



Fanelo

"It's Your Right"



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

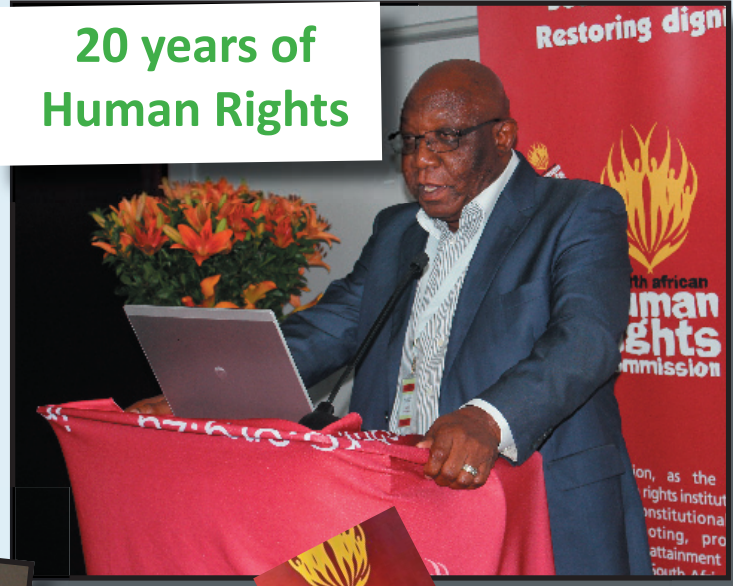
01-30 April 2015

Human Rights Month's Activities

...SAHRC went the length and breadth of the country to commemorate Human Rights Month



Lack of emergency services in the Eastern Cape



20 years of Human Rights



SAHRC receives Braille Constitutions from Deputy Minister of Justice John Jeffrey



More in this issue:

Launch of Business and Human Rights Country Guide

SAHRC meets with UN mandate holders

Twitter: @SAHRCommission
Facebook: SA Human Rights Commission

Freedom Day: 27 April

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.

The 1994 election paved the way towards a new democratic dispensation and a new constitution for the country. The elections took place in a peaceful and festive atmosphere, though there were threats of political violence. **Source: SA-History**

Pfanelo is a publication of the South African Human Rights Commission
Private Bag X2700, Houghton
Johannesburg 2041
Tel: (011) 877 3600 • Fax: (011) 643 6472
www.sahrc.org.za / info@sahrc.org.za



Editor in Chief: Siyasanga Giyose, Acting CEO

Editorial Team:

Siyasanga Giyose, Head of Strategic Support and Governance
Isaac Mangena, Head of Communications
Wisani Baloyi, Communications Officer (Internal)
Alucia Sekgathume, Communications Officer (External)
Sizakele Ntoyi, Legal Secretary
Zamile Mbanjwa, Admin Assistant

Pfanelo Editorial team reserves the right to publish, edit, and reject articles or pictures.

In this issue....

SAHRC launches Business & Human Rights Country Guide to sensitise business to key human rights shortcomings in SA , p 03

Reflection on the UN mandate holders meeting, p 05 - 08

SAHRC: Let's talk about xenophobia, p 09 - 10

Africa in trouble - the need for democracy and human rights to become tangible, p 11 - 12

Eastern Cape communities are denied their right to emergency health services, p 13 - 14

Guess who is in the



We are celebrating the birth of six babies

Back pages: Snippets, birthdays and staff movements

CONTRIBUTORS

- **Adv Lourence Mushwana, SAHRC Chairperson**
- **Vincent Marobane: Intern, Commissioners Programme**
- **Lehlohonolo Mofubelu : Intern, Commissioners Programme**

SAHRC launches Business & Human Rights Country Guide to sensitise business to key human rights shortcomings in SA



Chairperson Adv Mbedle Mushwana with Deputy Chairperson Pregs Govender handing over the guide to Linda Maso from the Department of International Relations

The South African Human Rights Commission (Commission), together with the Danish Institute for Human Rights, has published a Business and Human Rights Country Guide (Country guide) for South Africa. This document provides guidance for companies on how they can promote and respect human rights in South Africa.

The country guide provides an insight into how business can relate with the labour, land and property sectors. This is to sensitise business to key events highlighting shortcomings between business and human rights, such as incidents leading to Marikana and labour brokering. The country guide also canvasses challenges in the secu-

urity and conflict area, which impact on, inter alia, the right to life and labour protests that, at times, turn violent.

The guide, launched on 19 March 2015 makes reference to and reflects on many cases the Commission is involved in and further makes important recommendations to government and other stakeholders on issues including the environment, such as setting a minimum wage in sectors such as agriculture; improving monitoring of employment contracts; enforcing environmental obligations; and providing decent housing, amongst others.

Other key human rights challenges that were highlighted in the guide

include:

Ethnic minorities may be at risk of discrimination in the workplace. Particular attention should be given to promotion and wage discrimination for ethnic minorities.

Indigenous peoples may be at risk of access to employment and workplace discrimination. Particular attention should be given to area of hiring, discrimination and differential treatment in the workplace.

Migrant workers may be at risk of limited access to formal employment and workplace discrimination. Attention should also be given to the areas of working conditions, occupational health and safety.

Persons with disabilities may be at risk of limited access to employment and workplace discrimination. Particular attention should be given to the areas of hiring discrimination and access to workplace facilities.

