

Iifanelo



Volume 22

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

01-31 July 2014

SAHRC launches Report on poverty traps among children

Many children continue to be trapped in poverty

Adv Mushwana hands over the Poverty Report to the Presidency



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What is Mandela Day?

Take Action. Inspire Change. Make every day a Mandela Day

The late Mr Nelson Mandela followed three rules throughout his life, which he did at great personal sacrifice: 1. Free yourself, 2. Free others, and 3. Serve everyday – it was not just his mantra, it was his way of life.

If the legacy of Madiba's life and work is to be dynamic, it must be "owned" by current and future generations. It must be accessible to everyone, and applied in constantly changing contexts of time and place.

The Mandela Day campaign was inaugurated as such a vehicle to achieve this. The message behind this campaign is simple – that each individual has the ability and responsibility to impact positive change every day.

Its objective is to inspire individuals to take action to help change the world for the better, and in doing so, to build a global movement for good. Ultimately it seeks to empower communities everywhere.

Individuals and organisations are free to participate in Mandela Day as they wish. We do, however, urge them to find inspiration for their contribution in the legacy of Nelson Mandela and to adhere to the ethical framework of "service to one's fellow human" every day.

MandelaDay.com

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SAHRC releases findings on the impact of poverty on children



Commissioner Lindiwe Mokate speaking at the launch of the Poverty Traps Report

Twenty years after the inception of democracy in South Africa, over 40% of children are still living under perpetual poverty. These were alarming statistics revealed during the launch of a report released by the South African Human Rights Commission which reflects on the impact of poverty on Children in South Africa.

The country's poverty is more glaring because it coexist with striking affluence and retains strong racial dimensions as some children in South Africa today live in relative luxury and have access to world class education and health services while others face threats to their development in the form of poor living conditions, poor nutrition

and poor access to basic services.

Commissioner Lindiwe Mokate, who is the driver of the report and a Commissioner responsible for Children's Rights, indicated that "black children are 18 times more likely to grow up in poverty and are also more likely to get lower grades at school as opposed to those from rich/wealthy backgrounds, those children have little chance of getting good education because the school system of most poor people is weak. Children born into poor and socially excluded families are at high risk of being caught in a poverty trap," she said.

Commissioner Mokate reflected on some of the schools that she visited in the rural areas and was shocked by the bad conditions affecting them. The report, which does not only focus on poverty but also gives analysis of children's access to basic education, inequality, exclusion and health, indicates that the poor are the worst affected.

Chairperson Lawrence Mushwana handed the report to the Presidency and called on government to take action on the ever growing rate of unemployment, which triggers poverty for most children.



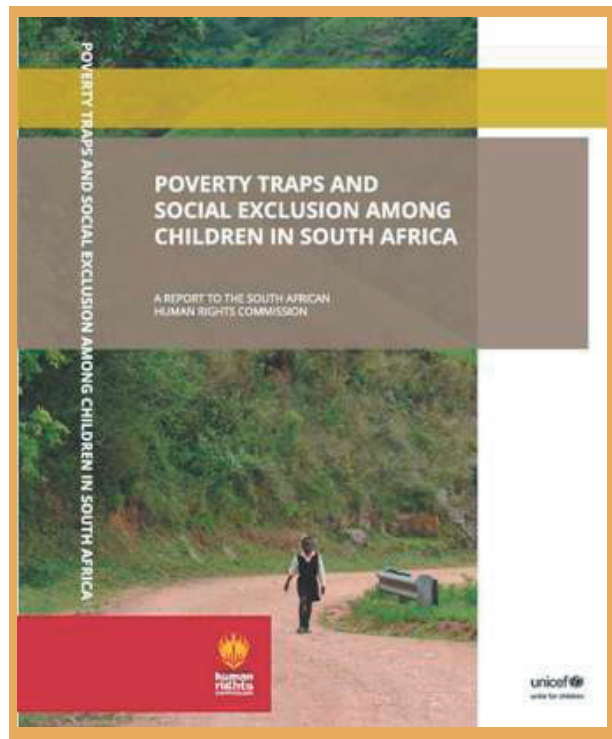
Social Exclusion and Poverty Traps Among Children in South Africa

With the release of the Living Conditions Survey of 2009, its data indicated wide and deeply worrisome disparities between children living in poverty and children not living in poverty, with respect to full access to such basic needs as water, sanitation, refuse removal, electricity and formal housing. The data also indicated that there were certain groups of children who suffered from such lack to a greater extent and were more deeply mired in poverty than others.

Poverty, inequality and exclusion are hallmarks of a highly iniquitous society. In order for the rights of all children to be realised, it is essential that this gap - and the resultant chasms in service delivery and overall quality of life - be removed. The child population is one of the segments of the population more prone to becoming trapped in poverty and therefore the most logical site for successful poverty-ending intervention. The publication seeks to explore the kind of intervention that would be necessary to bring this about through literature reviews and policy simulations.

This research report investigates the extent to which groups of children are caught up in the intersection of poverty and exclusion, what the characteristics of these children are and to what extent they are or are not reached by policies and the additional efforts necessary to break free from the surrounding traps.

The purpose of the report is to contribute to on-going efforts geared towards the implementation of the National Development Plan (NDP) Vision 2030. The NDP's aim to eliminate poverty in South Africa by 2030 is not feasible without a greater understanding of how some children have escaped poverty and exclusion whilst others have not, especially considering the implementation




of democratic and economic reforms in the mid to late 1990s.

The South African Human Rights Commission's role in this project is of an institution firmly committed to the reduction of poverty and inequality, particularly among society's most vulnerable members. It is constitutionally mandated to promote, protect and monitor the realisation of human rights in South Africa. The rights of children are one of the focal areas of the Commission and form the focus of this publication.

South Africa is currently undergoing change that will affect the state machinery and policy framework. The Commission and its partners believe that this is a timely intervention that has the capacity to make a real impact on the lives of children and their families. In addition to providing an illustration of where we currently are as a nation, the study provides a road-

map of where South Africa should focus in shaping the future of its children.

The process in developing this study has been a consultative one, and the Commission is deeply grateful to its partners for participating in this initiative. It has been a privilege to work with some of South Africa's foremost experts in the field to compile this publication, which represented an important opportunity to explore and understand the dynamics of poverty traps and social exclusion, and how these phenomena might be transcended through policy choices. The Commission thus takes great pride in introducing this initiative and it is our hope that others will benefit from it in their work with children. 

Commissioner Lindiwe Mokate
Commissioner: Basic Education and Children

SAHRC investigates Lwandle evictions

The South African Human Rights Commission (SAHRC) has been monitoring the evictions of approximately 200 families that took place in Lwandle, in the Western Cape.

The SAHRC is concerned about the manner in which the evictions were executed, with the delay in providing shelter and failure to timeously plan for the provision of alternative accommodation afforded to the victims who were left homeless in the rainy cold Cape Town weather.

The SAHRC condemns the excessive use of force by the police and security personnel against the residents, especially women and children during these evictions.

The SAHRC expresses its concern with the manner in which the interdict was enforced and non compliance with provisions of Section 26(3) of the Constitution.

The SAHRC is currently investigat-




People of Lwandle were left destitute after their shacks were demolished without alternative accommodation. Pic All4women

ing the matter and will engage with all parties in order to obtain all relevant information to inform its investigation in this matter.

In the meantime while the long-term solution is sought, the SAHRC calls on the City of Cape Town and National and Provincial Government to urgently find alternative

accommodation with sufficient access to water and sanitation for affected families.

We are encouraged by the current interventions from the Minister of Human Settlements and we call on the Department of Transport to suspend all evictions until a favourable solution is found. 

SAHRC investigates Bloemhof water crisis and death

The South African Human Rights Commission (SAHRC) is deeply concerned about the water contamination crisis and its resultant deaths in the Bloemhof region located in the North West Province. A water crisis has hit the communities of Bloemhof in the last week of May with allegations of a cholera outbreak and patients afflicted with diarrhoea.

The SAHRC understands the outbreak is allegedly caused by the consumption of contaminated running water. Three babies reportedly died from this outbreak and hundreds of residents have

received medical treatment as a result of consuming the water.

On 2 May 2014, the Minister of Water and Sanitation, Nomvula Mokonyane, is reported to have confirmed that contaminated water is behind the diarrhoea outbreak.

Running water has since been cut off and some people do not have access to water. There are also allegations that the community does not have access to sanitation.

The right to water is a fundamental human right that the SAHRC is committed to protect and pro-

mote. Section 27(1) (c) of the Constitution provides that everyone has the right to have access to sufficient food and water.

In addition, national legislation, specifically the Water services Act 108 of 1997 provides for amongst other things, the right of access to basic water supply and basic sanitation necessary to ensure sufficient water and an environment not harmful to health or well-being.

The SAHRC visited Bloemhof and is currently in the area gathering evidence that will help it in




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People in Bloemhof and many other areas are entitled to the right to clean drinking water - Govender

its investigation. The SAHRC is investigating allegations related to the water contamination and the deaths allegedly caused by the consumption of the contaminated water.

SAHRC Deputy Chairperson, Pregs Govender, who leads the Commission's work on water and sanitation argues: "The SAHRC's 2014 Water and Sanitation Report is clear - it is unacceptable that 20 years into our Democracy, Apartheid-era spatial geography still defines and devalues the lives of those who are Black, poor and working class.

People in Bloemhof and many other areas are entitled to the right to clean drinking water that is enshrined in our Constitution and in our laws. The illness and loss of lives caused by contaminated water in Bloemhof must move Government across all spheres and departments to act with the necessary urgency.

