



# Pfanelo

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

Transforming Society. Securing Rights. Restoring Dignity.

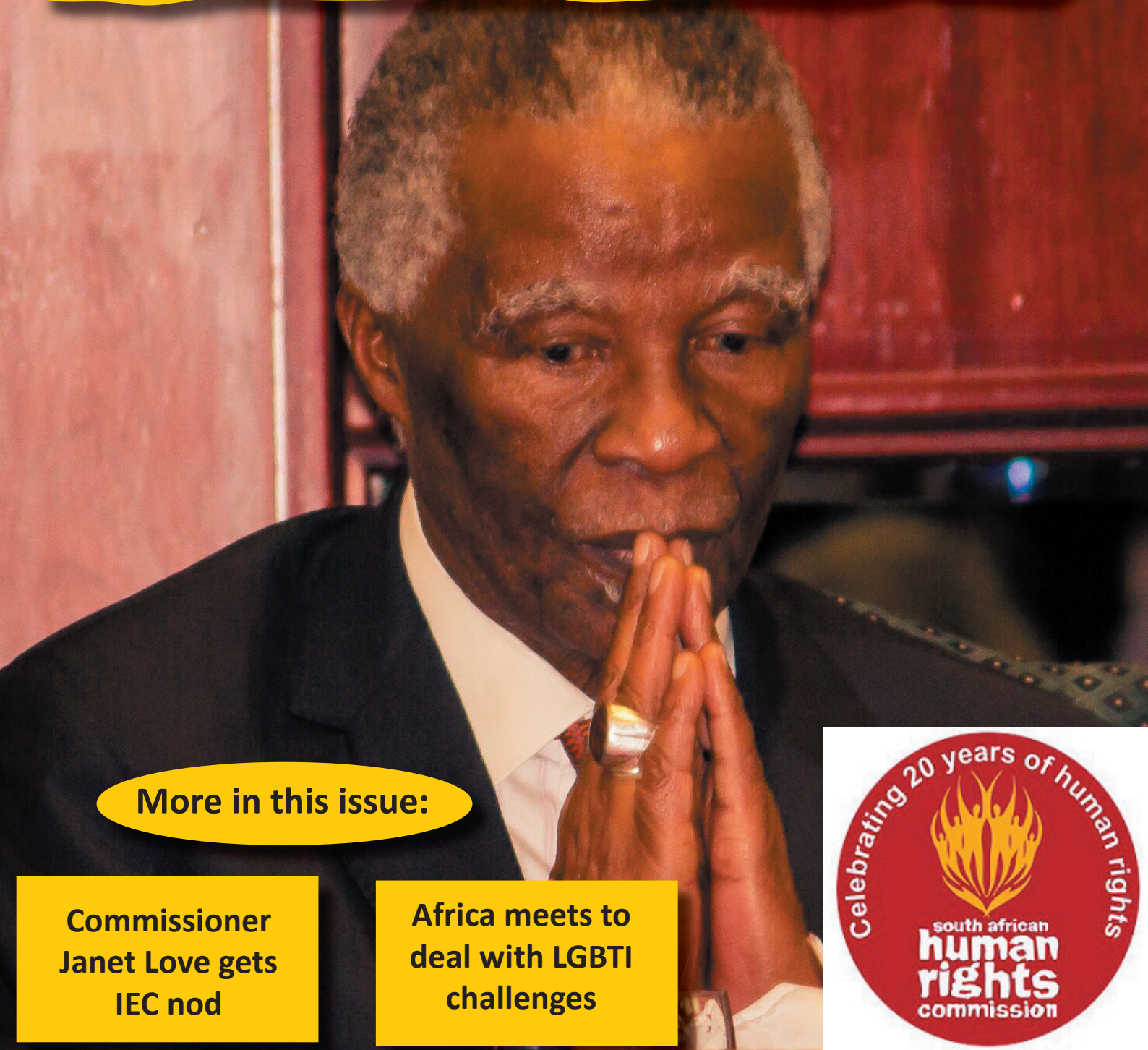
The South African Human Rights Commission Newsletter



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## Racism in the spotlight at the 20 years of the SAHRC celebration



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**Commissioner Janet Love gets IEC nod**

**Africa meets to deal with LGBTI challenges**



## 27 April: Freedom Day

Freedom Day on 27 April is an annual celebration of South Africa's first non-racial democratic elections of 1994. It is significant because it marks the end of over three hundred years of colonialism, segregation and white minority rule and the establishment of a new democratic government led by Nelson Mandela and a new state subject to a new constitution. The holding of the first non racial elections was the culmination of years of struggle and a negotiated settlement which led to the unbanning of the liberation organisations, the release of political prisoners and the return of exiles and the formal all party negotiations which drafted an interim constitution.

The moment which changed the path of South African history came after long and tension-ridden negotiations held between 1991 and 1992. The South African government, the African National Congress (ANC), the South African Communist Party (SACP) and other liberation movements engaged in these talks.

Source:SAhistoryonline

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# Congratulations; Commissioner Love

## Rare show of unity as Janet Love cracks the nod for IEC post

President Jacob Zuma has confirmed SAHRC Commissioner Janet Love as a new Commissioner at the Independent Electoral Commission (IEC). In a rare show of unity, members of Parliament from the three major political parties all recommended that former anti-apartheid activist Janet Love fill the vacant commissioner post at the IEC.