Sexual Minorities: Lesbian, gay, bisexual, transgender and intersex persons may be denied access to employment or discriminated against in the workplace. Particular attention should be given to the areas of hiring, privacy and workplace harassment.

Women may be at risk of discrimination in the workplace. Particular attention should be given to the informal sector and to the areas of hiring, equal pay, working conditions, sexual harassment, maternity and pregnancy.

Temporary workers may be at risk of discrimination in the work-

The guide will prove to be an essential instrument in policing business' compliance with human rights

place. Particular attention should be given to the areas of hiring and working conditions.

Compiled with the assistance of the Centre for Human Rights at the University of Pretoria, the South African Human Rights Commission and the Danish Institute for Human Rights, the Commission intends commencing with training workshops in assisting government and concerned stakeholders on how to



implement the country guide. Further, these institutions are hopeful that a national plan of action, which will be facilitated by government, will be put in place.

Going forward, the country guide will prove to be an essential instrument in policing business' compliance with human rights and will empower civil society to be able to measure progress and regression in sectors such as mining; safety and security; and conditions of employment. More importantly, it will provide business with a foresight on what it can do to positively contribute to the human rights discourse in South Africa.

The guide, a first of its kind in Africa, has been officially handed to the Department of International Relations with the aim of the department developing a National Action Plan on Business and Human Rights in the country. Furthermore, it will be sent to parliament for relevant portfolio committees to monitor its implementation.



Commissioner Lindiwe Mokate launching the guide

Reflection on the UN mandate holders



Vincent Marobane
Intern, Commissioners
Programme

I arrived and felt welcomed in the meeting with UN mandate holders for the first time as an Intern at the South African Human Rights Commission. It was a great honour to attend the meeting with experienced and professional people. Mandate holders are independent United Nations experts on Human Rights Council, with extensive professional experience in human rights. The meeting with them was helpful, enlightening and educational.

The first speaker at the meeting was the former UN High Commissioner for Human Rights, Dr Navi Pillay reflecting on lessons learnt in promoting human rights. The former High Commissioner started by thanking the chairperson of the South African Human Rights Commission, Adv. Lawrence Mushwana and congratulated the South African Human rights Commission for reaching the 20 year milestone and also for acquiring "A" status with the United Nations. Navi Pillay stressed the importance of the Paris Principles, and offered insight on the distinction the United Nations makes between country specific

mandates. Navi Pillay commended the South African government for respecting the independence of her former office, by not seeking to influence it based on the fact that she is a South African.

Meanwhile during her term as High Commissioner, Dr Navi Pillay, faced some challenges whilst in office. She reflected on some of the challenges which were:

- Women and reproductive rights: she stressed that this right is one that is afforded to women and they should be the only ones who have a say on issues of reproduction in so far as it affects their bodies. The former High Commissioner was referring to those countries whose practices and laws tend to oppress women;

- The source of violation in Europe: the office of the High Commissioner had taken an approach to investigate and highlight the treatment of immigrants and racism against the people of African descent in Europe;

- The office of the High Com-

missioner also faced some challenges in promoting the right to development and equal opportunities;

- Some of the rights still need to be addressed such as the right to food, clean water, housing and eradicating poverty;

- Caste based discrimination in India, Nepal and Japan: Caste discrimination is referred to as discrimination on the basis of descent and work because each caste is restricted to one kind of work;

- Addressing the issues affecting LGBTI community;

- Peace and security and how it affects human rights

I learned something new that day about the people of African descent. Firstly when I heard those words I was surprised and asked myself what African descent is and who are the people the former High Commissioner is talking about. I listened carefully and I found out that those are the people who are actually living in the diaspora. These are the people who are still facing the



Former UN High Commissioner for Human Rights Navi Pillay speaks to the media following her main address on her assessment of Human Rights

challenges of racial discrimination while living in the other parts of the world. To that result, the working group of the United Nations established to study the problems of racial discrimination faced by people of African descent living in all parts of the world and make proposals for the elimination of racial discrimination. From his speech, Dr Gumedze, mentioned some of the discriminatory concerns in the African continent, Some of them are “Black Af-

ricans enslaved by Arab Africans, Merina light skinned hold high positions than the African looking tribes in Madagascar; heightened screening procedures for obtaining Kenyan identity documents and Jamaican emigrants (Rastafaris) in Sashamane Ethiopia are denied citizenship (yet they claim their ancestry to Ethiopia)”.

Meanwhile transformation in South Africa remains a challenge; I am say-

ing so referring from Dr Gumedze’s speech when he was talking about “the Black Scandal at the University of Stellenbosch and the two white University of Pretoria students who painted their faces black”. Both happened on 2014 and both Universities took actions against the students.