The newly formed Water and Sanitation Ministry and COGTA, should lead Government, in ensuring it immediately addresses these violations. Government needs to proactively identify potential and ongoing denial and violation of human rights. The Presidency's DPME promised that Government would develop such a plan to systemically address these across the country. It cannot keep responding only after the tragedy of death". 

Protection of Refugees' Rights is a joint effort



More attention needed to foster tolerance in South Africa **Pic: Africlaw.com**

By Adv. Lawrence Mushwana

The overall theme for this year's World Refugee Day: "Living together is key for development" reflects the work that still needs to be done to ensure that all persons regardless of national origin are treated with respect and dignity in South Africa.

As we celebrate World Refugee Day, we are reminded of the global headlines which continue to paint a picture of the harrowing effects of conflict on millions of people around the world.

Protracted conflicts in Iraq, Syria, Mali, the Central African Republic and South Sudan, the continued instability in many parts of the Middle East have led to the loss of lives and forced displacement of millions of people.

What we see in the immediate aftermath are the remnants of war - the refugees with lit-

tle except for resilience and the will to survive, that is heroic and at the same time humbling.

It is against this backdrop that this year on 20th June we took the time to yet again pay homage to refugees around the world.

Why do we need to honour refugees? It is clear that they are a vulnerable group whose plight is exacerbated by the complex linkage of the root causes of their flight to poverty, poor governance and human rights violations.

The contexts within which they emerge provide an onus for focused attention to their plight to ensure that their vulnerabilities are adequately addressed and that specific legal norms and standards are created to offer protection.

These would ensure that even in flight and in seeking refuge, refugees and asylum seekers are

Many asylum seekers and refugees in South Africa are often confronted by hostile and at times violent environment.

respected and treated with dignity.

Thus, the rights and indeed the plight of asylum seekers and refugees must be seen within the broader context of human rights. Human rights belong to everyone.

The Universal Declaration of Human Rights in its preamble recognises that the foundation of freedom, justice and peace lies in the inherent dignity and the equal and inalienable rights of all members of the human family.

States are duty-bound to adhere to the legal norms and standards arising from the 1951 International Convention Relating to the Status of Refugees (and its 1967 Protocol) and for African States, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

The existence of these treaties does not negate asylum seek-

ers' and refugees' entitlement to all the rights and fundamental freedoms that are spelt out in international human rights instruments.

They rather serve to create a comprehensive and complementary protection framework for refugees and asylum seekers.

It is worth noting that in addition to the seven of the nine core human rights instruments, South Africa is party to both the UN and OAU conventions on refugees and thus has the obligation to create a legislative environment that reflects its duties and responsibilities that arise from these instruments.

South Africa has created a refugee protection regime which is underpinned by the Refugee Act of 1998.

However the existence of a legislative and policy framework represents only a small aspect of the entire protection regime

which must encapsulate the challenges of the refugee protection system in South Africa.

South Africa is seen as a beacon of hope, representing a safe haven for those fleeing conflict, civil strife and situations of wide-scale human rights violations.

Yet many asylum seekers and refugees in South Africa are often confronted by an environment which is hostile and at times violent.

For instance in 2008, there was an outbreak of xenophobic violence that led to loss of lives, destruction of property and displacement of thousands in several parts of South Africa.

Sporadic incidences of violence in parts of South Africa, particularly those targeting foreign shop owners, reflect the continued vulnerability of migrants in South Africa to human rights violations.

This has a considerable impact on the integration of refugees and asylum seekers in their host environment and calls for a renewed commitment from the government to take necessary and adequate steps to positively impact on the status of social cohesion in South Africa.

Social cohesion provides an important avenue through which some of the challenges with the promotion and protection of human rights of refugees and asylum seekers can be addressed.

The South African social narrative has been impacted by migration for centuries yet the sense that divisions remain are quite apparent.

There is a definite need for cultural diversity to be understood as an asset rather than a



Unfortunate incidents of Xenophobia saw scores of foreigners displaced, some killed in various townships in South Africa

Pic: BusinessDay

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From page 07 National human rights institutions critical role in monitoring the state of the realisation of human rights in a country

liability - a process which can succeed if viewed with a human rights lens.

In addition, in speaking about social cohesion, I highlight the fact that in its periodic review at the United Nations Human Rights Council in May 2012, South Africa's state of social cohesion and the problem of xenophobia were brought to question.

Several States urged South Africa to take the necessary steps to promote social cohesion and to effectively address xenophobia.

We need to hold our government accountable and also work with the various departments to ensure a commitment to dealing with the challenges that beset the promotion and protection of human rights for refugees, asylum seekers in particular and migrants in general.

Through its mandate, the Commission engages in community outreach work, through educational initiatives such as workshops, seminars and community dialogues; advocates and lobbies for a rights-based legislative framework; builds awareness and places issues on the public agenda through the media; provides redress where there have been human rights violations and monitors the implementation of policies.

The Commission values the contributions that civil society, experts within the field, from academia and specialist organisations, can make towards the realisation of rights for refugees and asylum seekers in South Africa.

For instance, the Commission closely worked with a coalition of non-governmental organisations led by the Lawyers for Human Rights to conduct an investigation into the conditions at the Lindela Repatriation Centre, including ac-

cess to health care for detainees.

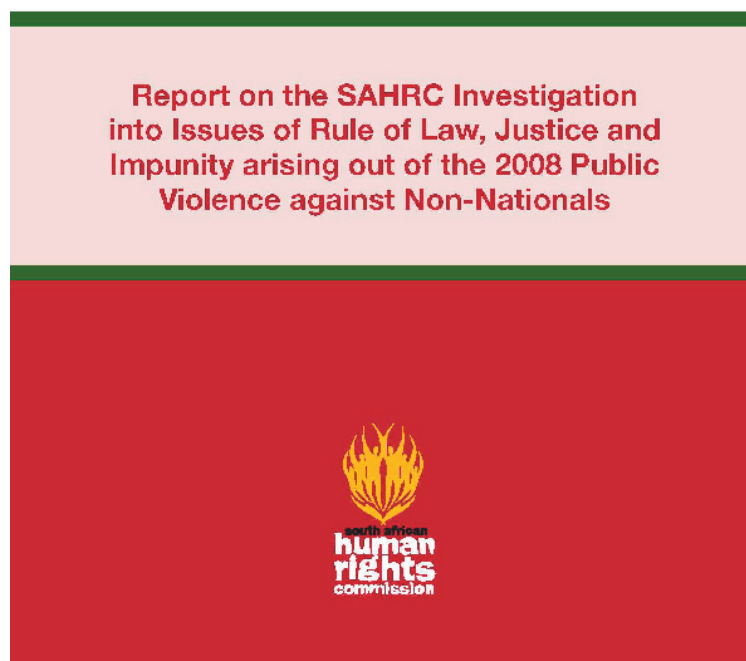
The report of the investigation has been finalised and will be shared with all the stakeholders once published.

In 2010, the Commission published its report on the 2008 xenophobic violence titled "Investigation into issues of Rule of Law, Justice and Impunity arising out of the violence against non-nationals" and certain findings and recommendations which showed that South Africa failed to adequately

a rapid response to threats of outbreak of xenophobic violence, as well as an early warning system in pre-empting violence before it spirals out of control.

There is no easy solution to the challenges that beleaguer the promotion and protection of the rights of refugee and asylum seekers.

However, a collective effort grounded on human rights ideals that incorporates a multi-faceted and multi-dimensional approach may



In 2010 the SAHRC investigated the killing and displacements of Non-Nationals in South Africa. Report is available on www.sahrc.org.za

protect the rights of migrants. The overall State response to the crisis was highly criticised largely due to political ambivalence to the crisis, which had a rippling effect on the security response, the low level of prosecutions and convictions of alleged perpetrators and provision of poor humanitarian assistance to those affected.

The resultant efforts of the Protection Working Group has since seen the establishment of a focal point within the South African Police Services (SAPS) for coordination of

provide the best possible way to address these challenges and promote equality for all in South Africa.

ENDS

Adv. Lawrence Mushwana is the Chairperson of the South African Human Rights Commission. This is an edited version of the speech he delivered on Thursday (19 June) at the Commemoration of the World Refugee Day organised by Forced Migration Working Group

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Remembering International Migration Day, 20 June



Pic: Newint.org

Rachel Mambani, Research Associate to Chairperson L. Mushwana

In 1994 South Africa obtained freedom and as a newly democratic country, one of the key focus areas of government was developing a new nationhood and redressing the social and economic inequalities of the past dispensation. This development brought a keen sense of expectation of improved service delivery to South African citizens by the Government. At the same time, the liberation of South Africa also brought with it an influx of foreign nationals from other countries. The unfortunate result was that South African citizens directed their frustration at poor service delivery to foreign migrants who were perceived as competing for the scarce jobs, resources and service promised to citizens in 1994.

For many foreign migrants, South Africa was meant to be a home or a better life, and for many that remains a dream as there continue to be a lot of xenophobic attacks. Even though we attained freedom 20 years ago, xenophobic attacks still exist. We have seen in 2008,

widespread xenophobic attacks were carried out by South African nationals against black foreign migrants in working class areas in South Africa. In these widely reported incidents, 62 people were killed, at least 760 wounded and over 100 000 displaced, homes and businesses were looted, destroyed and seized. After interventions by various stakeholders, including the Human Rights Commission, which investigated the matter and issued out a report, even today attacks against foreign migrants continue.

South Africa has come a long way in attaining freedom with the assistance of some neighbouring countries. This year we celebrate 20 years of democracy. Ideally we should be celebrating with other countries. In a sense we should be more accepting of foreign nationals as part of who we are as South Africans.