The position has been vacant since the resignation of Raenette Taljaard in February 2015.

Love, who is director of the Legal Resources Centre and a Commissioner of the South African Human Rights Commission, was selected by the home affairs portfolio committee on 16 March 2016 because of her integrity, considerable skills and depth of experience.

Being a white female, she also ticked both boxes in terms of race and gender as the four current IEC commissioners were all black men. In terms of the constitution, the chapter nine institution needed to "reflect broadly the race and gender composition of South Africa".

This provision led to a previous shortlist to Parliament being rejected last year. The committee said then that the candidates – consisting of six black men, one black woman and one white woman – lacked representivity. President Jacob Zuma agreed and the selection process, by a panel headed by Chief Justice Mogoeng Mogoeng, had to start from scratch.



This time round, Love was selected yesterday from a shortlist of eight candidates – made up mostly of women.

Love participated in the Codesa negotiations, was an assistant general manager at the South African Reserve Bank and is a former MP who served on various Parliamentary committees.

Motivating her for the position, the Democratic Alliance's Haniff Hoosen said that she met the requirements and also provisions in terms

of gender and race. This was supported by both the Economic Freedom Fighters and African National Congress.

The ANC's Donald Gumede noted the panel's comments that Love had also shown a "remarkable understanding" of the crucial role of the IEC in promoting democracy. The committee's chairperson Lemias Mashile said it was "remarkable and unusual that we can all concur on one name without having a caucus meeting beforehand".

Reading out the report which would go to the National Assembly for approval, he said: "Today I will sleep the nicest sleep."

After a similar selection process, Vuma Mashinini filled a vacancy left after IEC commissioner and chairperson Pansy Tlakula resigned in 2014. Love was also on the shortlist of eight names submitted by the panel to Parliament. "President Zuma wishes Ms Love all the best in her new responsibility." The Presidency said in a statement.

**Source: City Press, 2016-03-16**

### Profile

- Ms Janet Love was appointed as SAHRC Commissioner in 2009.
- Her focus areas are: Environment, Natural Resources and Rural Development.
- She was an anti-apartheid activist since 1974.
- She was involved in the trade union movement, was a member of the African National Congress and participated in drafting the South African Constitution.
- In 2006 she became the National Director of Legal Resources Centre which is public interest human rights law clinic.
- She holds qualifications in public administration, development management and economics.

# SAHRC conference delves deep into racism

The SAHRC celebrated its 20 years of existence with a conference from 14-15 March 2016, aimed at addressing racism among a range of other issues.

The South African Human Rights Commission (SAHRC) says most of the complaints it has processed in its existence dealt with administrative issues and equality.

The Chapter 9 Institution marked this anniversary with a two-day conference in Midrand, Johannesburg, which took place from 14 - 15 March 2016.

The SAHRC has had its hands full in the last 20 years of its existence investigating a range of issues, including service delivery and racism.

Its Chairperson, Lourence Mushwana, said while the organisation has a long way to go, it has had good successes.

"In the 20 years of its existence, the commission has provided individuals and groups with resolutions of their complaints and enquiries, between 2009 and 2013. For instance, the commission received over 35 000 complaints and resolved 33 000 of those. In addition, the commission has conducted over 30 investigations into structural systemic challenges to service delivery across the country."

The conference mainly focused on racism, following the many racial incidents that have been taking place in the country since the beginning of the year.

The commission has also received



**Chairperson Adv Mbedle L Mushwana taking delegates on the 20 years of the SAHRC journey.**

an overwhelming number of complaints on racism this year, as Mushwana explains.



**Speaker of the National Assembly, Baleka Mbete raised concern over economic challenges. Pic: Sunday World**

"In the past few weeks, the commission has received and is now processing an additional 160 complaints in relation to racism. This is despite the admirable work of numerous segments of our society including the commission itself. Even though racism has economic social and political causes, we cannot afford to reduce our response to political and blame games."

Speaker of the National Assembly, Baleka Mbete, said land allocation and a de-racialised economy remains central to tackling the challenge of inequality in the country.

She said income trends were still reflective of the country's past and had to be addressed in order to defuse racial tensions.

The second day of the conference delved deeper into race relations and the role of Chapter 9 institutions in building a non-racial South Africa.

**Source: SABC**



**Pf**

## 20 years of the SAHRC “Conference on racism”

### Thabo Mbeki supports calls to criminalise racism and hate speech.

Addressing the South African Human Rights Commission (SAHRC) “Conference on Racism” in Midrand, former President Thabo Mbeki has called for an open debate on racism. Mbeki challenged the country to reflect on racism and find solutions.

The SAHRC has had its hands full in the last 20 years of its existence investigating a range of issues including service delivery and racism.

The Chapter 9 institution is marking this anniversary with a two-day conference which began on Monday.

Mbeki has supported the call to criminalise racism and hate speech. “This will strengthen the legal capacity of the state to act against racism including its punishment of unacceptable hate language with the necessary respect for the constitutionally protected freedom of speech.”

“We should ensure our school curricula from the lowest grades and in the curricula in higher grade inculcates in the young values of non-racism and non-sexism and the celebration of our common humanity,” he said.