UN mandate holders meeting, a fresh start to look at Human Rights globally



Lehlohonolo Mofubelu
Intern, Commissioners Programme

In light of the atrocities instigated by on-going conflicts around the world, which are a dismal threat not only to human security and safety but to the international security as a whole, the significance of developing mechanisms to thwart potential threats to human security and to the international security has gained tremendous momentum. This in the contemporary era epitomizes a paradigm shift in terms of how conflicts are viewed in relation to matters around human security. Conflicts during primitive eras were employed as systematic tools to defeat the op-

ponents without being considerate of the harm and the potential threat to human security. In considering the impact and harm which conflicts can inflict, states are now more compelled to provide security to their citizens and to act as vanguards against the backdrop of thriving threats to the international security. The emergence of various human rights institutions on a national and international level focusing on promoting the culture of respect for humanity which is inclusive of human rights, has played a pivotal role in exerting more pressure on states to be responsive to human rights issues and to be more accountable for actions which may be deemed to be a threat to human rights, (such as the right to safety and protection). In addition to this the promotion and solutions around human rights both cannot be seen separately from the institutional capacity of the state. Such capacity remains imperative for the execution of any efforts (programs and projects) that can bring sustainable and long term solutions to human rights issues

With this in mind, the South Afri-

can constitution, particularly section 9 is indicative of the afore-said right.

The importance of promoting the culture of human rights is deeply rooted in primitive eras manifested by conflicts as indicated above and further guided by the liberal ideological conviction of individualism. This is a moral conviction that place emphasis on supporting the liberty and independence of the individual without fear in any given society. For the purpose of clarity, the focus of the discussion will revolve around the views articulated by the guests and key note speakers (Dr Navi Pillay, former UN High Commissioner and Dr Gumedze Sabelo just to mention some) who attended the UN mandate holders meeting.

The views of the identified speakers will be reflected upon in the following section. The discussion is largely the reflection of the views articulated by the key note speakers identified above.

The country appears to be on the right trajectory as incidents of human rights violations are not as prevalent

Views articulated by the guests and key note speaker

The view held by the former UN High Commissioner, of states demonstrating compliance to human rights remains fundamental, taking into account, the atrocities which the vulnerable people are subjected to. This is sadly the challenge that has anchored and entrenched its roots in war-torn states such as Somalia. In light of the above and considering the challenges around human security and safety, human rights (equality before the law and the right to state protection) are an integral part of human existence.

Furthermore human life cannot be seen to exist without the fundamental right to equal protection and security against the backdrop of thriving threats, be it on a regional, continental or international level. Considering the high levels of violence and brutality reported daily in news and through other media sources, for which their developments can be traced to have originated in primitive times, it remains relevant and appropriate for individuals in any given society to be afforded a degree of protection and security by the state as a principal actor in global affairs.

The idea of alleviating any form of threat to human rights cannot be seen in isolation or separately from the constitutional duty and the international obligations which states have in fulfilling their duties and mandate to safeguard human rights and human life.

The primary functions of states for clarity purposes include among



Commissioner Ameerma together with the Ms. Veronica Modey-Ebi, Deputy Regional Representative, UNHCR at the meeting

others, to protect its citizens from any perceived harm. Such function without a doubt extend to advocating human rights, taking into account again the constitutional and the international obligations which states have in support of human rights. In fulfilling such a function, the creation of human rights institutions, like the South African Human Rights Commission and other National or International Human Rights Institutions (Human Rights Watch) whose mandates are to uphold the rights of people, has remained significant and vital for cultivating the culture for states and their citizens to embrace human rights, not only nationally or regionally but internationally as well.

For the commissioner, holding states accountable for their actions remains fundamental in the redress of thriving human rights violations. Human rights violations can only

be prevented if the application or the use of coercive measures by states can be subject to systematic scrutiny for the purpose of ensuring limited exercise of power. This can prevent situations where innocent lives are lost in most cases due to brutal conflicts. Again this is more prevalent in Africa as well as in some parts of the Middle East. Commitment to the truth as the commissioner argues is a principle which states have to comply with, in relation to being responsible for their actions and behavior. This is because the probability of states exhibiting an aggressive behavior and actions manifested by the use of force remains high, considering the influence which technology has brought in relation to dealing with issues of conflicts in the modern era of globalization.

With respect to the South African government on matters relating



Former United Nations High Commissioner for Human Rights at the meeting

to human rights, the country appears to be on the right trajectory as incidents of human rights violations are not as prevalent and as high in comparison to what is materializing in war-torn states. This view remains much in line with the transition which South African has undergone, from being under the draconian apartheid regime to becoming a democratic state. It is under such a dispensation that the issue of human rights violation appears to have subsided tremendously as compared to what eventuated during the course of apartheid in South Africa. Such a transition has further epitomized the re-integration of South African into the international community, which is considerate and more expressive about human rights issues.

The international community epitomizes the unification of states under which international as well as regional and national institutions supporting human rights are al-

lowed to exist and function to fulfill their duties and mandates. On the issue of South Africa's re-integration into the global community, this meant that South Africa would now be in support of human rights discourses and its policies must be representative of human rights. The country's foreign policy vision of creating a world that is peaceful and democratic is indicative of the importance attached to human rights.

On the issue of food security, the commissioner went further to argue that "food insecurity is a challenge" that is facing states in their efforts to address access to food. The disparities in terms of wealth distribution between the North and South, is what compounds poverty. Furthermore according to the commissioner, "60% of the minors in the world live below the poverty line". This is indicative of how worse the challenges of poverty and hunger are.

The above view is indicative of the

increasing gap in terms of wealth redistribution around the world. Having access to food is a universal right to which the impoverished are entitled to. Therefore there exist international and constitutional obligations for states to work hard in reducing the scourge of poverty, taking into account some of the identified millennium developmental goals which states have to meet. South Africa is not excluded from meeting the millennium developmental goal of reducing the scourge of poverty considering the high levels of disparities that exist in terms of wealth re-distribution.