One of the many challenges that foreign nationals face is access to basic services, such as health care. The right of access to health care services is one of the indivisible and interdependent rights entrenched in section 27 of the Constitution, which states inter alia, that everyone has the right to have access to health care services, including reproductive health care. It further stipulates that the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights. Moreover, it mentions unequivocally that no one may be refused emergency medical treatment. Access to health care for foreign nationals is a difficult issue in South Africa in public hospitals. Foreign nationals deserve a better life and also to be treated like human beings.

They should be afforded an opportunity to work, go to school without discrimination and any fear of attacks; after all equality is the centre of our constitution.

One way of changing how foreign nationals are being treated in South Africa, is if we can change the way people think, that is the thinking that foreign nationals are only here to take jobs, and that they don't pay tax they live here free of charge. This incites anger towards the people in townships who are complaining everyday for basic service delivery. If people can change their thinking then the attacks on foreign nationals will be reduced significantly. However, changing a human mind is not easy and cannot be done over night.

There are a lot of corruption related acts forced on foreign nationals by South African. This includes their arrival that includes bribing and paying people in order to be allowed in South Africa, with desperation in mind corruption is bound to happen, to help prevent the corruption such acts should be reported. Furthermore, I think we, as a country should educate people on how they should treat foreigners. Such education must extend to foreigners as well on how they should treat South Africans. To change the way in which foreigners are treated the police must join forces with organizations that are already in existence, which help promote the rights of foreign nationals. Working together with local government can be a great start, and making contributions towards the implementation of strategies to help fight xenophobia.

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Torture is a Human Right concern

The UN International Day in Support of Victims of Torture, 26 June 2014

By Commissioner
Danny Titus



Freedom from torture is the one human right where there can be no limitation on. There are just no circumstances that allow any human being to subject another human being to any acts of torture, to cruel, inhuman or degrading treatment or punishment. This is the one right that can be given effect with so much ease. Just do not torture. The courts will not accept evidence based upon torture, you are opening yourself to litigation, and South Africa has recently passed legislation, The Prevention of Torture Act 2013. And yet in our democratic, nonracial, non-sexist, prosperous South Africa torture continues. The Independent Policing Investigative Directorate (IPID) is specifically charged with the investigation of torture by law enforcement officials. Two general responses are heard today: one, that torture belongs to the apartheid era and two, that should it occur today, it is justified against the criminals that just have no respect for the law.

I page through the book of Elaine Bing, "I have tortured". A lot has been said about the victims of torture, but here it is about torturers themselves, three torturers from the South African Police Service. The one person speaks of how he enjoyed the torturing. There were feelings of excitement, enjoyment and pleasure. We kicked him, in the stomach, threw him in the minibus and then threw him out again. Then there was more blood. To the torturer it was

one huge pleasure. Many questions came up: guilt that wants you to correct the wrongs. But shame that wants you to hide from everything. Serious problems in your relationships. You feel excluded from your society. Racism was one of the bigger motivations. As young children such as the Waterkloof Four they have assaulted black people, says Elaine Bing. There was nothing about "I had to follow orders". It was as if they knew what was expected of them. To have been white, was to be the boss, to be superior. That was then, what about now? What motivates the torturers in post-Mandela South Africa? I speak to a law professor who also deals with court cases of victims of torture. I can take you on a Thursday evening or a Friday to, and he mentions about four police stations. The torture continues. At the one station they do the "roast chicken" where your legs are pulled up, your arms over your legs and a broomstick put between your arms and legs. Your hands are then tied up and then they do with you what they want. At the other station it is the sausage method where you are rolled up in a carpet or blanket. And so he continues about the different methods he has pointed out in court already. He speaks about a forensic pathologist with a special camera to take pictures of your inner ear. You see the marks of the pliers on

the ears of the victims where electrical shocks have been administered. It is not a matter anymore of "I have tortured", it is "I am torturing." The professor shows me the medical evidence he has presented to court, he gives me contact numbers of the specialists that can testify to this.

The State Attorneys are also a valuable source of information. They have to deal with the civil claims on torture. The professor's youngest case in February 2014. I went to see the head of a wellknown investigative institution. He feels we need to get a balance in our society. The police are completely demoralised with all the focus on individual rights. What about the Police's rights? What about the protest actions that are so violent? What about the responsibilities of the communities? And then he switches over to the corruption and criminality, also in the Police. I know of attorneys that are paid with cocaine, he says. I cringe. It is about the ebbing away of our country's values, and "the bad guys are winning", he says. And it is in this context that the Police must do their work. May we still speak of human rights to the Police? Yes, we must.

Commissioner Titus is SAHRC Commissioner responsible for Human Rights and Law Enforcement; and Prevention of Torture

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Educating for Social Justice

Kayum Ahmed
SAHRC, CEO



A few weeks ago, I decided to spend an afternoon with high school students from Tembisa. They were insightful and engaging and remarkably similar to the students I encountered in Washington D.C. as a volunteer teacher about six years ago. While the students in D.C. and Tembisa had developed a profound understanding of their socio-economic and educational context, they were largely unaware of their potential to change their current conditions.

The students in D.C. were primarily black and poor and attended some of the worst performing schools in the United States. The schools themselves were well maintained buildings with good facilities and skilled teachers. In Tembisa on the other hand, many schools lacked basic amenities such as functioning toilets.

Despite these material differences in school infrastructure, the attitudes of students toward

their status as poor, black and disadvantaged was largely similar. Most students had come to accept their position in society as the 'Low' - to borrow an Orwellian phrase. They had ambitions of progressing to the 'Middle' and the 'High' at some point in their lives, but by their mid to late teenage years, had largely come to accept their status in society.

In the United States, this situation is exacerbated by the high levels of racial inequalities that continue to impact negatively on the education system. Sixty years after the Supreme Court decision of *Brown vs Board of Education* which banned racial segregation in schools in the United States, 80% of Latino students and 74% of black students attend majority non-white schools.

Similarly, racial inequalities continue to affect the South African educational landscape twenty years after the end of apartheid. If a country as developed as the United States continues to experience challenges with its educa-

tion system sixty years after the end of racial segregation, what does that mean for South Africa? Furthermore, given that black Americans are the minority in the United States, whereas black South Africans are the majority in this country, addressing inequalities in the classroom seems like an impossible task.

The classroom is of course a microcosm of broader society and may be seen as the product of various social factors beyond its control, including racial and economic inequalities. But the classroom (in its widest sense) also has the potential to be transformed into a creative space – a space for activism and engagement.

This is precisely what happened in June 1976. While the Soweto uprisings are often characterised as a spontaneous expression of outrage toward the apartheid government's decision to implement Afrikaans as a language of instruction, Salim Vally has argued that this is an oversimplification which fails to take into account

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Soweto students march against government's language policy in 1976
Pic: Ciibroadcasting.com

From page 11

Reflections on lessons from June 1976

the active citizenship displayed by young people.

Years of victimisation, followed by months of intense discussion and mobilization, is ultimately what led to June 16. We often make reference to the death of Hector Pieterse on that day, but many of us forget that Pieterse was only thirteen when he was killed. What are today's generation of thirteen year olds doing about the current challenges facing the education sector? And perhaps equally important, what are the thirteen year olds of the 1976 generation doing to fix our education system?

Given the significant improvement in access to basic education that has taken place over the past twenty years for which our government must be acknowledged, it appears that a certain level of complacency may have

set in. There are however constant reminders of just how far we still have to go - seven year old Michael Komape who fell into his school's toilet and died is one such example.

The Human Rights Commission issued findings and a report on access to water and sanitation following Michael's death while civil society organisations have taken the government to court on everything from textbooks to school infrastructure. But where are the voices of parents, teachers and students?

Interestingly, Salim Vally notes in his analysis of the June 16 uprising, that, "What counted for us was courage, determination and disciplined action in the face of seemingly overwhelming odds and the apparent passivity of our parents to apartheid rule."

Reflecting on the lessons of June 1976 and the "passivity" referred to by Vally, it appears that if anything is going to change in our current education space, that these changes are going to involve, and possibly be led by students themselves.

I was therefore encouraged to find that the students in Tembisa I had visited were being trained by a civil society organisation to speak out against inequalities prevalent in their schools. Students were being gently urged to reconsider their current conditions, to ask difficult questions, and to mobilize and call for change.

This ideological approach to human rights education is referred to as "transformative action" by Monisha Bajaj. Meira Levinson refers to the process as "guided experiential civic education." While these activities should be encouraged, facilitators of the project in Tembisa have already received complaints from certain school principals who find that students have become too assertive.

But it is precisely the assertiveness of the students in 1976 that became a catalyst for change in South Africa. If we are to shift the focus from access to education, to access to quality education, students must be included in this process. Their voices must be heard. Their assertiveness must be encouraged.