In the 20 years of its existence the commission has provided individuals and groups with resolutions of




**Former President Thabo Mbeki delivering the main address at the 20 years of the SAHRC Conference**

their complaints and enquiries

On Monday, the Commission’s Chairperson Lourence Mushwana said most of the complaints it has processed dealt with administrative issues and equality.

Mushwana said the Commission has investigated thousands of cases. He said while the organisation has a long way to go, it has had good successes.

“In the 20 years of its existence, the commission has provided individuals and groups with resolutions of their complaints and enquiries, between 2009 and 2013 for instance the commission received over 35 000 complaints and resolved 33 000 of those. In addition, the commission has conducted over 30 investigations into structural systemic challenges to service delivery across the country.”

Source: SABC, 15/03/16 



## “Racism is evil and hate speech is the manifestation of racism.” Judge Johann van der Westhuizen

Retired Constitutional Court judge Johann van der Westhuizen on Tuesday 15 March 2016 condemned racism and hate speech as he spoke at a conference to celebrate the 20 year anniversary of the South African Human Rights Commission at Gallagher Estate in Midrand.

“When speech is not used to communicate but to injure, to scare and to intimidate people, it does not deserve the protection that free speech deserves,” Van der Westhuizen said.

In addition, Dr Mathole Motshekga, ANC MP and chairman of the parliamentary portfolio committee on justice and correctional services, said: “The resurgence of racism

shows that we are not anywhere nearer [to] killing the demon of racism.”

He said he did not believe that any amount of campaigning can root out racism.

“We have to rewrite the history of the world to combat racism,” Motshekga said.

He said the “falsification of human history” was the root cause of racism.



Former President Thabo Mbeki flanked by SAHRC Chairperson Mabelde Lourence Mushwana and Commissioner Lindiwe Mokate at the 20 years the SAHRC.

### Did you know?

- The conference mainly focused on racism, following the many racial incidents that have been taking place in the country since the beginning of the year

## Africa meet to discuss challenges faced by LGBTI communities

The South African Human Rights Chairperson, Adv Mbedle Mushwana expressed his concerns that the rights of sexual minorities are still exposed to abuses. Speaking at the three day conference held by the Commission from 03 - 06 March 2016, Adv Mushwana said "this gathering would possibly not take place in other parts of Africa without delegates arrested, harassed by authorities. Problems facing sexual minorities are not African alone, but cuts across the globe," Adv Mushwana.

He urged the African Commission to continue to stand for the rights of LGBTI persons.

Delivering the message of support, the Minister of Justice and Correctional Services, Advocate Michael Masutha has reaffirmed the government's commitment to protect the rights of Lesbians, Gays, Bi-sexual, Trans-gender and Intersex (LGBTI) communities during his keynote address at the start of a three-day Africa Regional seminar on Thursday, 03 March 2016 at the Premier Hotel in Kempton Park.

The seminar hosted by the South African Human Rights Commission aims to find practical solutions to address violence and discrimination perpetrated on the bases of sexual orientation, gender identity and expression. This is in response to Resolution 275 on the protection against violence and other human rights violations on the basis of their real or perceived sexual orientation or gender identity adopted at African Commission on Human and Peoples' Rights 55th Ordinary Session held from 28 April



**Chairperson Adv Mbedle L Mushwana acknowledged challenges that continue to affect the LGBTI community.**

to 12 May 2014.



**Minister Michael Masutha is concerned about incidences of violence against sexual minorities. Pic: Sowetolifelongmag**

Minister Masutha said Resolution 275 condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecu-

tion of persons on the basis of their imputed or real sexual orientation or gender identity.

"South African Government has demonstrated commitment through the launch of intervention strategy in 2014 which ensured murderers of a lesbian, Duduzile Zozo in the East Rand were sentenced to 30 years imprisonment. This is evidence of aggressive stance adopted by our judiciary, law enforcement and prosecution in dealing with violence against vulnerable groups". Minister Masutha said.

The conference has committed to make the declaration on ending violence against sexual minorities a reality.



*International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights changes to Global Alliance of National Human Rights Institutions (GANHRI).*

**STATEMENT BY ADV. MABEDLE LOURENCE MUSHWANA AT THE OPENING OF THE 29TH ICC ANNUAL GENERAL MEETING**

GENEVA, 22 MARCH 2016

I wish to extend a very warm welcome to our distinguished guests and everyone present who have travelled many hours to be here today to attend and participate in our 29th annual General Meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

This annual General Meeting is of particular importance and significance in the history of the ICC and its successors in title for a number of reasons.

Firstly, it is the last General Meeting that I will be chairing as Chairperson on behalf of the Africa region.

Secondly this meeting coincides with the changing of the name ICC into GANHRI which I will talk about it at the launch of the new name soon after this opening ceremony; and I encourage all of you to stay behind to witness the watershed new name launch I have just referred to.

And finally the meeting also coincides with the introduction and launch of a new communication



strategy aimed at branding and popularising the institution globally to enhance its international, regional and domestic status and what it stands for in the eyes of the poor and marginalized in particular.

Allow me to take this opportunity to sincerely thank our tripartite partners, namely, the OHCHR the UNDP who are joining us in this opening ceremony of the ICC in the midst of their hectic schedules.

