aids debacle, Travel-gate and more recently during the dissolution the Directorate of Special Operations, when public criticism portrayed Parliament as a rubber stamp of the Executive and/or the ruling party'.

Former MPs and Ministers reflecting on the HIV/Aids debacle rightly address the culpability of two individuals; President Mbeki and Minister Manto Tshabalala-Msimang. Such analysis has to encompass our collective responsibility for not challenging, (in ourselves, each other and our institutions), the deeply engrained culture of subservience to 'the leader', the status quo and the dominant hierarchy. Political patronage, evident across political parties and civil society cannot continue. Critical

decisions can no longer be made on the basis of fearing those who dispense or withhold position and power.

Our country's Constitution is praised as being pro-poor. Despite this, South Africa has high levels of poverty, inequality and violence. Collusion with Business and Government corruption undermines South Africa's ability to transform this reality. Against this background, the integrity and Constitutional mandate of those entrusted with protecting human rights cannot be undermined and attacked. When it happens it has to be exposed and challenged by all of us.

Pregs Govender, SAHRC Deputy Chair. Independent Panel Assessment of Parliament Chair (2007-2009). MP (1994-2002)



## Events calendar Preview

*Do you know enough about your heritage? As you are aware that in September, South Africa celebrates heritage. The Commission is planning something wonderful to celebrate this day. Pfanelo thought of reminding you of some of the moments from previous heritage day celebrations in pictures*



## Opinion: My dedication to women



**Kebothhale Motseothata,**  
Visiting student

Identity is the most essential element of human existence and culture plays a vital role in the establishment of oneself. The true essence of man lies in his origin and the beauty of African culture is etched in the history of its people.

I was born in Botswana and moved to South Africa in 1996. My early life was nothing short of cultural. Everything about my upbringing was a reflection of the norms and values of Setswana customs and my parents did their best to instill its values in my siblings and I's upbringing. The very nature of my being is centered around those lessons and as I grow older, I become more and more grateful for the humanity I was taught.

The world is changing and African culture is evolving with it. The advancements of technology has gradually taken Africa away from herself and the more we learn about the new world, the more we let go of who we are. I am emotional about the issue of cul-

ture and there is no way to speak about the topic without wallowing over the fact that in pursuit of growth and a place in society, I am losing myself.

Somewhere along my journey of trying to fit in, I spent too much time trying to perfect the English language that I lost touch with my own tongue. I have invested too much time in modern culture that I mostly have to rely on limited books and the last of a dying breed of elders to learn about my own. I have spent too much time trying to perfect my English accent, the poetic breeze of my native language is slowly slipping away. And as I try to grasp the little that is left of it, my identity remains scrambled in the realms of a society that continues to remind me that my language has no future in its broader scale of communication. Excellence is now measured on how well one can conduct themselves in European ways and Africanism is slowly being reserved for special occasions. Our traditional ceremonies now serve as the only platform for us to remember who we are and where we come from.

We, the young generation, can no longer call upon our ancestors for assistance and intervention because their existence has now become taboo and a mystical myth. We no longer know how to address our elders and our pursuit of urbanism has genetically modified our systems to repel against traditional food. Only a handful of

us have extensive knowledge of our cultures and many of us are not even bothered to learn. What folktales will we tell our children and what songs will we sing to them? Which kings will we speak of and which queens will we bow to?

On this journey of self-realisation, my only hope is for the spirit of ubuntu to prosper and remain our beacon of unity. May we welcome and accept our evolution without forgetting the nature of our existence and the values and norms that bind us. May the spirit of oneness forever flourish and may we always remember that 'Motho ke motho ka batho' (man is man through other persons). And in that regard, may we preserve our customs and heritage by glorifying our cultures. South Africa is a beautiful land and when we sit and eat jaffles at a kerk kermis with the Afrikaans, stand by amaZulu when they call upon uMvelinqangi or decode the lessons of chief Thohoyandou with VhaVhenda, may it be for peace.

I dream of the eternal preservation of our cultures through the divine vision of Tswana-Tsatsi, the origin of botho bame (my humanity). I am a proud Motswana, descendant of Kwena and Ngwaketse. Kwena and Ngwaketse, sons of Malope. Malope, son of Masilo. Masilo, son of Mhate. Mhate, son of Mogale. In my forefathers divinity lies the essence of my nature and in my nature, lies the beauty of Africa.