The right to access food can only be addressed if the impoverished nations can be represented in decisions around the structuring of the global economy as opposed to industrialized nations having the supreme voice in terms of how the global economy should be structured.

SAHRC: Let's talk about xenophobia

Xenophobic attacks continue in Durban, following those in Gauteng in January. On Thursday at the South African Human Rights Commission interested parties discussed the problem and called on political leaders to unequivocally condemn the violence and introduce policies to promote cultural tolerance. By GREG NICOLSON.

Activist and writer Elinor Sisulu said she would be frank. With Zimbabwean president Robert Mugabe on a state visit to South Africa, she described a situation where he might be meeting with President Jacob Zuma sitting at a table. That table has shit on it. While it's stinking up the room, neither acknowledge it. They stare out the window. "They don't deal with the sh*t.

They talk about things which have no relevance to people," said Sisulu, speaking at a meeting on xenophobia at the offices of the South African Human Rights Commission (SAHRC).

As xenophobic attacks continued around Durban this week with hundreds of foreigners taking refuge at local police stations, groups representing the interests of foreigners gathered at the SAHRC in Johannesburg to discuss the marginalisation of migrants in South Africa. Many of the suggestions proposed to resolve the problem require state intervention and political leadership to change the way foreigners are viewed by South Africans.

Mkukuli White, national co-ordi-

nator of the Protection of Foreign Business and Citizens (POFBC) group, established by South Africans to safeguard the rights of foreigners, said, "This is xenophobia finish and klaar." He called on all political parties to condemn the attacks and for government to introduce programmes of cultural tolerance into the education system. A speaker from the floor suggested political parties such as the African National Congress (ANC) should be involved in these discussions so they can spread an anti-xenophobia message to their members.

"We cannot discriminate, not in this sort, not any more. People, let us work together for a better South Africa... Assist each other as human beings," said chairman of



In Solidarity: Non-nationals march against Xenophobic attacks in Durban

Nigerians in South Africa are unfairly blamed for crime and instead of letting police deal with problems foreign nationals are being killed in the streets

the African Diaspora Forum (ADF), Marc Gbaffou. After the looting of foreign nationals' stores started in Soweto in January, Gbaffou penned an open letter to Zuma. "Despite the escalation of violence over the past six years causing numerous deaths, the government has denied that there is xenophobia in South Africa, always questioning the nature of this violence and attributing it to 'crime' instead of recognising it for what it is – xenophobic violence. e.g. crime targeting foreigners. We are still to hear top members of government condemning the current xenophobic violence." State leaders have condemned the attacks but denied they are motivated by xenophobia.

The ADF has also written to African Union Commission chairperson Nkosazana Dlamini-Zuma to request that xenophobia is put on the agenda when the AU meets soon. Speakers were disappointed that while in South Africa, Mugabe, who is chairman of the African Union, didn't tackle xenophobia. Instead he thanked South Africa for tolerating the migration of Zimbabweans.

Emmanuel Ugwu, chairman of the Nigerian Traders Union, said Nigerians in South Africa are unfairly blamed for crime and instead of letting police deal with problems foreigners are being killed in the streets. "Are we forgetting that

those people are sons and brothers of human beings?" he asked. "You can't get anything from attacking a foreigner," he said, encouraging South Africans and migrants to work together and share skills. "We are tired of walking on the streets and being attacked as mkwerekwere."

As examples of why xenophobia is so ludicrous, Ugwu and others cited the trade relations between South Africa and other African countries as well as the refuge offered to politicians who went into exile during the struggle. They also said the attacks put South Africans abroad at risk of retaliatory attacks.

But Sisulu, who was born in Zimbabwe and lived in exile with her husband, former National Assembly Speaker Max Sisulu, said many South Africans don't see themselves as African, are not exposed to the cultures of other African countries, and do not benefit from the likes of MTN's activities in Nigeria. Identity issues fuel othering and many locals already feel marginalised and isolated with South Africa's inherited legacy of segregation. Sisulu called for leaders to be responsible with their comments and suggested there should be a funded institution dedicated to tackling xenophobia. She also encouraged systems to send locals

across the continent to experience and celebrate the cultures of their neighbours, perhaps through studying.

Over the last two weeks foreigners have been attacked in Durban and fled to police stations and temporary refuge camps. The violence follows attacks on foreign-owned stores in Gauteng in January, but while the victims in Gauteng were often Pakistani, Bangladeshi and Somali, around Durban many of those attacked are reported to be from the Democratic Republic of Congo, Malawi and Burundi. The KwaZulu-Natal government has called for peace after the attacks started, allegedly sparked by comments made by King Goodwill Zwelithini (and Zuma's son Edward Zuma) against foreigners.

On Wednesday, police stopped an anti-xenophobia march in central Durban when locals, taxi drivers and unemployed youth, according to Business Day, threatened to attack them. The marchers, including foreigners' associations and local shack dwellers movement Abahlali baseMjondolo were turned away by the police, despite having a permit to march. Photos show police firing rubber bullets at the crowd and using a water canon, while the reports say locals yelled, "Foreigners are dogs." **Source: Daily Marc-**

Did you know?