Kayum Ahmed is Chief Executive of the South African Human Rights Commission and is currently completing a Masters degree at Oxford University focussing on human rights education



The uprising escalated into a nation-wide revolt, revitalising the struggle for liberation in South Africa Pic: Youthalive.com

SAHRC participates in first National Conference on Rights of Persons with Albinism

By Hellen Mankwate, Brailist



13 June has been declared as INTERNATIONAL DAY OF PERSONS WITH ALBINISM by the United Nations

The Commission participated in the first ever National Conference on the Rights of Persons with Albinism which was held in October 2013 in Ekurhuleni, Gauteng. The conference resolution requires the Commission to undertake the following;

1. "The SA Human Rights Commission should institute an investigation and research into the incidents of human rights violations against persons with albinism, including infanticide and human trafficking, in South Africa;
2. A register to document incidents of human rights viola-



tions perpetrated against persons with albinism in South Africa, should be kept"

In celebration of 13 June and beyond, the Commissioners Programme will be looking to increase its national library equipment with more computers and reading devices for people with low vision. Persons with albinism who visit the library will benefit from using the different devices, as most people with albinism suffer from low vision. The library

space for people with disabilities is open to all persons, as it is also used to educate people about disabilities. The library space is managed by Hellen Makwana and she can be contacted on Tel: (011) 877 3671 or email mmakwate@sahrc.org.za Hellen is also responsible for ensuring that all Commission documents are translated into Braille.

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FACTS ABOUT ALBINISM

What is Albinism?

Albinism is an inherited condition where a person is unable to produce normal colouring of the skin, hair and eyes (lack of pigments); the condition can be limited to the eye or involve the eye and the skin.

What causes Albinism?

Albinism is caused by defects in the hereditary material that determines skin colour. People who have normal pigmentation could be carriers of the hereditary material that is defective for skin colour.

A carrier mother and father can pass their defective skin colour information on to their children which could then have albinism.

It is important to note that a child

with albinism received the defective information from both parents and that it is common for parents with normal skin colour to have a child with albinism. As explained above, albinism is an inherited, generic disorder. Parents of a baby with albinism should never feel guilty about this, it is not their fault. It is a condition caused by the specific albinism genes that a baby has inherited from his/her mother at the time of conception.

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Source: Albinism.org.za

Appraising rural participation and development in South Africa

Reflections on the work of the Section 5 Committee and the 2014 rural consultations

Approximately 38% of South Africa's population lives in rural areas and more than two thirds of rural people are poor. Raising rural living standards has been a top priority for the South African government since 2009 and this priority has been iterated in the President's State of the Nation Addresses, the Budget Speeches, and further articulated in the 2030 National Development Plan. Despite this repeated prioritisation, there remains a set of confusing planning processes around rural development. Those planning processes are surely devastating in the metropolitan areas, but the lack of planning, and the long-term legacy it is creating, is impacting heavily on most rural areas.

At the SAHRC, Commissioner Janet Love is responsible for, amongst other things, the work of advancing human rights in the context of natural resource management and rural development. To this end, Commissioner Love has established a Section 5 (Section 11 in terms of the new SAHRC Act) Committee (the committee) to think through some of the issues to take forward around rural development. There is a lot of value in having these committees, and this one in particular. These individuals, drawn from a range of professional backgrounds including civil society and academia, are able to offer us the necessary expertise and support, as they have knowledge and experience in certain fields to assist us with tackling human rights issues related to rural development in the country. The committee has been in existence since February 2013. One of the committee's first projects was to undertake a 'rural policy scan' across the national government departments as they impact on rural development, as part of a broader situational



Rural consultations provide ordinary people with an opportunity to raise their concerns about their rights

analysis. This scan entailed engaging with those departments by way of face-to-face interviews using semi-structured questionnaires to obtain responses with regard to services rendered in rural areas. Challenges related to carrying out this scan included the non-responsiveness of some key departments, and the fact that there is no real understanding on the part of the department interviewees of the need to integrate a human rights based approach to policies.]

Following the presentation of the findings of the policy scan report to the committee, it was agreed that there was a need to convene wider consultations with rural communities, civil society organisations, and community-based organisations, in response to the findings of the policy scan. With the necessary funds ring-fenced, we obtained the assistance of the Rural Legal Trust, a non-profit organisation that advocates for human and socio-economic rights through rural mobilisation and pro-

moting development programmes, to make the consultations a reality.

The main purpose of the consultations has been to, recognising the prioritisation of rural development since 2009 by the government and the vision of stimulating rural socio-economic transformations, get a better idea from rural communities on: what works well in their area (or what goes the least badly); the degree and format of rural community participation in local plans and processes and the level of understanding of such plans; what communities see as priorities and main challenges in their area; and how the communities' experiences have been in their engagements with the government. A further objective of the consultations is to provide a participatory environment in which information and knowledge can be shared, and rural community networks can be strengthened. The biggest strength that local communities have is the strength that can be drawn from each other. It is our hope that we leave these consultations having ex-

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Delegates deliberating at the rural consultation

tended and cemented existing rural networks.

We kicked off our first consultation in Hoedspruit, Limpopo and have visited two areas in the Free State and in KwaZulu Natal since then. Our final consultation will be held in the Eastern Cape in July 2014. Initially, at least for me, little was known of some of these very small dot-on-the-map towns that we visit, and how they connect to our work. Now I am able to rattle off names of communities and towns in remote areas of the country with ease – and this is thanks to the work our office has been undertaking together with our section 5 committee. During the long drives to the consultation areas, I have realised how necessary dreaming is to the work we do, the power of imagination, the will to create and engage, but also enable action. Over the last few weeks, there are a number of conversations with Commissioner Love, with the committee, and most significantly with the rural community members, that I keep coming back to. I'm excited to be part of honest dialogue and meaningful, progressive, critical work. Our work has to be loud in the way transformation needs to be loud; but also quiet and careful, kind, considered,

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committed, and most of all accountable. It is a privilege to sit in a space and hear and listen to progressive ideas and initiatives originating from the work of rural communities and organisations, I think of this as the basis of all action. I come back to these conversations to keep me grounded in moments of sweeping flux and to remind me where and what this journey needs to be about.

Our office, in the work of the section 5 committee and beyond, has a number of events and programmes that we intend to undertake in the remainder of the year that are in that blessed seed-planting stage. I am forever grateful that this work has taken me into (uncomfortable, sometimes very cold, very far, very dry) spaces that I had not always considered my fire but found it just there – well and alive and burning the way it needs to. We don't always appreciate and acknowledge the privileges we all have, living in urban areas where we are not concerned with paying fees as tribal levies to obtain necessary documents such as proof of residence; tribal levies are a daily reality in some rural areas. The is-

sue of restitution of land rights and land claims that have not been resolved or settled several years after the claims deadline passed is yet another example of continued injustice that impacts most heavily on South Africa's black rural population. For rural mining host communities, their voices and wits are at times inconsequential when pit against lucrative mining companies that seek to explore and prospect for mineral resources under the land on which they live, farm, work, bring up families, and bury loved ones – without those communities benefitting from the mineral wealth. These rural consultations have been eye-opening and sometimes very painful (because of the nature of the discussions and the problems revealed) and have made me realise that while there are big plans for the country, most of these will take a long time to have a real impact on local lives. What this means for our work is that we'll have to gain an incredible amount of patience; and learn to fall in love with the process, not the end goal.

**Angela Kariuki, Research Associate,
Office of Commissioner Janet Love.**



“How NHRI’s make the CRPD a reality”

Good day, Ladies and Gentlemen, it is indeed an honour to be invited to this auspicious event and a platform indeed to speak on behalf of the South African Human Rights Commission. Today I will highlight some of the work that South Africa’s national human rights institution has done in the area of the right of access to water and sanitation. In particular, I will seek to focus on the attainment of this right for persons with disabilities.

The Millennium Development Goals (MDG’s) represent a common effort to address global poverty; but the noticeable gap is the non-inclusion of persons with disabilities. It is universally acknowledged that the group most affected are persons with disabilities. However, the occasion of the drafting of the post-2015 sustainable development goals offers state parties an opportunity to showcase their commitment in ensuring that the shortcomings of the MDG’s are not repeated.

South Africa is obliged to fulfil its international obligations in terms of section 231 of the Constitution, and is bound by all the international agreements that it has signed and ratified.

Access to water and sanitation

Despite many positive changes in South Africa and much progress that has been made to realise the rights of those people who were denied rights under Apartheid, 20 years into our democracy there are still some communities in South Africa that struggle to live a dignified life due to the lack of access to water and sanitation. South Af-



SAHRC Chairperson Adv Mushwana and Commissioner Malatji at the Conference

rica’s constitution holds dignity as its founding value and a substantive right in the Bill of Rights.

The right to access water and sanitation is pivotal to the enjoyment of other rights such as the right to education, health, safety and environment that is not harmful to human health. The lack of access to water and sanitation may not only infringe upon other rights as stated above, but it increases the vulnerability of certain groups such as women, children and persons with disabilities.

Earlier this year, our Commission issued its “Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa”: 2014. The Report was triggered

by complaints received about two municipalities that built ablutions facilities without enclosures in their local communities. Following the Commission’s investigation, the Commission found that both municipalities had violated the rights to dignity, privacy and clean environment. Further, the Commission recommended that both local municipalities had to enclose the toilets in a manner that upheld human rights. This was just one of a number of issues identified by the Commissions investigations.

Turning to the issue of disability, while international and national legislation exists to ensure that the rights of people with disabilities are protected, in reality, the

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Government needed to have meaningful consultations with communities

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provision of water and sanitation does not often consider their needs. For example, sanitation developments in communities are outdoors and inaccessible due to the small size and uneven land- ing.

Standpipes in communities, for water collection, can be a long distance away from homes and taps are often at a low level making them inaccessible to persons with disabilities. The affordability of water is also an essential element of accessibility for persons with disabilities, as they are often more marginalised and poorer

tion. The lack of a human-rights based approach impacts negatively on vulnerable groups such as women, children and persons with disabilities.

The Commission recommended that a national human rights campaign must take place to address budgets and Integrated Development Plans. (IDPs). The campaigns should communicate budgets and IDPs in plain and accessible language.