**Pf**

## Opinion: Slaves in our freedom

### FREEDOM OF EXPRESSION: A RIGHT AND A RESPONSIBILITY

*Adapted from the SAHRC Debate, "Building a Culture of Social Responsibility", August 2014 University of Venda*

*By Ntumbuluko Nyathela, Chairperson, Law Students Council*

South Africa is a rainbow nation. The advent of democracy in 1994 has made it so manifest a reality that all colours meet here in Mzansi. The rainbow is an interesting symbol. It speaks to a South Africa always available for all people of every race, colour and origin.

The rainbow also has some interesting connotations. Personally, it reminds me that South Africa is a highly competitive country. In the context of addressing the injustices of the past, pre-1994 South Africa must be seen as a country where generally, whites competed against blacks in a system that was designed by whites to favour whites. Blacks are still yet to recover from the present continuous loss, 20 years into democracy.

The post-1994 South Africa however, grapples with a slightly different challenge. The advent of democracy introduced an attractive South Africa that acts as a refuge for many foreigners, some fleeing poverty, others disease and others one or the other social ill. Internationalization and increased trade has seen a greater influx of refugees into this baby democracy. This has created numerous challenges for previously disadvantaged black South Africans. One of the most glaring consequences is the rise of social, economic and political competition in the face of the increasing inequality gap.

In South Africa, as young people, we compete for jobs, access to resources and the impartation of skills so that we can independently develop ourselves and our communities. South Africans compete with people from other countries, as much as we also compete within ourselves as Vendas, Tsongas, Zulus, Sothos, Afrikaaners, etc... In this competition, it is a known fact that the whites are still leading with majority ownership of the wealth of the land compared to blacks, even 20 years after democracy. For this reason, I can understand the frustration of some black folks who really live on the far end of the inequality gap. Hell, I live there, too.

This is where the loss is felt harder than all. This is where the pain hits so hard that no one trusts anyone any more. South Africans are divided. Everyone wants a piece of the pie for themselves. There is always this lingering, insidious culture of intolerance, especially of those who are reaping the benefits that democracy has to offer, by those who are not enjoying them equally. These are the previously disadvantaged young people, who feel that they ought to be a priority in government agenda.

Frustration with losing the competition creates for some blacks a platform for racism, tribalism and xenophobia. For instance, in one xenophobic incident, one of the protesters was caught on television saying, "... these makwerekwere must go; they are killing all our business!"

Those sentiments are socially unacceptable, and by way of analogy, I shall explain why: if your neighbour one day came to honour your dinner invitation, and brought with her some delicious apple pie that your children just can't stop praising, wisdom is to stop grumbling at your neighbour for excelling, swallow your pride and ask her for the recipe.

...it is a known fact that the whites are still leading with majority ownership of the wealth of the land compared to blacks, even 20 years after democracy...

## The average young person today celebrates Youth Day by abandoning his books to go drink himself silly

In other words, my xenophobic comrade was wrong. Instead of hating the competition, we South Africans ought to improve our goods and services, be more competitive and stop waiting for this government to someday have mercy on us.

The South African Constitution embodies the vision of a South Africa where all people live in equal enjoyment of the rights to equality, human dignity and freedom. The Constitution begins by highlighting the need to redress the injustices of the past. This must take into account the fact that the injustices of our past have a bearing on our present and future. Until they are redressed, we as a nation cannot move past our past. The South African Constitution contains in it, as one of its hallmarks, the Bill of Rights. This Chapter conveys upon all South Africans certain fundamental rights and freedom. This is certainly a most welcome and celebrated position, considering our past. But more often than not, this is too celebrated. So celebrated it is, that it is almost an irresponsible celebration. I say this not because it is wrong to celebrate the Bill of Rights, but rather because the manner in which many young people celebrate it is irresponsible. We celebrate rights that we enjoy, without the responsibility to enjoy those rights. Rights that do not have with them an accompanying sense of responsibility

create a wrong society.

Let me give an example: on the 16th of June every year we celebrate Youth Day in South Africa. This commemorates the struggles of those who died in the fight against a government that denied them the right to equal education. They rejected the Bantu education system which was designed to suppress black people to acquire special knowledge and skills that white people had free access to. This had the effect of deliberately breeding a generation of unqualified people who were frustrated slaves to the white government. They cried out for freedom in the streets of Soweto, braving the attacks of the apartheid forces until they saw the liberation of their people. It is this freedom we celebrate today.

The Bill of Rights declares that we have a right to free and equal education. The South African government has a lot of work to do to ensure that the ideal of free and equal education manifests itself in the lives of the previously disadvantaged black South Africans. The youth also have a collective responsibility to work hard to develop themselves, and to create opportunities for others to also develop in this highly competitive global village.