We thank you most heartily for making real the true nature and character of a faithful partner.

The honourable President of the human rights Council, our sincerest thanks and gratitude to you, Sir, for honouring us by accepting our invitation to address us on this historic opening.

Our utmost appreciation to you for having prioritised us ahead of your other pressing engagements.



## Global Principles for the Capacity Assessment of NHRIs have just been completed by UNDP

Our relationship with OHCHR is highly valued and I need to take this opportunity to publicly acknowledge the excellent cooperation that we have been receiving during the past years of the existence of the ICC.

It is indeed pleasing that as we convene the 29th Conference of the ICC a lot has been achieved in improving the status of the arduous process of accreditation through various interventions which includes, amongst others, amendments to the Statutes and Rules of Procedure of the Sub Committee on Accreditation some of which will continue to be debated in the next meetings of the ICC.

This process is carried out under the auspices and collaboration of the OHCHR serving as the secre-

tariat and of course helping to prescribe and determine the standard that is required to comply with the Paris Principles t  
For the NHRIs to earn an A status.

It is through a rigorous and transparent accreditation process that national institutions earn their much aspired coveted A status which opens space and opportunities for institutions to participate in some of the UN's structures, such as the Human Rights Council; treaty bodies to mention but a few.

An A status therefore enables NHRIs to fulfil the important role that the UN has recognized of how NHRIs can bridge the divide between the domestic and the national UN fora of being the eyes and ears on the ground, whilst simultaneously advocating for and monitoring the implementation of important human rights recommendations from treaty bodies and other UN processes and mechanisms.

Within this context, I need to mention the adoption by the General Assembly of a landmark resolution on national human rights institutions in December 2015.

The resolution acknowledges the important bridging role of NHRIs, and calls on all relevant UN mechanisms and processes to enhance the participation of NHRIs in their work building on the positive experiences of NHRI participation at the Human Rights Council.

The opportunities that these developments present will also be explored through the strategic tripartite partnership between the ICC, OHCHR and UNDP.

I also take a moment here to publicly acknowledge the ICC's appreciation for the UNDP's continued commitment and support that it extends to the ICC and its Regional Networks in the execution of their mandates of protecting and promotion of a culture of human rights across the globe in a most efficient and professional manner.

I listened with keen interest to the presentation made by a representative of the UNDP yesterday during the ICC Bureau meeting.

The presentation fully sets out the nature and extent of the support that the UNDP is rendering and will continue to do so to the ICC in future.

I take a moment here to mention that the Global Principles for the Capacity Assessment of NHRIs have just been completed by UNDP, following a broad and consultative process among the partners.

The Global Principles will be a valuable tool to help support all NHRIs and regional networks embarking on new capacity assessment exercises.

The ICC will continue to honour and respect the partnership agreement in order to carry out the task of promoting, protecting and monitoring



**Prof. Dr. Beate Rudolf from the German Institute for Human Rights took over from Adv. Lourence Mushwana, of the South African Human Rights Commission, as the first GANHRI Chair.**

human rights across the globe and we firmly hope and believe that our partners will do so too in order not to fail our people who look unto us for their protection.

The last gathering of the ICC was in October 2015 in Mérida, Mexico, for the 12th International Conference of national human rights institutions (NHRIs) where delegates discussed the new sustainable development goals and in the end adopted the historical Merida Declaration; first of its kind relating to the newly UN adopted sustainable development goals.

I am pleased to share the good news with you that the list of global indicators which was formally adopted last Friday at the 47th Session of the UN Statistical Commission includes an indicator that calls for the “Existence of independent National Human Rights Institutions in compliance with the Paris Principles”.

Last year in my Opening remarks I referred to the serious violations of human rights, terrorist attacks and religious ideals being extended to new extremes.

These despicable, dastardly and evil acts have continued unabated in many parts of our countries and the human tragedy has been given enormous visible prominence through media reports of so many fleeing places of conflict and heading mainly to Europe.

On a daily basis we are confronted with disturbing images of desperate refugees and migrants including women and children who are risking - and losing - their lives to flee from poverty, oppression, conflicts and violent attacks flowing from extremism.



**Adv Mushwana with new GANHRI Chairperson, Prof Dr Beate Rudolf immediate to his right and delegates from the National Human Rights Commission of India.**

Their vulnerability is exacerbated by intolerance, the proliferation of xenophobic narratives and in some cases even hate speech which appears to be emerging in some countries of transit and destination both at the political and civil society levels.

NHRIs cannot and must never ignore the daily lived realities of everyone who reside in their countries.

It is for this reason that tomorrow on the last day of our meeting we have scheduled a one day session to explore the “Current challenges to Human Rights Protection” where we would discuss our individual and collective roles as NHRIs: in conflict and post conflict situations; in relation to the plight of refugees, asylum seekers, migrants and displaced persons; and

in confronting intolerance, racism and xenophobia.

Never before has the nexus between human rights; peace and security; and sustainable development been so starkly evident – and the need for robust human rights-based approaches been more urgent than it is now! Excellency’s, colleagues, and friends,

We have an exciting but exacting meeting sessions ahead of us.

I am looking forward to the discussions and your valuable contributions throughout these sessions.