It was emphasised in the Report that government needed to have

Convention on the Rights of Persons with Disabilities (CRPD) on 30 March 2007, and in terms of article 28 of the CRPD "State Parties are to ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs."

Provincial dialogues /Role of the NHRI's

In addition to our work in the area of water, my office which is



Commissioner Malatji, Judith Cohen and Adv Mushwana took some time to pose for Pfanelo

than those without disabilities. Some of the key findings and recommendations in the Report state that there is a lack of a human-rights based approach to the delivery of water and sanitation services. This relates to the principles of transparency and public participation in the delivery of basic services and access to informa-

meaningful consultations with communities. This would entail addressing vulnerability to violations arising from discrimination and prejudice based on race, sex, gender, class, disability, age and sexual orientation.

Further, whilst engaging with communities on the issue of water and

sanitation, it was recommended that the voices of vulnerable groups such as women, children and persons with disabilities, are heard. It was clear that the engagement with these vulnerable groups was limited and was dependent on the training capacity of a particular municipality.

South Africa signed and ratified the

More still needs to be done to liven Disability Convention

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Department of Economic and Social Affairs (DESA) held a capacity building workshop to train its provincial managers and advocacy officers on the content and implementation of the CRPD.

The rationale behind the workshop was to equip the provincial managers and advocacy officers with information about the CRPD, so that they would in turn go to their respective provinces to educate and train Disabled People's Organisation, stakeholders, service providers and the public about the content and implementation of the CRPD.

My office has also held Provincial dialogues in the North West and Limpopo Province. The Dialogues seek to bring different government departments and Disabled Peoples Organisations together. The objective is to evaluate how provincial departments are implementing the CRPD and to forge greater collaboration between the stakeholders present in order to more effectively ensure that the rights set out in the CRPD are respected, protected and promoted.

These Dialogues are a platform for Disabled People's organisations to air some of the challenges they face that result in the denial of rights to disabled persons. The Dialogues create awareness about the Commission's complaints handling system and flowing there from the Commission has attracted a number of disability rights complaints for investiga-

tion.

Some of these complaints relate to: the non-provision of sign-language interpreters, lack of funding for centres that care for children with disabilities, lack of accurate assessment tests to determine whether a child is eligible for a disability grant, discrimination in the workplace, lack of legal representation, lack of funding for assistive devices, lack of a dedicated plan and focus for the implementation of the CRPD and the lack of accreditation for some of the Special Needs Schools within the North west Province.

The commission encouraged all the complainants during the provincial dialogue to officially lodge their complaints with the Commission's provincial office in the North West Province, so that the provincial office would start off with its investigations of the complaints.

In the same vein, in the Limpopo province, some of the Departments such as the Department of Agriculture had structures such as Persons with Disabilities in Agriculture and Rural Development (PDARD). The Department had disability forums and transformation coordinators to help ensure the rights and; interests of persons with disabilities were protected.

The provincial Department of Roads and Transport stated that it had achieved the 2% target for the employment of persons with disabilities within its work force. The Department submitted that

it ensured that its buildings were accessible to persons with disabilities. Some Departments such as Health did not have a Disability Unit that dealt specifically with disability issues, but were in the process of establishing a disability unit.

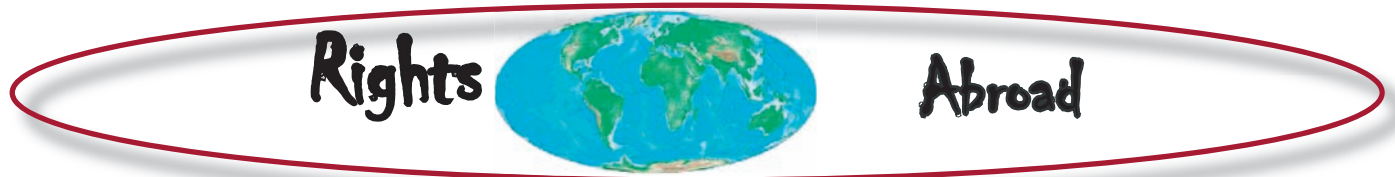
In a nut shell, the provincial dialogues are intended to create a platform through which the Commission can hold meetings with various government departments as well as Disabled People's organisations to discuss complaints received and to monitor compliance with national, regional and international treaties. The provincial dialogues are held annually to measure the progress made by each government department.

Conclusion

South Africa has made progress in terms of recognising the rights of persons with disabilities more fully. However, there is still much that needs to be done. As a country with a national human rights institution, we will remain committed to transforming the words of the Disability Convention into reality through our actions and activities. I thank you

**Commissioner Malatji is SAHRC
Commissioner responsible for
Disability and Older Persons**





Expert Accreditation Programme to build the capacity of African NHRIs

It is a privilege as the Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) to address you today on the occasion of the Annual UNDP National Human Rights Institutions (NHRIs) seminar.

We refer to the International Coordinating Committee as the ICC – please do not confuse this with the International Criminal Court. Our ICC is the coordinating umbrella body at an international level for independent national human rights institutions throughout the globe.

I wish to extend my appreciation to the United Nations Development Programme (UNDP) in particular the Global Policy Advisor for Human Rights, Ms Shireen Said and her team for organising the 4th annual UNDP / OHCHR / ICC Tripartite Partnership Meeting and this Seminar. I also need to acknowledge the Chief of the National Institutions and Regional Mechanisms Section of the Office of the High Commissioner for Human Rights, Mr Vladlen Stefanov, and his Office for providing their invaluable support to the ICC in a number of areas.

I acknowledge my colleagues within the ICC - the Regional Chairs, the Regional Coordinators, NHRI representatives and ICC staff members who are present here today. During our week here in New York,

“ Transforming Society, Securing Rights, Restoring Dignity ”

they have worked tirelessly to continue advocating for the recognition of NHRIs within the UN human rights mechanisms that are here in New York. And it is fitting that our efforts conclude with a discussion on the role of NHRIs in promoting and protecting human rights in yet another important area that impacts on the enjoyment, promotion and protection of human rights.

Introduction

This year’s theme for the Annual NHRI Seminar of business and human rights is apt as it comes at a time when deliberations on the mandate of the UN Working group on business and human rights are currently being held in Geneva at the Human Rights Council and also that consultations on the post-2015 Development Agenda are still ongoing here in New York.

NHRIs are now recognised as key actors within the global human rights system. NHRIs that are fully compliant with the Principles Relating to the Status of National Institutions (or the Paris Principles) have standing before the Human Rights Council. This allows them to be able to make statements before the Council and participate in the UPR and treaty body processes in their own right, independent and distinct from government.

It is encouraging that there is a clear development towards their

growing and increasing recognition throughout the UN system. NHRIs play a critical role in bridging the protection gap that lies between States and civil society. They hold States accountable for fulfilling their human rights obligations that arise from international human rights norms and standards and as independent actors work closely with both the State and civil society to ensure the effective promotion and protection of human rights for individual rights holders. NHRIs are also in a position to bring independent and credible information to the attention of the UN system and are increasingly recognised as an important and valuable partner of the UN due to their constant presence on the ground at a domestic level.

NHRIs and Business & Human Rights

At both the international and domestic level it is recognised that business interests and practices can impact on the enjoyment of human rights and have the potential to lead to the denial and violation of human rights.

In order to address this reality, NHRIs were actively involved in the promotion of the general guidelines and principles that would attempt to narrow the protection gap that existed within the area of business and human rights.

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In 2009, the ICC established its Working Group on business and human rights to provide strategic guidance for NHRIs in the area of business and human rights. The legacy thus far of the work of the ICC Working Group lies in the recognition of NHRIs as critical players in the efforts to address challenges within the business sector in so far as the promotion and protection of human rights is concerned.

For example, in the text of the HRC resolution 17/4 of June 2011 that endorsed the Guiding Principles on Business and Human Rights (known as the Ruggie Principles) it was recognised that “the important role of national human rights institutions established in accordance with the Paris Principles in relation to business and human rights” and encouraged “national human rights institutions to further develop their capacity to fulfil that role effectively, including with the support of the Office of the High Commissioner and in addressing all relevant actors...”

However prior to the endorsement of the Ruggie Principles, NHRIs adopted the Edinburgh Declaration in 2010. The Edinburgh Declaration not only emphasised the important role national human rights institutions can play in addressing corporate-related human rights challenges, at the international, regional and national levels; it also provided a detailed road map that NHRIs could adopt to enable them to promote “enhanced protection against corporate-related human rights abuse, greater accountabil-

ity and respect for human rights by business actors, and access to justice for victims.”

Emanating from this, NHRIs have advanced their work in this area through adopting regional specific action plans to address human rights concerns related to business activities. The Africa region, under the auspices of the Network of African National Human Rights Institutions (NANHRI) adopted the Yaoundé Plan of Action on Business and Human Rights in 2011. Included in its implementation is capacity building for NHRIs, which has been ongoing since the adoption of the Plan of Action.

Under the leadership of the ICC Working Group on Business and Human Rights in close co operation with the Danish Institute for Human Rights, the ICC has also developed a variety of tools including a training manual for NHRIs and has also conducted capacity assessment exercises with its member NHRIs to determine gaps in their institutional framework or capacity that impact NHRIs’ work in promoting human rights within the area of business and human rights.

In addition, in November 2012, the ICC signed a memorandum of understanding (MOU) with the Organisation for Economic Cooperation and Development (OECD) primarily to “promote ... understanding... towards greater respect for human rights in the sphere of business activities...” This three-year agreement will enhance the role of NHRIs and ICC in the promotion of the respect for international human rights norms and standards reflected in the Ruggie

Principles for countries that adhere to the OECD Guidelines for Multinational Enterprises (OECD MNE Guidelines).