Following the 2008 attacks on foreign nationals, the SAHRC's report recommended among others that a national task team of police compile a documentary record of institutional learning during and after the May 2008 attacks in consultation with affected stations and provincial offices. This should form the basis of relevant training or guidelines, which should be rolled out to all affected stations, prioritising those stations which have experienced violence against non-nationals on more than one occasion

Africa in trouble - the need for democracy and human rights to become tangible



AFRICA IN TROUBLE - THE NEED FOR DEMOCRACY AND HUMAN RIGHTS TO BECOME MORE TANGIBLE

By Adv. Lourence Mushwana

The antithesis of human rights and democracy are witnessed during armed conflicts and coups d'état, resulting in much human suffering being imposed on ordinary innocent civilians. Looking at the situation in Africa today, the most pressing issue that occupies and confronts the continent, is, in my view, the endemic upsurge of what has come to be characterised as acts of terrorism that is growing from being a localised issue, to one, that is now both regional and international in nature.

Indeed, what we are witnessing is the single biggest threat to democracy and human rights that has ever occurred on our beautiful continent in many years.

The atrocities being committed by Boko Haram in Nigeria and its neighbouring countries such as Chad, Cameroon and Niger, is having a dire effect on the lives and security of ordinary innocent civilians, causing severe and multiple humanitarian crises in the sub region.

It is not my intention to regurgitate in any detail the chilling and dastardly acts being meted out by Boko Haram on innocent civilians in those countries, which I believe we all are familiar with, save to say that it calls for the immediate and meaningful response by the entire leadership in this continent; especially that of the African Union in collaboration with ECOWAS in that region.

It is however gratifying that finally leaders from around the world, including those from the Arab region are united that Boko Haram is a terrorist group and not representative of Islam.

The recent killing of students at Garissa University College in Kenya by Al-Shabaab, is yet another clarion call to African leaders to take meaningful and urgent steps to stand equal to those who are hell bent in taking Africa back to darkest ages this continent has ever known.

Aside from such blatant acts of violence, the establishment of democracies are challenged by a toxic mix of high levels of poverty, deep-seated discrimination and related intolerances in its various forms,

including discrimination against members of the LGBTI community intolerances, marginalisation and deprivation, weak and ineffective democratic institutions, poor governance and service delivery; a lack of participation by citizens in governance and decision making; limitations on the freedom of the media, speech and expression, Xenophobic tendencies as is currently experienced in South Africa, ethnic tensions and corruption which manifest itself in diverse forms depending in which State it occurs.

Also, the Arab Spring has not delivered a smooth transference of power to democracy. The situations in Libya, Tunisia and Egypt defy the good intentions and logic of those who initiated Arab Spring.

Finally, the coups d'états such as those witnessed recently in the Central African Republic, Guinea Bissau, Burkina-Faso, and the attempted coups in Mali and Mauritania are all demonstrative of the nemesis of democracy and human rights in Africa. All of this demonstrates how the promotion and protection of human rights and the establishment of strong democracies is still fragile and requires much nurturing in Africa.

Despite all of what has been mentioned thus far, there is much hope and some positive developments on the continent. It is welcoming that the world is focussing its attention on counter terrorism in order to stop this evil from spreading further.

There is much hope and some positive developments on the continent

Countries are coming together to engage in military actions and humanitarian interventions. At the United Nations level, the High Commissioner for Human Rights, President of the Human Rights Council and Secretary-General are all sending out strong messages that there will be accountability and no impunity for perpetrators of violence. However, these are short term solutions that address the current violence. There needs to be a more focused and concentrated engagement with long term solutions that seek to accurately identify and understand the root causes of this violence which I have already alluded to.

This is urgent as whilst human rights are not tangible and the benefits are not experienced, practised and enjoyed by the majority of Africa's people the root causes will intensify; sucking the continent further down the abyss of violence, terror and poverty. Turning to governance and elections on the African continent, there does appear to be more hope for democracy and human rights.

The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. It is encouraging to witness the increase in regular and genuine elections in Africa such as those witnessed re-

cently in Ghana, Namibia, Zambia, Malawi, Senegal, and Mozambique to name but a few.

Even more encouraging is the smooth transference of power following on peaceful elections in Lesotho, Nigeria and Senegal. It is also important that strong democratic institutions are created and strengthened. It is welcoming that Africa now has over 30 national human rights institutions of which 18 are formally recognised by the United Nations as being in accordance with the Paris Principles. We need to continue fostering and ensuring that we are involved in these developments.

I have been briefed that in this year's LLM programme there are 16 women and 15 men from 20 African countries. Our continent needs, now more than ever before, human rights practitioners such as you to guide and lead the entrenchment and strengthening of democracy and human rights.

You all have the responsible task ahead of you to ensure that when you leave this excellent institution that you ensure that meaningful effect is given to what you have learnt here and that this translates into tangible benefits in your respective communities. In whatever path you choose, there will be opportunities to contribute towards entrenching a human rights based approach to all activities on this continent.

Africa needs more human rights defenders and practitioners like you in order to release itself from the shackles of its past experiences of colonialism and dictatorships. Africa needs to continue embracing democracy and ensuring that human rights are mainstreamed in all public and private sector activities.

This is not an easy task but a challenge that requires much energy. This continent is rich in both natural and people resources and thus it is possible that we can overcome our challenges and that all can live in peace and prosperity on this continent.