Unfortunately, the average young person today celebrates Youth Day by abandoning his books to go drink himself silly. Young girls now believe that the extra holiday gives them an excuse to go to parties and sleep with older men for money or airtime. Teenagers gather in parks and smoke dagga. Students bunk classes to go have unprotected sex with their lecturers. Students miss tests to transport dagga into campus residences. Students loot SRC funds to buy alcohol and drugs. It happens

every day; sadly, it also happens on Youth Day. How quickly we've forgotten that other young people bled for our education. Today, the day is celebrated in a sheer display of our own ignorance.

I firmly believe that the focus of our rights has too soon been forgotten. The focus of our rights should not be our rights in and of themselves, but rather the responsibilities they demand of us in order to realize them for the benefit of all. Of course, we are right to celebrate rights, but we are wrong to forget our responsibilities. And nothing can ever be right if it is irresponsible.

For this reason, I have deliberately chosen to write you this letter, Dear Young People, with the hope to inspire an honest reflection on the gains of our freedom 20 years down the line and to boldly confront our own collective weakness of laziness, corruption, dependency on the state and a sense of passive entitlement to benefit from this "freedom we have fought for". This is what I call a "we have arrived syndrome".

I see those weaknesses as a symptom of a new found form of slavery. It is true, democracy has made us free. But in our rather intoxicating sense of freedom, we have enslaved ourselves by serving the naïve idea that we have arrived into the Promised Land simply because we can now vote and occupy Parliament. Just because we have a Bill of Rights, we can now begin to enjoy the benefits of power. True as that may be to some extent, the true and noble benefits of power are the opportunities it presents to empower all previously disadvantaged people, not just a few comrades. That culture is not of the free.

Corruption has eaten our sense of





## We have become slaves in our own freedom

collective responsibility, because corruption thrives on the belief that “we have arrived”. And yet, we have not arrived at all! Laziness and incompetence has corroded our ability to deliver services and manifested such selfishness as would be repulsive to the class of 1976. And yet, we blacks are the ones with the greatest need for those services! Immorality is like the plague of all social conduct. The integrity of our leaders has come crumbling in the light of public scrutiny. Who then, inspires the youth?

Sadly, South Africa has become such a place. We have arrived at this place called freedom, but can we be trusted to stay there? I think not. I think we have become slaves in our own freedom – slaves to a corrupt system of selfish pursuit of personal interest at the expense of those that matter the most - the poor majority of blacks. Ironically, we continue to suffer in the hands of the same previously disadvantaged blacks leaders, who believe that we have arrived.

I thank God for democracy. De-

mocracy means that as a young person, I can form, hold and express my personal opinion about South Africa’s state of affairs. I can confront the entire nation about this laziness, corruption and selfishness I see. I can openly say that it is not enough that we can now vote for black politicians. We need effective and disciplined leadership. I can declare that young people must take up their place as future leaders of this country. This I say because it pains my heart to see so much potential go to waste.

I appreciate our democracy. Today, I can go to University and get a bursary for good academic performance. Today I can start a business and get funding from the government. Today I can move about freely in my country. It is certainly not just a privilege. It is a Constitutional right. Opportunities are available for me today, that were not available to the class of 1976, who paid with their blood for them. We owe them so much.

My prayer is that we dare not forget the sacrifices of our youth. We know that the voice of young people is amplified by their collective potential. We can, because we are free. For this reason, I believe that political freedom is not an end, but a means to achieve an end.

For the sake of our future generations, let us soberly remember our commitment to redress the injustices of the past. If the Constitution does not remind us enough, let the spirit of collective responsibility, zeal for change and visionary leadership of the class of 1976 teach us a few lessons. The liberation movement of 1976 ought never to stop. We need liberation from the bondage to corruption, greed, selfishness, unaccountability, irresponsibility and laziness. While we are still intoxicated with the wine of 1994, we have become slaves in our freedom because we have not fully realized the imperative of redressing the injustices of the past. This happens because we are irresponsibly celebrating the dawn of democracy, thinking we have arrived. For this reason, young people need not get comfortable in the existence of Constitutional rights, but learn to take responsibility like the class of 1976 to make South Africa the nation it should be.

“The problem with slavery is not in being bound, but rather remaining in bondage when you can choose to be free”.

(Nyathela Ntumbuluko, 2014)

**Pf**

...the poor majority of blacks. Ironically, we continue to suffer in the hands of the same previously disadvantaged blacks leaders, who believe that we have arrived....