It is my profound pleasure to now call upon the honourable Deputy high Commissioner for Human rights Ms Gilmore to the podium to address us and to later invite the Honourable President of the Human Rights Council to address us.



## SAHRC Appalled by the Murder of Human Rights Activist

The South African Human Rights Commission (Commission) would like to convey its condolences to the family and friends of Sikhosiphi (Bazooka) Rhadebe, the Chairperson of the Amadiba Crisis Committee, who was gunned down at his home on Tuesday, 22 March 2016.

Conflict over the proposed mining in Xolobeni near the Wild Coast has been on-going for almost a decade with no resolution. Communities opposing to mining in the area, including the Amadiba Crisis Committee, have legitimate concerns around the impact of mining on ecotourism and the natural environment in the pristine area. Allegations have also surfaced about corruption tactics used to obtain support from communities and tribal authorities.

The mining license was first awarded to Transworld Energy and Minerals (TEM) in 2008, despite fierce opposition from affected communities. Following a hearing at the Commission, to which three Ministers, including the then Minister of Minerals and Energy, Ms. Buyelwa Sonjica, were subpoenaed to attend, the Commission compelled state departments to consult with affected communities over the proposed mining. Following an erratic process, where the license was suspended and then re-awarded, mining was scheduled to begin this year.

The Commission remains extremely concerned over the lack of due process being followed in awarding the mining license and the continued concerns over the potential economic, social and environmental impacts of mining. Further, violent attacks on members of the Amadiba Crisis Committee and others that oppose the mining persists and the Commission is troubled by allegations that local South African Po-

lice Services (SAPS) is serving TEM rather than the community. Attacks on community members is hardly a new phenomenon. Late last year, an urgent interdict was sought by ward councillors and community members to prohibit pro-mining factions from threatening or assaulting those opposed to the mining. The Commission's Eastern Cape office has confirmed that a complaint has been received from the community regarding violence against mining opponents.

This matter is linked to larger issues in South Africa around business and human rights, the lack of meaningful consultation with communities and the effective protection of human rights defenders in these communities. The Commission is happy to note that South Africa voted in favour of the landmark resolution that was recently adopted by the UN on the protection of human rights defenders. We look forward to seeing this being implemented speedily in the country.

While the Commission undertakes its own investigation in response to the complaint received, it strongly urges government to take the following steps:

- a) Parliament and relevant state departments must review the Minerals and Petroleum Resources Development Act (MPRDA), bearing in mind the aim of the Constitution of the Republic of South Africa and the MPRDA is to right the wrongs of the past and ensure equitable access to sustainable development of the nation's mineral and petroleum resources. This amendment must be followed by a lengthy and adequate public consultation process.
- b) Ensure that the investigation into the murder of Mr. Rhadebe is fair and swift and that justice is served on those responsible for such a horrendous act.
- c) Implement without haste, the provisions of the UN resolution on human rights defenders.

**Issues by SAHRC**



**The killing of Mr Rhadebe has raised eyebrows over victimisation of human rights defenders. Pic: Timesmedia**

## The LRC condemns attacks on rights activists

Human rights activists in South Africa have been victims of aggression, intimidation, assault and murder, such as what happened on 22 March 2016 in the Xolobeni region of the Eastern Cape when the chairperson of the Amadiba Crisis Committee, Mr Bazooka Rhadebe, was shot by two gunmen outside his home.

It is in this context that the LRC and many other organisations and human rights defenders in this country and throughout the world expect South Africa to vote in favour of a resolution calling for the protection of human rights defenders.

The Legal Resources Centre has extended its support to the family of Mr Rhadebe and will be working together with the community and local authorities to provide assistance during this time. We extend our condolences to his family, the Amadiba Crisis Committee and the community at large.

The Amadiba Crisis Committee has been actively opposing proposed mining in the Xolobeni area, in the Eastern Cape. It is believed by the Amadiba Crisis Committee that Mr Rhadebe was assassinated.

The Legal Resources Centre strongly condemns the brutal murder of Mr Rhadebe. This tragedy will be keenly felt by the community at large, as well as staff of the Legal Resources Centre who have been working closely with the Amadiba Crisis Committee over the past few years.

Assault and intimidation of anti-mining community members has occurred before, but this is the first time someone has been murdered. In May last year, Umgungundlovu headwom-

an Duduzile Baleni and residents and ward councillors launched an urgent high court application to interdict threats and assaults by pro-mining residents.

In December, attacks continued, with armed gunmen terrorising the Mdatya village and assaulting community members. The police released the suspects in January. The Amadiba Crisis Committee and Umgungundlovu have complained that the police have not been willing to cooperate with them.

The LRC and Richard Spoor Attorneys have been working with the anti-mining community members to oppose mining in the area. Just this month, on behalf of the Umgungundlovu Inkosana's Council, the Amadiba Crisis Committee and affected community members, the LRC and Richard Spoor Attorneys filed an objection to the mining right application of the Transworld Energy and Mineral Resources to mine in the area.

Early in March the SA government was challenged in Geneva. The Legal Resources Centre raised the issue of the protection of human rights defenders at the 116th session of the UN Human Rights Committee. Specific reference was made to the threats and intimidation of anti-mining activists in the Xolobeni region.