Way forward

While the ICC and NHRIs have identified business and human rights as a strategic area for the promotion and protection of human rights, there are gaps that need to be addressed to ensure that NHRIs continue to impact the business and human rights discourse. I echo the sentiments already expressed; that in order to mitigate the impact that activities of businesses have on human rights, NHRIs need to mainstream business and human rights into their strategic plans so as to develop effective implementation plans that will include gap analyses, comprehensive business and human rights education programmes, facilitate dialogue between States, businesses and affected communities and also advocate for legal reform.

There is thus an imperative for NHRIs to build their capacity to effectively deal with the opportunities presented by promoting and protecting human rights within the business sector but also to effectively address the challenges encountered within this area. Though the primary responsibility for the promotion and protection of human rights rests with States, NHRIs need to fully appreciate their potential and impact that they can have in the area of business and human rights. **Pf**

In the Seat with Julian Masimila

*Human Rights Advocacy and Research Officer,
Western Cape*



Tell us about Julian in a nutshell:

Julian Timothy Masimila is a very complex person. In short, I am married, to one wife, Alodia Christa Masimila and two boys, Aldin Jerry Masimila and Jayden Antonio Masimila. I can be described as a down to earth and a very private person. Sometimes I like to describe myself as an introvert, with a stubborn Taurus streak, who likes travelling, the outdoors, the wide open spaces, the creative and performing arts, small rural towns, old cars and motorbikes.

I am a born Cape Townian. I grew up on the hinterland of the Cape flats. The first part of my life, I spent in the Athlone and Crawford area and then we moved to Hanover Park and later Newfields. I am the third eldest of six children and the first born and only

son from my parent's marriage. I was raised by God-fearing and very disciplined and strict parents who hail from the Eastern Cape. My father was the sole breadwinner and my ultimate hero.

Growing up on the Cape flats was challenging at times. I had to deal with drug and alcohol abuse, gang and domestic violence in my community. To survive and not to be drawn into destructive behaviour was a constant battle for me. Being a loner was not always helpful, because it made me vulnerable. My upbringing and my dreams to make a success of my life kept me going against all odds.

You either accept me for who I am or leave me alone.

Educational background:

I attended primary school and high school in Hanover Park. After grade 9 I decided to get out of Hanover Park and I enrolled myself at a high school in Bridgetown, Bridgetown High. Things were not better here as I thought, because the school was in the centre of two rival gang turf land, but I survived and matriculated in 1986 despite the challenges.

In 1989 I enrolled at the Hewat Teaching College, where I spent three years without completing my teaching diploma.

In 1993 I enrolled at University of the Western Cape and obtained

my B.Th (Hon.) degree in Theology. In 1999 I was ordained as a minister in Kakamas, Northern Cape, a small rural town 80km from the Namibian border.

I spent fifteen years outside Cape Town and worked in various towns and cities like Kokstad, Kakamas, East London and Upington. During my travels I met people who became dear friends and I learned a lot during my interactions with people all over the country.

I was previously employed by Woolworths, as General Shop Assistant, The United Congregational Church of Southern Africa, as Minister and the Department of Correctional Services, as Chairperson of the Correctional Supervision and Parole Board in the East London Management Area for five years.

I intend to continue to further my studies with special focus on psychology.

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

I am the Human Rights Advocacy and Research Officer. I am honoured holding this position. I believe that I am in this position not by mere coincidence. I believe I was destined for this position, not because of my qualifications or the person I am, but as an instrument to make a difference in

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my community and this country. I therefore do not take my work and my position lightly.

My position gives me the opportunity to make a difference in my community and hopefully in our beautiful Mzansi. As HuRAP Officer I am also constantly learning new things and my world and knowledge is broadened.

Although I am honoured to be a HuRAP Officer, I sometimes feel that circumstances within the Commission and our structures prevent HuRAP Officers from making a greater impact. In the communities I am supposed to serve, I should impact the lives of people with knowledge.

I am continuously rushing and trying to complete reports and concept notes and all sorts of minutes, and I am sure this is very important, but I often ask myself: Have I really made a difference in my community today or is it all just a paper trail? This makes me feel frustrated and powerless at times.

I believe as an Advocacy Officer, I should be visible and active on grassroots level.

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

My day at the Commission starts at 07h00 with a cup of coffee after I have committed my life and the office in prayer. I first clear my emails and respond to emails and phone calls.

If I don't have community interventions or meetings to attend, then my day is basically occupied with admin and research and ad-hoc duties required by my PM.

Day outside office?

I love spending time with my family, if the time permits, especially on public holidays and Sundays. I am the official tour guide of my two boys, Aldin and Jayden and I take them to outdoor venues where they can play and explore. Their favourite place is the ice rink and the swimming pool. My weekends are also at times occupied with ministerial and pastoral duties. I work full-time for the Commission and serve a local Congregational/Presbyterian congregation in Blue Downs, Eerste River, in the Northern Suburbs of the Cape flats area, as a self-supporting minister.

If I don't need to work then I try to relax by watching documentaries, like crime stories and documentaries about animals.

What motivates you and what inspires you?

I am motivated by the need to serve people and my community. I love working with people especially young people and the out-cast and the marginalized. I constantly, aspire to be true to myself and to treat others the way I want to be treated. I love to see people get ahead in life despite the challenges they had to face to get there. My boys are also my inspiration. Today I realize the role and the impact my father played in my life and I want to be my son's role model.

Favourite activities?

Time is a very expensive commodity, especially living in a city like Cape Town, where your time is consumed by travelling to and from work and spending time at work. Therefore, I don't have as much time as I would love to have. So to find time for my favourite activities is very difficult. But besides that, what people don't know about me, is that I am terrified of geckos. I am a keen angler. I like spending time at the ocean with my fishing rod, if I get the time and permission from my wife. I obtained my Border provincial colours in rock and surf angling in 2009.

I love all types of music, but my favourite music is house and jazz music. I also enjoy watching movies, especially dramas and action movies.

I also enjoy cooking for my family; my favourite dishes are potjiekos, curries and braai.

I am a biker and own a Kawasaki Z1100. If time permits I like to ride to clear my mind and to attend bike rallies with my friends.



Maya Angelou: My Inspiration, Sizakele Ntoyi

"I know why the caged bird sings

*A free bird leaps on the back of the
wind
and floats downstream till the current
ends
and dips his wing in the orange sun's
rays and dares to claim the sky.*

*But a bird that stalks down his narrow
cage
can seldom see through his bars of
rage
his wings are clipped and his feet are
tied so he opens his throat to sing.*

*The caged bird sings with a fearful trill
of things unknown but longed for still
and his tune is heard on the distant
hill
for the caged bird sings of freedom.*

*The free bird thinks of another breeze
and the trade winds soft through the
sighing trees
and the fat worms waiting on a dawn-
bright lawn and he names the sky his
own.*

*But a caged bird stands on the grave
of dreams
his shadow shouts on a nightmare
scream
his wings are clipped and his feet are
tied so he opens his throat to sing.*

The caged bird sings with a fearful trill
of things unknown but longed for still
and his tune is heard on the distant
hill
for the caged bird sings of freedom." -
Maya Angelou



Pic:NDDB

I felt, from the beginning I could not possibly do her justice in whatever I would say about her. I was asked to write about the greatest poet that ever lived, as I saw her. I will therefore directly into what she meant to me and not speak for anybody else.

The caged bird is an account of her upbringing in the American South during a time where there was open/overt racism and segregation. It also comes from a place of abuse and insecurity and the accounts of the time she felt she had lost her voice after being sexually assaulted by her mother's boyfriend at the time, before age 10. Witnessing cruel acts and insults perpetuated by racism. Homelessness, and pregnancy at age 16, which would later be her call to freedom out of her insecurity about her race and who she was. She found her voice and began walking out in confidence to grow into the literature and poems she was made to read by a woman who was introduced to her at age 10.

Dr. Maya Angelou was not only an acclaimed poet who inspired me to fall in love with poetry and other writings of free and honest speech. She was also a Civil Rights Activist who worked alongside Malcom X and Dr. Martin Luther King, who was assassinated on her birthday in 1968. She was also a writer, dancer, an actress and singer.

This poem has become my freedom call since I identify with it. Our situations and backgrounds vary in some ways but similar in so many respects that I feel, everyday that I am regaining my ability to be who I was meant to be and to allow for the truest of me to show and rise. In a talk she gave at the Human Rights Campaign in Washington DC (my favourite of all her talks), she says, "All of us are caged birds. Caged by someone else's ignorance. Caged because of someone else's small mindedness, because of someone else's fear and sometimes by our lack of courage. When we come out of it, we have no idea who we will inform". In my words, let yourself free.

Pf

“Take a Girl Child to the SAHRC”

By Makhosani Nwandzule
Commissioners' Programme

On 28 May 2014, the office of the Chairperson participated in the “Cell C Take a Girl Child to Work” initiative. This initiative was conceptualized by Cell C some years ago. It takes place every year on a date determined by C Cell and for this year the date was 29 May 2014.

Fifteen school girls; from Protea Glen Secondary School, Morris Isaacson High School and Mondeor High School visited the Commission. They were welcomed by the Chairperson, Advocate Lawrence Mushwana and taken through the all day programme by Naomi Webster. The programme included but not limited to, allowing the girls to choose a Human Right and become the Commissioner for that Human Right for the day. The girls chose different human rights and became; Commissioner for Food, Commissioner against Child Bullying and Commissioner for Migration; to mention a few.