I have been fortunate in my career to have had the opportunity to carry out in a small but meaningful way, many roles that facilitated the permanent demise of Apartheid and the establishment of a democratic state in South Africa. I still continue to fight for the sustenance of democracy and human rights in Africa and even, the World.

As we venture further down the path of consolidating our democracy here in South Africa, new challenges keep confronting us. We are acutely aware that democracy and human rights can never be taken for granted and must always be vigilantly nurtured and protected.

As I gradually approach the end of my career, it gratifies me, and indeed gives me confidence for the future, when I see a younger generation in front of me who are working hard and planning to continue on this path of strengthening democratic institutions and working to entrench and uphold human rights across the African continent and the globe as a whole.

Adv. Mushwana is the Chairperson of the SA Human Rights Commission. This is the edited version of the remarks he delivered last week at the Opening of the 2015 Academic Year for the Master's In Human Rights at the Centre for Human Rights at the University of Pretoria.

Eastern Cape communities are denied their right to emergency health services

The South African Human Rights Commission recently hosted a two day hearing at the East London ICC addressing issues of inaccessibility of emergency services in the Eastern Cape Province.

The hearing followed the systematic problems with regards to the provision of health services in the province, following complaints that the Commission has dealt with.

This hearing follows an investigation that was also conducted by the Eastern Cape Health Crisis Coalition (EHCAC) and discovered poor ambulances response times, lack of equipment at hospitals, lack of proper roads for ambulances to access the rural areas and lack of competent ambulance staff.

More than 100 community members from various communities such as Lusikisiki, Nuer, Bhirha and Silatja communities amongst others arrived at the hearing to share their horrifying experiences with the South African Human Rights Commission.

Community health workers in their testimonies described how they have suddenly become nurses and doctors in their communities as they even assisted women that are giving birth and other patients that needed serious medical attention.

Ms Thandi Damba a community health worker from Bhirha community described how she was forced to deliver a baby after an ambulance failed to arrive. "There was a woman who has just gone through labour at midday when



Emergency service in the spotlight in the Eastern Cape. Source: News24

we called an ambulance, as there was no sign of an ambulance I had to deliver the baby myself and men had to assist me to restrain the woman while she cried struggling to push out the baby that was stuck but lucky enough the baby was delivered safely and the ambulance never arrived, she said".

Notshayina Skepe from Lusikisiki community told the SAHRC that she believed that her mother would be alive today had there not been the delay of an ambulance. "In 2009 my asthmatic mother had to be rushed to hospital, but after four hours of waiting I had to make another plan to take her to hospital which I hired a bakkie and on our way to hospital we met the ambulance which I pleaded with to take my mother to hospital, they took her into the ambulance but refused her oxygen and water, which resulted in her death, she said".

Mrs Nomavile James from Nuer

community said in her testimony "we don't have access to anything, we have a clinic that is in a very bad condition and people die in their homes waiting for ambulances that never pitch as no one responds at the call centres so we end up hiring cars that cost between R400 and R600, she said".

Silatja community indicated how they were told that ambulances are only send to those people that were in accidents and those who have serious injuries when contacting the call centre to send an ambulance, the call centre would even advise us to hire a private car which costs about R120 per single trip, they said".

The community described how ambulances park outside schools and when they approach the attendants would tell them that they can't fetch patients from their sick homes, that is when we approached the SAHRC to lodge a complaint re-

Nobody will have to wait for four hours for ambulances



NGOs came in their numbers to hear how will government improve on shortages of ambulances.



Deputy Chairperson Pregs Govender and Commissioner Bokankatla Malatji at the hearing

garding this matter.

In response the Head of the Health department Dr Thobile Mbengashe said he takes full responsibility for what happened to the affected families. "It's totally unacceptable that when people ask for help, they do not get it and I was touched by the testimonies that people would use they own social grants to hire vehicles to take them to hospital," he said.

He further said that the provincial department of health is planning a process of fitting ambulances with trackers and were also going to install devices to record these calls; in addition the department will look into the operations of 10 call centres in the province. "Nobody will have to wait for four hours for ambulances, if four hours passes while someone is waiting for an ambulance then the department will hire a private ambulance to fetch that patient," he said.

The provincial health department has through this hearing indicated that 600 ambulances were needed to meet the standard set by the national department of health for one ambulance for every 10 000 people, which the provincial health department only has 310 ambulances.

The department of Finance Budget Manager Mr Muhammad Hassan said the department is supposed to have 4000 staff members but are currently on 2400 staff members which does not allow them to cover all areas. "We do not have enough budget to train call centre staff as 500 million is set out for social restructuring on the roads," he said.

In the Seat



with Dirk Swart, Admin Assistant to the CEO



1) Tell us about Dirk in a nutshell?

Dirk Swart is a 46 year old, who has two children (25) and (20). After completing secondary school, I did my military training in Walvisbay "yes in the desert". In the first 8 months I did inventory training. After that I went over regiment police for the remaining of the 2 years. Training was very very tough, at one stage we were in Namaqua desert in Namibia for two months.

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

I was born in the Westrand in Florida, Johannesburg and grew up there. Growing up there was wonderful and I learned a lot from my Father. I am the second child of three. I have an older sister and a younger brother. We spend a lot of time at Florida Lake swimming and fishing with my friends, something that we did since the early age.