Arising from this, the Human Rights Committee asked the South African delegation about the steps that have been taken to investigate and prosecute allegations by members of the Xolobeni community. The Deputy Minister of Justice, on behalf of the SA delegation, undertook to engage with civil society, including the Legal Resources Centre.

This issue will again be raised before the African Commission on Human and Peoples' Rights, at which South Africa is scheduled to present its state report next month.

We expect the South Africa government to support the resolution on Human Rights Defenders which has been tabled at the UN, titled, "Protection of human rights defenders working to promote economic, social and cultural rights".

We join the call of the Amadiba Crisis Committee for South Africans to support the community of Xolobeni. The constitutional rights to freedom of expression, assembly and association are fundamental to our democratic dispensation, and under no circumstances should the lives and safety of community activists and other human rights defenders be sacrificed for their exercise of these rights. Decisive action must be taken by the relevant authorities in response to this unconscionable killing, and to ensure the safety of other activists in the community.

**Issued by Claire Martens, Communications Officer, LRC, 23 March 2016**



## SAHRC management discusses media rights violations with SANEF

The South African Human Rights Commission (SAHRC) met with the South African National Editors Forum (SANEF) to talk about issues of mutual concern. The meeting chaired by CEO Lindiwe Khumalo deliberated on among others, the work of the Commission in relation to the work of the media and what can be improved. Ms Khumalo also took the opportunity to highlight some of the Commission's work over the past 20 years.

"We would like to highlight some of the work that the Commission does as an institution and what is aspires to do as an institution mandated by the constitution to protect and promote human rights for all," she said.

The relationship between the commission and the media is an important one and has necessitated the years meeting between the two. "The Commission believes that working together with the media will create a good working close relations as they have a bigger role to play in terms of publicising the work of the Commission, more especially at a national and provincial level," Khumalo added.

The Commission also highlighted some of the top cases dealing with "The top list of human rights violations in the country measured over a period of three years that have been lodged and registered within the commission are on equality, labour, arrested and detained, access to justice, access to information,

health, water and food followed by others," she said.

"Ten percent of these complaints received by the commission are mostly on equality which consists of racism, hate speech, homosexuality, xenophobia and others. This has been consistent for the past three years," she said.

"The SAHRC has further signed a memorandum of understanding (MoU) with the SAPS to assist in curbing police violence during service delivery protests and to also create a human rights police force in the country. The Commission has undertaken a huge number of investigations during the 2015/2016 financial year including the Eastern Cape EMS investigation due to complaints laid against the depart-

ment for lack of ambulances in the province."

Other investigations that the Commission has embarked on include investigation on Older persons report, equality report, farm murders report, unregulated mining report, discrimination in the workplace investigative hearing and currently the Commission is hosting national hearings on protecting and promoting the rights of indigenous people as they have not be formally recognised by the constitution.

"The Commission has further developed a monitoring tool that will monitor the rights of people with disabilities in the private business. The toolkit forms part of a broader equality agenda to have the rights



**SAHRC CEO, Lindiwe Khumalo leading discussion at the meeting with SANEF**

## The violations of the rights of the media, a big concern to SANEF

of persons with disabilities recognised in the labour market,” she said.

SANEF was represented by among others Reggy Moalusi, Daily Sun; Marzanne van der Berg, TNA Media, Mahlatse Gallens, SABC; Katy Katopodis, Prime Media and Max Dube from Cosmo City Chronicle. The forum’s Secretary General Katy Katopodis said, “We are also concerned as the media about the state of racism in the country and the way in which citizens of this country uses social media to express their views about race and how racism has deteriorated through the use of these platforms.”

“Media freedom issues are an integral part of what SANEF does, we believe the work that SANEF does is very important and we have partnered with government and government bodies to prioritise the work that media and reporters do in this country.”

“There is a booklet that SANEF together with the SAPS has developed in order to curb police violence or abuse on media reporters as at most times during field reporting, some of the cameras would be seized, recorders taken, which does not allow reporters to report about certain incidents, we are working closely with the police to address these issues,” she said.

The two institutions agreed to look at media rights violations and see how they can create synergy and to fight for fundamental human rights and media freedom. The Commis-



**Max Dube from Cosmo City Chronicle raised concern about the way in which evictions are executed in the country**



From Left to Right: Marzanne van der Berg, TNA Media, Mahlatse Gallens, SABC; Shireen Motara, SAHRC COO; Lindiwe Khumalo, SAHRC CEO; Katy Katopodis, Prime Media, and Amina Frense, SANEF following the meeting.

Media freedom issues are an integral part of what SANEF does, we believe the work that SANEF does is very important and we have partnered with government and government bodies to priorities the work that media and reporters do in this country.

sion’s delegation included CEO Lindiwe Khumalo, COO Shireen Motara, Senior Manager in CEO’s office Dr Martin Nsibirwa, Head of Advocacy Joyce Tlou and Head of Communications Isaac Mangena.

In concluding the engagement SAHRC CEO Ms Lindiwe Khumalo extended an invitation to the SANEF members to the 20 years anniversary conference on racism which was celebrated on the 14th and 15th March 2016’.