The most interesting part of the day was the interactive session, where the Girls introduced themselves to the Chairperson as the Commissioner. Chairperson Mushwana also introduced himself and spoke about his life and how he became Chairperson of the Human Rights Commission. Thereafter, he allowed the girls to ask him question, one of the questions came from the Commissioner for Food, and she asked, “how do you feel when you walk in to your (Chairperson) office everyday?” He replied that he felt a sense of responsibility because through him the rights of ordinary people are defended, promoted and protected. The following question was,



Head of Commissioners' Programme Naomi Webster with pupils from Morris Isaacson and Protea Glen Secondary Schools as part of 'Take a Girl Child to Work' day

“who is his role model and why?” which the Chair replied that it was his late mother who inspired him. After the questions, the Chairperson referred to the girls as future Human Rights Defenders.

One of the strongest themes on the day was that, we (the society) limit our girls to dreaming. Majority of the girls spoke about how they need to live up to their parents needs and not their own dreams or aspirations. One of the girls, who was Commissioner for Housing, spoke about how she wants to be a lawyer but her father insists that she becomes a doctor. This is what we have become as a society, we want our children to be what we still think is good for them regardless of their dreams and ambitions. Equally striking on the day, was a situation which was told by the Commissioner for Equality, as she spoke about her home situation. Her brother is a drug addict and the situation has ruined her brother's life. Amongst

her many dreams, is to tell her story to other young people in the hope of deterring them from being victims of drugs. For me this was profound and it erased some of my stereotypes and attitudes that I had towards public schools. I am very proud of those girls and I hope to meet them in future in various capacities as we move this country forward.

The girls did a walk around the Commission with Naomi, where they met the COO, Lindiwe Khumalo, CFO, Peter Makaneta, Head of Research, Karam Sigh and many others.

It was an inspiring day but the critical lesson for us as the Human Rights Commission is how do we replicate the lessons that the girls have learnt. Perhaps the answer lies in how we do Advocacy and whether we should not begin to engage more with institutions of learning so that we inculcate the spirit of Human Rights defender that lies within each of us. I am taking up this challenge. **Pf**

OPINION: Dear Nelson Mandela



**Kebothale Motseothata,
Visiting student**

“As a 20 year old white Afrikaans South African, this is how I feel as a human. Mandela was sent to prison for 27 years and after that, he made something of his life. Everyone knows Mandela. Why does everyone know Mandela? Because he actually fought for what he believed in. He was a great person, he got a second chance and he made something of it.” ~ 20 year old Danielle Strydom.

This is a quote from an interview I had with Danielle Strydom. My black-self and her white-self were talking about the nature of black people and white people in South Africa. We discussed the anger, the doubt and the need for authentic unity amongst South Africans. She could have begun her statement with anything or anyone, but instead, she introduced her opinion with Nelson Mandela. As I watched her express herself, I began to realise utata’s absolute power. I realised that one cannot speak about the dimensions of the new South Africa, in any way shape or form without mentioning his name. It is in this regard that I decided to write him a letter:

Dear Nelson Mandela,

My faith in you has come a long way. There was a time in my life where I was very angry with you because I believed that you did not save our people from the evils of this economy. I have been angry at you for a long time because our people are still not free. I failed to realise that you did the best you could in liberating your people and that the platform you gave us should be used as a baton to carry the mission forward. You and all the liberation struggle heroes gave us the gift of the New South Africa. It has been 20 years and although a lot of change is still needed, things are far better than they were before. But we, the youth of South Africa, remain invisible.

Tata, the change that is needed can only be brought about by the youth. I am writing this letter to tell you that our voices are not being heard. We in turn, are focused on a lot of disruptive & toxic activities. The politicians and all the holders of power do not really see nor hear us. The youth are the heart of any nation and they should come first. This is the time when our elders should be passing down information to the future leaders of tomorrow. We need African solutions for African problems and all these solutions lie in the minds of the very people the government fails to acknowledge.

Who do we turn to? Who do we speak to? Who will truly listen? Who is willing to invest in us and our nature? Tata, we are not being shown the world. We know nothing about the world and we know nothing about ourselves. All we know is that we need to go to school, get a qualification and work for some-

one for the rest of our lives. We only know that we are born to this country, not to change it, but to be slaves to its economic needs. What about our brains tata? Who is willing to take us to the AU, the UN & Geneva so that we can speak for ourselves and our continent?

Tata, who are the politicians serving and why are there inadequate young voices in politics? Why are we expected to follow that which does not serve us? We don’t understand politics nor are we interested in them. All we see, is old men in suits & women in flamboyant hats fighting for power, robbing us of our education and detaining our minds from acquiring valuable skills. The youth are the mobilisers of the movements of revolutions, yet they are sidelined.

Tata, we are so vital to the land, yet we do not even have our own chapter in the Constitution. The supreme law of the republic has no space for us, and we, in turn have no intellectual space for it. Just as the traditional leaders are the heart of culture and have been awarded chapter 12, we too, deserve our own chapter in the constitution. We deserve recognition and our roles need to be outlined. Is this the final version of the constitution? Is this vital chapter never going to be added? If so, then let it be known that the youth will never have an interest in the constitution. We already know nothing about the book and the more excluded we are, the more we will perceive it as that small, long, boring book.

Tata, Bessie Head said, “Am I never to be forgiven because I silently, stubbornly resist the coercions and propaganda of men who would control every part of life, yet care

From page 25

You have done all you can in this life

nothing about me? They are always ready to pounce, to sweep me into oblivion if my views do not coincide with others." This is how politicians treat us, the youth. And that is why we are only relevant on youth day.

Mr Mandela, you are now an ancestor. You have done all you can in this life and it is my hope that your spirit can hear the cries of the youth. I ask that you join divine forces with Oliver Tambo and Albert Luthuli, that mama Albertina Sisulu's serenity graces your meeting and that Steve Biko breathes consciousness into it. I ask that you summon Marcus Garvey, Kwame Nkrumar and seek

the independent spirit of Tanku Abdul Rahman. I ask that you request Bob Marley to play a song of hope while Bessie Head documents the entire meeting. I ask that you come together with all these cosmic forces of change and create rains that will birth seeds of more life in the minds of our youth. I ask that you guide our land into seeing that the youth of South Africa possess a special kind of fighting spirit. We just need to be heard. **Pf**

Limpopo Office takes its work to the people

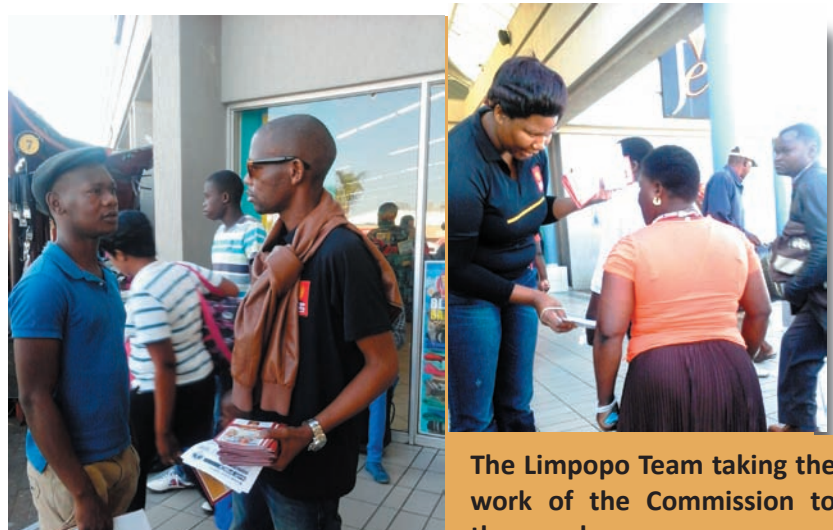
In liaising with complainants and determining certain trends within the Province, the Limpopo office of the SAHRC has established that there exists a great need for public education on matters relating to hate speech. As a result of numerous engagements with complainants, it has become clear that members of the community are not aware of their rights in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 2000.

In order to assist in creating awareness on PEPUDA and the role of the SAHRC, the Limpopo office has embarked on its Express Intervention Campaign, where busy areas are infiltrated by the staff for two (2) hours on a particular morning, in order to distribute information on a particular topic, as well as to explain the broader mandate of the SAHRC. This Express Intervention Campaign is therefore aimed at swift advocacy, and to increase the visibility of the SAHRC, and will be repeated by the office on a regular interval.

On 27 June 2014 the office approached Polokwane Taxi Rank and managed to engage with more than 200 members of the public on human rights issues, particularly matters relating to hate speech. The Limpopo office is convinced that this rapid exposure model will inform the public of their rights, and assist in creating awareness on the role of the SAHRC.



The Limpopo Legal Team: Thembi Madalane, Legal Officer; Eileen Carter, Senior Legal Officer; and Theledi Komana, Legal Officer



The Limpopo Team taking the work of the Commission to the people

Snippets

Jacob Zuma considering Pansy Tlakula's leave request

23 June 2014

President Jacob Zuma is considering Independent Electoral Commission (IEC) Chairperson, Pansy Tlakula's request for special leave, the presidency said.

"President Jacob Zuma has received a request for special leave from Advocate Pansy Tlakula," said acting spokesperson for the president Ronnie Mamoepa in a statement today.

"The president is considering the request and the outcome will be relayed to Advocate Tlakula."

Tlakula asked Zuma to put her on special leave following the electoral court's recommendation that she be removed from office.

Last week, Tlakula's lawyer Leslie Mkhabela said the chairperson would appeal against the recommendation in the Constitutional Court.