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

I am working at the Commission as an Admin Assistant to the CEO. This means a lot to me, as I am able to help people that are less fortunate than me. People I work with are amazing and this is so far the best working environment I have worked. Everybody is friendly and helpful. My former boss, Kayum was very pleasant guy to work with, people's person most interesting. He was not your typical bureaucracy CEO type, he was always open for suggestions

4) Day outside office?

I spend it with my family; we normally relax in the house watching TV and playing games as we stay in a complex. My grand daughter makes me laugh. She is always full of energy.

5) What motivates and inspires you?

The one thing that most motivates and inspires me is my fiancé and

the work at the Commission.

6) Favourite activities?

I like watching sport. I support the "Rugby" Lions team. Whenever I get a chance, I go to stadium and support my team. I've been a Lions supporter since I was a child. My best moment is whenever they beat the Blue Bulls irrespective of the nature of the game, even a friendly game for me is enough to make me rejoice.

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

Many people don't know this but I am a grandfather and have three beautiful granddaughters. I love to cook for my family. My favorite meal is roast chicken with baked potatoes. I am planning to bring some on heritage day.

I love motorbikes. I have a huge passion for them. I am driving 250 CC offroad. I dream of driving 1000 CC superbike. Ohh the sound it makes is amazing.

8) My favourite quotation

My favourite quote is "Live today as if it is your last you don't know what will happen tomorrow"

9) Tell us about your passion for events organizing

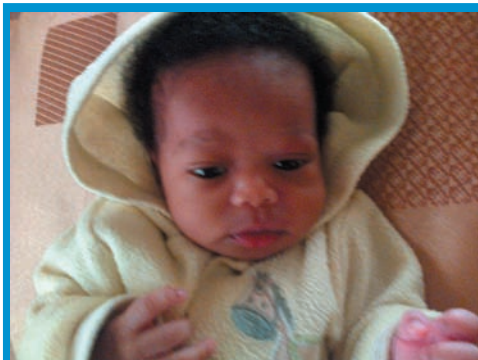
My passion for event organizing started at the Commission. I was impressed with how we managed to organise the Strategic Planning and team building in January.

10) My favourite Book, music, chill out place etc

I love how Wilbur Smith puts things into perspective in his writing.

Pfanelo Babies

Dear colleagues, please join us in congratulating our colleagues Poppy Mochadibane, Musa Mchunu, Thembi Madalane, Mantsibile Mojapelo and Yuri Ramkissoo for the birth of their babies



Wandile Mchunu
Born: 28 March
Mother: Nomfundo Ntuli
Father: Musawenkosi Mchunu

Name: Letlotlo Mochadibane
Born: 15 November 2014
Weight: 3,4 kg
Mother: Poppy Mochadibane
Father: Tebogo Mochadibane



Ntshese Khurishi Leshilo
Born – 24 March
Weight – 3.3kg
Gender – Boy
Mother: Thembi Madalane
Father: Ezekiel Leshilo



Theto Kobela Mojapelo
Born: 25 March
Weight: 3.3 kg
Mother: Mantsibile Mojapelo
Father: Mololo Mojapelo



Sachin Ishwar Gopi
Born: 26 March
Weight: 2.6 kgs

Mother: Yuri Ramkissoo
Father: Yashin Gopi



Viradh Ishwar Gopi
Born: 26 March
Weight: 2.4 kgs

SNIPPETS

Public Protector Thuli Madonsela on remedial action

It is okay for members of the public to take government to court if they believe that the Public Protector's remedial action should be implemented, Adv. Thuli Madonsela said on Thursday. She was taking part in a series of public conversations taking place this week on the sidelines of the Klein Karoo National Arts Festival in Oudtshoorn in the Western Cape.

The conversations, moderated by Kyknet Presenter Freek Robinson, cover wide-ranging topical issues, including the work of the Public Protector, energy matters and fracking. Fielding questions from Robinson and members of the public, the Public Protector said the public were the ultimate guardians of the Constitution, who could get findings implemented through, among other avenues, the courts. She explained and clarified several other issues, including her office's appeal of the Western Cape High Court judgement on the binding effect of her findings and remedial action, the implementation of her Secure in Comfort report and the under-resourcing of her office.

Regarding the judgment, the Public Protector explained that, while her office respects the judiciary and Judge Ashton Shippers, it did not agree with the verdict. Her office was awaiting the court's decision after filing a notice for leave to appeal the judgement last November. She told the session that a bulk of the remedial action in her report, Secure in Comfort had been imple-

mented by Departments of Public Works and Defence and action on the part of the Police and Presidency were outstanding. The Public Protector also clarified that the Minister of Police was only required to help determine the amount to be paid back by the President for non-security items, not to decide whether or not any money should be paid back at all. "The Minister of Police can't determine whether the President must pay. That determination has already been made by the Public Protector," she said. Regarding the funding of her office, the Public Protector explained that the additional R60million announced by the Finance Minister during his budget vote speech in February was spread over three years. Only a quarter of that amount has been allocated for the current financial year. "We are nowhere near [being] able to handle half the cases we have due to underfunding," she said. "We are however grateful to the Minister of Finances for the additional funding even though it is a drop in the ocean." While dismissing suggestions that government was deliberately underfunding her office, the Public Protector said the backtracking by authorities from plans to double her staff was confusing. She was referring to the approval - by Parliament in 2009 - of her office's organogram, which provided for nearly double her current staff of just over 300. *Source: Polity*

Hendrick Makeneta says the fall of Rhodes is a befitting tribute to Chris Hani

The collapse of the statue of Cecil John Rhodes should not have come as a surprise. The writing was on

the wall all along but counter-revolutionary forces ignored the signs. Today we celebrate the removal of the statue of the British imperialist which coincides with the 22nd anniversary of the assassination of the late General Secretary of the South African Communist Party.