# In the Seat



with Judy Hollenbach  
*Personal Assistant to the CEO*



## Tell us about Judy in a nutshell

Being an extrovert, I enjoy being amongst friends and to socialize. I enjoy joking with people and they never know if I am serious or not. Music is part of my life and to make others happy gives me great pleasure.

I enjoy doing exciting things to keep life interesting and stretch every day to the fullest. I hate being on my own and you won't often find me home alone; if I don't have visitors I much rather hit the road or go shopping. I have great empathy will all people and enjoy giving and caring and as Kayum Ahmed would say, I like to feed people.

I have two sons and a daughter and four grandchildren. My husband passed away four years ago after 38 years of marriage.

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

My birth town is Krugersdorp and I grew up in Florida on the West Rand.

I was my father's only child, with a half brother and sister on my mother's side, although we did not grow up together. My sister was 19 when I was born, my father 42 and my mother 39. Therefore I was a spoilt "laatlammetjie". It was not always fun to grow up as an only child; however, the unconditional love and attention from my parents contributed to a wonderful childhood. I still remember, although we did not have a lot of money, every end of the month my dad would come home with a large slab of beacon chocolate for my mom and a long round box of chocolates sealed in silver paper for me; and when I was sick I was spoilt with something my dad made, e.g. a table with 4 chairs, a cot for my dolls, or a car.

Sundays were a family day. We got dressed in our best clothes and visited my grandma and other family members. I remember our coal stove and warm kitchen where my mom would make the tastiest food like vetkoek and mince for me and my friends after school. She did not work as she had meningitis when she was younger and paralyzed on her left hand side. My mom was always happy and cracking jokes while my dad worked very hard as a

builder; and later at the Municipality, to support us.

I definitely think that the way in which I grew up contributed to my personality, to have inner happiness and to be friendly and considerate.

## Educational background

My education started at Gustav Preller primary school, Florida high school and the last two years of my education I spent at Discovery Commercial High school.

After school I attended various advanced short courses e.g. shorthand, snelskrif and typing, as well as various secretarial and managerial courses.

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

My position at the Commission is Personal Assistant (PA) to the Chief Executive Officer (CEO). In November 2011 I will be celebrating 10 years with the Commission. I started in PAIA as secretary/admin assistant, where after I was acting PA for the Chairperson, Judge Jody Kollapen for 11 months. I then became PA to Commissioner Zonke Majodina, the Deputy Chairperson at that stage. When the contracts for our previous Commissioners expired, I was appointed as PA to Comm. Mokate.

My position means a lot to me and I am of the opinion that it is important for me to maintain professionalism and at the same time take people's feelings into consid-







least three times a week. Curves has various competitions running and I try to meet all the requirements to stand in line for winning a trip to an exotic island where I can sip long cocktails on the beach.

Clearwater Mall, where I do most of my shopping is close to me; and I meet friends for a cappuccino and lemon meringue. Alternatively I love to meet for breakfast at different restaurants.

I visit my son who lives close to me to see my grandchildren, 2 month old Tristan and 5 year old Skyler Jade. On Wednesdays I fetch Skyler from nursery school for a sleep over and story reading and the next morning I take her to nursery school.

On certain Thursdays I visit my eldest son and sleep over at my daughter's house where I can spend time with my two teenager grand children, Brandon and Monique. I get spoilt with nice food, chocolates, (and cappuccino) a bubble bath; and a lovely lunch box for the next day.

I love dancing and don't miss any social events. Every second Friday I spend time with my special friend in Pretoria and return on the Monday travelling straight to work.

#### What motivates and inspires you

My grandchildren motivate me to stay active and enjoy loud music

and my late mother's kind mischief and loving nature is always in the back of my head. My special friend inspires me to live every day to the fullest and pretend that I am still a teenager. My colleagues give me the inspiration to appreciate each person for what they are and to make time for each other, as you never know when it is the last day. Commissioner Mokate inspires me to be smart; to take good care of myself; value friends and colleagues and care for each other, in the wonderful manner in which she supported me after the injury to my wrist and the passing of my husband.

#### Favourite activity

Dancing, listening to music, to take long walks with friends, camping and to visit all the places in Africa

where I have not been before.

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

People usually perceive me to be quiet and reserved, however I have a dry sense of humour, can talk a lot if I am given the opportunity; and I love to dance the night away. My philosophy in life is to never say never, as anything can happen to anyone at any time in life. I start my day with a smile, even though I might be sad for some reason.