"In the meanwhile, she will be approaching the president of the Republic to seek his permission to take leave of absence from office while the appeal process is under way," Mkhabela said at the time.

Several opposition parties approached the Electoral Court seeking Tlakula's resignation as IEC Chair before the May 7 elections.

However, the matter was postponed until after the elections to allow the court time to make a recommendation.

The United Democratic Movement, the African Christian Democratic Party, the Congress of the People, Agang SA and the Economic Freedom Fighters wanted Tlakula's resignation, arguing her integrity was compromised.

This followed a report by Public Protector Thuli Madonsela and a subsequent forensic investigation by Treasury into the procurement of the IEC's Riverside Office Park building in Centurion. Tlakula was Chief Electoral Officer at the time.

Madonsela found, among other things, that Tlakula had a relationship – possibly of a romantic nature – with the then Chairman of Parliament's Finance Portfolio Committee, Thaba Mufamadi.

Mufamadi was a shareholder in Abland, which owns the building and was awarded the R320 million contract to lease it.

The Treasury probe found the procurement process was not fair, transparent or cost-effective. It found Tlakula neither gave guidance nor formally informed various people what was expected of them in the process.

In a written judgment on Wednesday, Judge Lotter Wepener concluded Tlakula's misconduct warranted her removal from office.

- Sapa

Lonmin Security Guards Killed For Muti, Marikana Commission Hears

A group of protesting Marikana mineworkers attacked and killed two Lonmin security guards, removed their body parts, and used their burnt remains in muti rituals, the Farlam Commission of Inquiry heard on Thursday.

Speaking from an undisclosed location via video link, police witness Mr X told the Inquiry he was involved in killings and destruction of property at Marikana in the North West in August 2012.

According to his testimony, the group of protesting miners used the body parts and ashes of the security guards, Hassan Fundi and Frans Mabelani, in a muti ritual. Two sangomas were present for the ritual which involved the burning of a live sheep.

Mr X said he was aware that losing a family member of loved one was not something people took lightly, and it greatly affected the family.

The Commission is investigating the deaths of 44 people at Marikana, near Rustenburg in the North West, during strike-related unrest in August 2012. On 16 August, police shot and killed 34 protesting miners. - **SABC**

Snippets

Vhavenda deny giving wife as gift

June 23 2014 at 07:32am

Johannesburg - The Vhavenda traditional leadership has denied giving a young woman as a wife to SABC Acting Chief Operations Officer, Hlaudi Motsoeneng.

On Sunday, Mudzi wa Vhurereli ha Vhavenda, a lobby group of Venda traditional leaders and healers, reacted angrily to the report, saying that they would never give their royal princess to "a commoner".

"We gave the entire SABC a cow and a calf. It (the gift) was not directed to a particular individual," said Masindi Mulovhedzi, one of the Mudzi members.

The Mudzi had travelled from Thohoyandou in Limpopo to Joburg to "clarify the lies".

The Sowetan newspaper reported on June 13 that about "10 girls" were made to parade in Thohoyandou for Motsoeneng to choose a wife, in addition to receiving a cow and a calf.

"All the girls were there with their parents. Their parents knew what was going to happen and they all agreed. He chose the one he liked," Mudzi Executive Secretary Humbelani NemaKonde was quoted as having said.

The Women's Ministry and the Commission on Gender Equality

are investigating the matter.

The woman at the centre of what has become a cultural storm is Vanessa Mutswari, 23, a college student and a local beauty queen.

The traditional leadership were spitting fire on Sunday.

"A wife cannot be given to any ordinary person. A chief is entitled to choose two or more girls with pre-arrangement with the parents... She (Vanessa) will not marry a commoner... It's taboo," said Ndifelani Mutswari, an executive member of Mudzi and the young woman's grandmother.

"She (Vanessa) is finishing her studies next year. Her (intended) husband is a rich person. What do I want from the SABC?" Mutswari asked.

Mulovhedzi said the report had incensed Venda King Toni Mphephu Ramabulana, under whose chieftaincy the Mudzi fall.

- IOL

Zuma announces inquiry into NPA boss Nxasana

05 Jul 2014 13:44

President Jacob Zuma instituted an inquiry into NPA boss Mxolisi Nxasana, the presidency announced on Saturday.

"President Jacob Zuma has, in terms of Section 12(6)(a)(iv) of the National Prosecuting Authority Act 32 of 1998 and after careful

consideration of all the matters before him, decided to institute an inquiry into the National Director of Public Prosecutions, Mr Mxolisi Nxasana," a statement from the presidency said.

Maharaj said details on whether Nxasana would be suspended will be announced in due course.

Nxasana was thrust into the limelight after he was denied a clearance certificate, when he did not disclose that he had killed a man when he was 18 years old.

Nxasana said he was acquitted of the murder, which took place in 1985 in Umlazi, outside Durban, but this had now come back to haunt him. Nxasana insisted this is part of factional machinations by his rivals at the NPA and politicians who want to get rid of him.

Circulating stories

In May, Nxasana told the Mail & Guardian: "There have been stories circulating, which I will tell a commission of inquiry if there is one," Nxasana. "They have spread rumours that I want to reinstate charges against President Jacob Zuma, that I want to reinstate charges in the Amigos case in Durban [involving ANC politicians]."

A report by the Sunday Times, claimed that pensioner Aggrieth Khumalo – the mother of Nxasana's ex-girlfriend Joyce Khumalo – painted a picture of a man who was a "woman beater, bully and thug" when recalling her late daughter's relationship with the NPA boss.

>>>>>>>>>>>>

New SA regulations for travelling with kids

What you need to know

Parents travelling with children would now be requested to provide an unabridged birth certificate of all travelling children. This applies even when both parents are travelling with their children and it also applies to foreigners and South Africans alike. When children are travelling with guardians, these adults are required to produce affidavits from parents proving permission for the children to travel.

Following are the new South African immigration regulations concerning travelling with children:

Regulation 6: (12)

(a) Where parents are travelling with a child, such parents must produce an unabridged birth certificate of the child reflecting the particulars of the parents of the child.

(b) In the case of one parent travelling with a child, he or she must produce an unabridged birth certificate and-

(i) consent in the form of an affidavit from the other parent registered as a parent on the birth certificate of the child authorising him or her to enter into or depart from the Republic with the child he or she is travelling with;

(ii) a court order granting full parental responsibilities and rights or legal guardianship in respect of the child, if he or she is the parent or legal guardian of the child; or

(iii) where applicable, a death certificate of the other parent regis-

tered as a parent of the child on the birth certificate;

Provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, approve such a person to enter into or depart from the Republic with such a child.

(c) Where a person is travelling with a child who is not his or her biological child, he or she must produce-

(i) a copy of the unabridged birth certificate of the child;

(ii) an affidavit from the parents or legal guardian of the child confirming that he or she has permission to travel with the child;

(iii) copies of the identity documents or passports of the parents or legal guardian of the child; and

(iv) the contact details of the parents or legal guardian of the child, Provided that the Director-General may, where the parents of the child are both deceased and the child is travelling with a relative or another person related to him or her or his or her parents, approve such a person to enter into or depart from the Republic with such a child.

(d) Any unaccompanied minor shall produce to the immigration officer-

(i) proof of consent from one of or both his or her parents or legal guardian, as the case may be, in the form of a letter or affidavit for

the child to travel into or depart from the Republic: Provided that in the case where one parent provides proof of consent, that parent must also provide a copy of a court order issued to him or her in terms of which he or she has been granted full parental responsibilities and rights in respect of the child;

(ii) a letter from the person who is to receive the child in the Republic, containing his or her residential address and contact details in the Republic where the child will be residing;

(iii) a copy of the identity document or valid passport and visa or permanent residence permit of the person who is to receive the child in the Republic; and (iv) the contact details of the parents or legal guardian of the child.

For further information, please visit: www.dha.gov.za

Source: Clubtravel



World Tourism Day, 27 September

Many people around celebrate the United Nations' (UN) World Tourism Day, which is on September 27 each year. The day aims to foster awareness among the international community of the importance of tourism and its social, cultural, political and economic values.

Source: Timeanddate.com



Competition:

SAHRC street signs around Joburg: Identify the streets where these signs are in cronologic order and win amazing prizes, courtesy of Communications Unit. Prizes will be awarded as per the number of signs identified.



Remembering June 16



Some SAHRC staff members came dressed in school uniform to pay homage to the heroes of 16 June 1976

Happy Birthdays

Nomawethu Mhlope - 03 July (EC) Witness Ndala - 06 July (HO)

Gabriella Coutinho - 12 July (HO) Walter Nene - 09 July (HO)

Gregory Pause 28 July (HO) Aubrey Mdazana - 30 July (EC)

Mpho Boikanyo - 16 July (NW) Alufheli Nefale - 18 July (MP)

Alucia Sekgathume - 19 July (HO) Lindiwe Dlamini - 20 July (HO)

Hlengiwe Mkhize - 24 July (HO)



Pfanelo baby

Name: Londiwe Kgosi Mathibela

Born: 14 January 2014

Mother: Ramaredi Sylvia Mathibela

Pfanelo wishes our HR colleague Ramaredi lots of joyful memories with her bundle of joy

Human Rights Calendar Days

07 August - Transgender International Rights and Education day

09 August - International Day of Indigenous People

12 August - International Youth Day

23 August - International Day for the Remembrance of Slave Trade & its Abolition

How to lodge a complaint

Visit one of our offices: more info on www.sahrc.org.za

Complete the online form and send to complaints@sahrc.org.za

Twitter: SAHRCommission

Facebook: SAhumanrightscommission