# In the Seat



with Bahia Sterris, Senior Legal Officer,  
Western Cape



*Tell us about Bahia in a nutshell?*

My name is Benita Angeline Sterris but everyone knows me as Bahia. I have four children and seven grandchildren.

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

I was born and raised in Cape Town. I am the eldest of three children and was raised by a very religious but warm and loving parents. Our home was home for so many and always filled with friends. I grew up in Belhar, an area very close to the University of Western Cape (UWC), and our house was always filled with hungry students. My mom was a mother figure for many and my father was my best friend. I remember often my mom forced to call the priest because me and my father will arrive home only in the early morning, just in time to get ready for Church. My father

passed on three years ago.

I became the person I am because my father had so much faith and trust in me. He never once raised his voice to me or my siblings. He accepted us and our failures and took pride in our successes. All the discipline was left to my mom.

My mom worked for 30 years for a company called Oasis, an NGO for mentally challenged people and was the housemother for 13 of them. We grew up with them and regard them all as our "siblings". The saddest day for all of us was when my Mom passed on. She will be gone for two years on 21 May 2016. My sister and I try to spend as much time as possible with our "siblings".

I left school in grade 11 and failed to complete Matric, for no other reason except because I was young, stupid and irresponsible. Not only did I failed my parents academically, as education was important for them, but also hurt them very much when I decided to leave the Christian Religion and embraced Islam. Luckily, I had an opportunity to right this wrong and make them very proud. I changed my ways and I got married and had children.

I married a widower with two very young children. This was a challenge, because not only did I have to adapt to a new religion as he was Muslim, I now also had two young children, that I inherited, the youngest was one year old. The

first Sunday after my marriage I got hysterical because I couldn't cook. I remember sitting with this chicken and had no idea what to do with it. I could not cook, not even fry an egg and my stepchildren looked up to me to prepare something for them. In my marriage I ended up giving birth to two kids and was left with no option but to grow up very fast.

At the age of 25, married with four kids and unable to afford a domestic or nanny, I started on my academic journey. I enrolled at a correspondence college and completed Matric. I was then employed as secretary for a Dean at UWC and enrolled for studies on a part-time basis. Over the next 10 years I completed my B.Admin Degree, Honours in Public Administration degree and B. Proc Degree. I completed all my courses towards my Masters in Admin degree and only had to complete a mini thesis to graduate when I realized that enough is enough. I have missed out on my children's life, they grew up without me realizing. It was at that time when my eldest son (17) was killed in a robbery at the pizza shop that we owned. I never got to complete my degree.

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

I am currently employed as Senior Legal Officer in the Western Cape Provincial Office.

My job entails, amongst others, providing legal services and complaints handling in the Provincial Office, to drafting legal reports and mentoring Legal Officers.

My position is important to me and my journey in the Commission has been long and fulfilling.

In 1999, I was just about to complete my legal studies at Practical



Law School when the Director at the Law School announced an Internship at the South African Human Rights Commission (SAHRC) The closing date had passed two weeks ago. I nevertheless applied so my journey with the SAHRC started.

At the end of my internship, I got articleship at the State Attorneys. At the same time the position of the first Provincial Legal Officer was advertised. I applied and got the job. I declined my articleship, as I had no doubt the SAHRC is where I belong. This is my passion, this is what I wanted to do.

Initially, as the only Legal Officer in the Western Cape office, assisted by two interns from time to time, I was also responsible for the Northern Cape Province before that office was established. There were many challenges, huge caseloads, difficult complainants and long tiresome hours. That did not could not damper my spirit and passion at that time. I was so proud to be part of this institution, to be able to assist to redress the wrongs of the past and present, and realize basic human rights.

At the end of 2009, I left the Commission to pursue a year of articleship.

In January 2011, I re-joined the Commission as legal consultant on a three month contract. Luckily this contract was continuously extended for a period of two years until I was eventually re-appointed as Legal Officer. In September 2014, I was appointed as Senior Legal Officer. The circle had been completed. I am back where I belonged. I am still faced with chal-

lenges and new frustration but at the end of the day it's all about the Complainants and the realisation of basic human rights.

### Day outside office?

I have five grandchildren. The eldest 16 years old and the youngest nine months old. They keep me extremely busy and just refuse to go home to their parents. They are my joy and keep me young. I need to know all the dance moves, keep their secrets and just be there.

If my grandchildren are not around, I turn into a real couch potato. I get addicted to watching series and eating chocolates and cakes. Therefore my weight went from 50kg to 100kg. However, I just embrace and love every extra weight, it's all part of me.

### What motivates and inspires you?

At this stage of my life I do not really practice any religion, as all religions are equally important to me, but I am very spiritual person.

I have travelled a very difficult personal journey these last five years. In November 2010 my husband was in a motorcycle accident that left him brain damaged and wheelchair bound. He lost his business and we suffered huge financial losses. I have lost both my parents over the last three years. However, I am alive and healthy.

The mere fact that the Almighty give me life every morning, I embrace it. I live in a gang infested area, where poverty, unemployment and drug abuse are rife. So many people have much less than what I have. I am still able to work and provide for my family.

I am inspired to contribute to change for the better, to touch people's lives, whether with a smile, a

hug, advice or just to be there. I inspire to become a better person.