#### Tell us more

Just to share with you, I absolutely love bright colours in clothing and jewellery and I feel undressed if I don't wear earrings and lipstick. I love belly dancing; and our recent women's day event with a hat theme was a wonderful experience and we once again proved that women will be women and love dressing up and socializing whenever we are given the opportunity.

Heritage day on 24 September will once again bring all cultures together to celebrate our heritage and to share and educate each other. I value my colleagues very much and it gives me such pleasure when I experience their love, caring and complements.

Pf



Judy Hollenbach with artist Phillipe Bisquets during an exhibition on human rights at the Commission

## Snippets

### Victory for unions as Zuma signs LRA Act

President Jacob Zuma has signed the Labour Relations Amendment Act into law, more than two years after it was introduced in Parliament, notes a report in *The Mercury*. Zuma also signed the Local Government Municipal Property Rates Amendment Act, his spokesperson Mac Maharaj said. The LRA Act has been the subject of intense debate, especially over the impact it will have on job creation and attempts to address the country's long and often violent strikes, notes the report. Unions have scored a victory with the new legislation, as it has been passed without an amendment suggested by Labour Minister Mildred Oliphant to introduce compulsory balloting to ascertain how many employees are in favour of industrial action. Cosatu is opposed to balloting as it believes it frustrates workers' rights to go on strike. The current system allows unions to declare a dispute and go on strike 48 hours later without balloting. The win for labour is despite a last-ditch appeal by the DA to Zuma to refer the Act back to Parliament for further consideration to deal with the country's prolonged strikes. Besides a ballot, the party also wants the courts to be empowered to stop a strike when it becomes excessively violent and for such strikes to be declared unprotected. Maharaj said the Local Government Municipal Property Rates Amendment Act regulated the categories

of property in respect of which rates could be levied, the time frames of publication of the resolutions levying rates and what must be contained in the promulgated resolutions. It also provided for the exclusion from the rates of certain categories of public service infrastructure.

### Sanef Media Statement: 19 August 2014

Mam Gladys, it has been a long journey. Not just this one from New York to eThekweni, but from Nat's departure, his tragic death, the hopelessness of his lying in a grave so far away, the hopes kindled by the world of SA journalism that said today was possible, the ups and downs of nearly twenty years of efforts to bring him home, the yearly rituals of the awards and the pain of remembering and wishing and hoping, to last week at Ferncliff cemetery and then today.

I can imagine your emotions and what it would have meant, mama, as you saw the plaque that simply stated, "Nathaniel Nakasa, Journalist, Nieman Fellow, South African". I think, as Diana Ferris wrote about grandma Baartman in 1998 in the poem "Poem for Sara Baartman", you too mama would have been saying to Nat:

"I have come to take you home, I have come to soothe your heavy heart

I offer my bosom to your weary soul  
I will cover your face with the palms of my hands  
I will run my lips over lines in your neck  
I will feast my eyes on the beauty of you  
and I will sing for you  
for I have come to bring you peace."

### Overlapping of Chapter Nine institutions under scrutiny

Two parliamentary committees – the Justice and Correctional Services Committee, and the Committee on Women – The Committees took the first tentative steps to address areas where the mandates of Chapter Nine institutions overlap, and how resources could be saved if overlaps are eliminated. *Business Day* notes the issue is a political tightrope for MPs because all organs of state are bound by the constitutional injunction that they support and promote the independence of the institutions created in Chapter Nine of the Constitution. The institutions include the Public Protector, the SA Human Rights Commission, the Public Service Commission and the Commission for Gender Equality, all of which said there were some areas of 'overlapping' during the briefing.

**Pf**

# Official welcome to the Commission



Human Resources recently held an induction programme and *Pfanelo* was there to give you a lowdown.



## New Appointments

Ms Yolisa Mfaise - Research Associate to the Chairperson, Mr Makhosani Nwandzule - Administration Assistant, Commissioners Programme; Ms Mokgadi Nyuswa - Administration Assistant, Research; and Mr Mthokozisi Mbambo - Strategy and Performance Specialist, SS&G

# Happy Birthdays

Delia Malahlela - 1st

Nokwanda Molefe - 11th

Mahlatse Ngobeni - 19th

Wendy Mashele - 20th

Matimba Ndlovu 23rd

Mokgadi Nyuswa - 23rd

Tsepang Sebulela - 24th

Nobantu Sobekwa - 27th

Rulani Khuvutlu - 29th

Yolokazi Mvovo - 30th