The fall of Rhodes statue is indeed a befitting tribute to the memory of comrade Chris Hani. Indeed we celebrate the great achievements and magnanimous struggles of the students at UCT. The actions of the brave students of UCT have shown that the young people are highly conscious of the fact that when we defeated Apartheid on 27 April 1994, we assumed control at all levels of society in general. Universities belong to us. We will decide what we do with them. There must not be confusion there because when we say that these universities belong to us we mean it. I am saying this because there is a small section in our society which is still confused. There are those who have already asked: ³Why don't you build your own universities and erect the statues of your own heroes?² This question is rather problematic and ill-informed, and it requires clarity without delay or fear of contradictions or retribution.

When we took over the country in 1994, we included all public institutions such as universities, colleges, hospitals, government buildings such as union buildings, roads etc. It is a dangerous and ill-informed assertion to suggest that we should build our own universities or build our own roads. Cecil John Rhodes like his predecessors represents nothing but British colonial impe-

rialism. Their obligatory mandated mission was to colonize our land, dispossess us of our land and economic wealth, and enslave us to British chains of hegemony and supremacy. We cannot therefore after defeating and aborting their obnoxious system continue to allow them to dominate our public space and hover above us in the form of celebrated statue. What are we after all celebrating in their presence? Is it a form of acknowledgement of their atrocities? It is in fact myopic to suggest that Rhodes donated land to build UCT. By so saying we condone offers of stolen goods. He donated stolen land in charity form. The same can be said about Paul Kruger against that section of society that claims he was anti-colonialism. Paul Kruger never fought for African liberation but for Afrikaner independence and sovereignty on foreign land. So to me Cecil John Rhodes and Paul Kruger represent two thugs who fought over stolen goods.

Source: Polity.org

What is your view regarding the removal of Cecil John Rhodes Statue

Masutha to return Traditional Courts Bill to Parliament

JUSTICE Minister Michael Masutha has confirmed that the highly controversial Traditional Courts Bill will return to Parliament this year after having been substantially revised.

The earlier version of the bill lapsed in Parliament after ferocious criticism from opposition parties, women's rights groups and even African National Congress (ANC) ministers



UCT students calling for the removal of Cecil John Rhodes statue

including then justice minister Jeff Radebe and then women's minister Lulu Xingwana.

The bill was said to be unconstitutional for creating a second, parallel justice system and for offending the rights of women, particularly in rural areas. It was said that President Jacob Zuma had offered traditional leaders the bill in return for electoral support.

Mr Masutha promised there would be wide consultation with all "stakeholders".

In a written reply to a parliamentary question late last week, posed by ANC MP Mathole Motshekga, about when the bill would return to Parliament, Mr Masutha said: "I intend to introduce a revised Traditional Courts Bill into Parliament towards the end of the 2015 session ... around November or as soon as possible thereafter." **Source: BDlive**

Meanwhile..

Stop the fining of single mothers

It has been revealed that Chief Pandelani Singo of the vhaVenda Tribal Authority has been illegally issuing warrants of arrest and fining unwed pregnant women R850 since 2008 [1].

This patriarchal practice has forced many young mothers and families in Venda's Mandala Village to approach loan sharks and trade their SASSA cards to get loans. Some women have even had to flee from the village to avoid being punished.

As South Africans we know that customary law continues to play an important role in the lives of many rural South Africans, but traditional leaders should not abuse this authority by claiming powers not traditionally held under custom. Situations such as this one highlight the vulnerable position that women often occupy in traditionally male-dominated institutions and structures at a time when South Africa is attempting to achieve equal rights regardless of sexuality and gender.

Pf

New Appointments

Pfanelo would like to congratulate the following colleagues on their appointments

Allan Tumbo - Researcher Equality (HO)
Jabulile Gumedde - Cleaner (HO)
Mabel Nwanamphahlele Kodibona - Cleaner (HO)
Emily Pieterse - Cleaner (HO)
Vivian Khobela - Cleaner (NW)
Nomakaziwe Dephane - Cleaner (EC)
Shafieka Morris - Cleaner (WC)
Gabaikangwe Ndondo (FS)

Happy Birthday

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

Pleasure Mogokong (HO) 01st
Lesego Ditheho (FS) & Peacemore Mhodi (HO) 03rd
Mandisa Mcanyana (HO) 04th
Martie Muntingh (NC) & Lutendo Siphugu (HO) 08th
Nomathemba Tyulu (EC) 13th
Dikeledi Mosikare (HO), Oupa Dithejane (HO) & Benjamin Ntombela (FS) 17th
Isaac Mangena (HO) 18th
Mabel Kodibona (HO) 19th
Nobesuthu Cekiso (HO) 20th
Julian Masimila (WC) 21st
Eden Esterhuizen (HO) 22nd
Commissioner Lindiwe Mokate - 23rd
Lesedi Sojane (HO) & Mpho Tau (FS) - 28th
Hellen Makwana (HO) 29th