### Favourite activities?

To just do basically nothing and being a couch potato. I also love reading and movies. I am a dreamer and enjoy every journey in the books I read and I cry very loud if the movie is sad.

I tried to join gym but it did not go so well.

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

I am a very open person so people basically know everything about me. I cannot even hide my emotions as it shows on my face and my expressions tells it all.

### My favourite quotation

I and I alone am the author of my happiness, I refuse to hand anyone that power.

### Tell us about your passion

Life itself is a passion for me. I believe in doing everything wholeheartedly. I love life, my family people, just being me. I believe in laughter, a smile costs so little but can touch so many.

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

I don't have a favorite book. I read to relax so it must be an unrealistic love story that always ends well. I love listening to relaxing jazz music but when I dance it must be loud and fast. My favorite chill out place is anywhere where I am with my kids and grandkids and are happy.



## SNIPPETS

### Reaction to Constitutional Court judgment on Nkandla

#### Zuma will respect the Constitutional Court judgment against him on Nkandla

A statement issued by acting Cabinet spokesperson Phumla Williams stated: "The President appreciates and reaffirms the powers of the Constitutional Court as a final arbiter on matters of the Constitution in the Republic of South Africa".

"The President will reflect on the judgment and its implications on the state and government, and will in consultation with other impacted institutions of state determine the appropriate action.

"The President and government remain confident that our constitutional democracy remains strong and intact and affirms the Chapter 9 institutions established to strengthen and support the country's democracy."

The Constitutional Court on Thursday 31 April 2016 ordered Zuma to personally pay the costs for the construction of a visitor's centre, amphitheatre, cattle kraal, chicken run and swimming pool at his Nkandla residence.

The court also condemned the "illegality" of Zuma's conduct in failing to comply with the remedial action set out by Public Protector Thuli Madonsela in her 2014 report titled "Secure in Comfort".

Source: Timesmedia

#### Malema challenges ANC to early election over Nkandlagate

Economic Freedom Fighters leader Julius Malema on Thursday 31 March 2016 called for a snap election after South Africa's president and parliament were criticised in the highest court of the land.

The next general election is only scheduled for 2019.

"We must call for an election. That parliament has failed our people," he told a news conference.

"Let South Africa elect honourable people who will uphold the Constitution.

"That parliament, we don't trust it. That parliament was supposed to be dissolved now. It has permanently violated the Constitution.

"...Let us go to early elections. If they are sure about their story, let's go to early elections," Malema said.

The EFF leader said the executive and parliament could not violate the Constitution and then think they could be entrusted with the responsibility to protect the same constitution they have failed.

"Why must we continue with failed institutions?

"This is an opportunity for South Africa to unite and remove a criminal from office.

"If they undermine the Constitutional Court judgment, we're going to have to go back to the trenches," Malema warned.

Source: Timesmedia

#### 'Hope is restored in the constitutional dream' – Thuli Madonsela on Nkandla

With the Constitutional Court's

unanimous and stinging judgment ringing in everyone's ears, Advocate Thuli Madonsela sat down for what will most likely be one of her last major press conferences as Public Protector.

"The Constitutional Court restored hope in the constitutional dream," Madonsela said.

Flanked by her deputy, advocate Kevin Malunga, and facing a wall of cameras at Public Protector House in Pretoria, Madonsela said that as a lawyer she would "cherish [the judgment] for the rest of her life."

This morning, Chief Justice Mogoeng Mogoeng delivered the court's verdict that President Jacob Zuma's failure to implement the findings of the Public Protector's Nkandla report was "inconsistent with the Constitution".

Importantly, the court also confirmed that the Public Protector's findings were not merely recommendations as the president's previous legal team had suggested, saying in their judgment that: "If compliance ... was optional very few culprits would allow it to have any effect."

Madonsela said that as the verdict was read "you could hear a pin drop" in her office as her staff followed on TV – the silence only occasionally broken by "amandla" fist pumps and a few tears.

The unanimous judgment of the 11 justices, read by Mogoeng, was glowing in its praise of Madonsela's office. It called the Public Protector "an embodiment of a biblical David", "one of the most invaluable constitutional gifts to our nation" and "one of the true crusaders and champions of anti-corruption and clean governance".

Source: City Press

## Appointments

NAME & SURNAME	POSITION	OFFICE
Ms Gail Smith	Head of Advocom	Head Office
Ms Lorinda Lyn	Finance Manager	Head Office
Ms Urshula Lottering	Senior Manager: Operations	Head Office

## Happy Birthday

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

Pleasure Mogokong – 01st      Fulufhelo Mawela – 02nd

Peacemore Mhodi & Lesego Ditheho – 03rd

Mandisa Mcanyana – 04th      Martie Muntingh – 08th

Lutendo Siphugu – 08th      Daisy Kenny – 10th

Dikeledi Mosikare – 11th      Nomathemba Tyulu – 13th

Benjamin Ntombela & Oupa Dithejane – 17th

Isaac Mangena – 18th      Mabel kodibona – 19th

Simpiwe Sidu & Nobesuthu Cekiso – 20th

Julian Masimila – 21st      Eden Esterhuizen – 22nd

Commissioner Lindiwe Mokate – 23rd      Anita Twinomurizi – 25th

Lesedi Sojane & Mpho Tau – 28th

Hellen Makwana – 29th