



Iifanelo



"It's Your Right"

Transforming Society. Securing Rights. Restoring Dignity.

Volume 03

The South African Human Rights Commission Newsletter

01 - 31 December 2012

SABILITY RIGHTS IS ABOUT DIGNITY...



Launch of Equality Report - more still needs to be done



Chair tells us about his new role as the world human rights body chair

SAHRC dedicates this issue to disability awareness.....

Victory for SAHRC in Lenasia: Govt agrees to a mediated approach



Refilwe Modiselle shares experiences about living with Albinism

Commission's powers

The South African Human Rights Commission is made up of Commissioners and a Secretariat. Commissioners provide strategic leadership and direct policy. They are appointed by Parliament on a seven-year term and can be reappointed to an additional term. *More information regarding the Commission's powers is available at www.sahrc.org.za*

About the Commission

Each year, the Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment



“Society is Judged based on how it treats it’s most vulnerable people” – Nelson Mandela

In this issue:

SAHRC launches Equality report: Government concedes much still needs to be done...page 04

Deputy Minister Bogopane-Zulu takes us on her journey of living with disability...page 05

Rising against all odds: Refilwe Modiselle is changing stereotypes about albinism page 06


Victory: Commission manages to force government to a mediated approach...page 08

SAHRC Chair gets elected world human rights body leader...page 09

In the hot seat: Karam Singh, Head of Research...page 11

Provincial profile: Welcome to Mpumalanga..page 12

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

 : @SAHRCommission

 : SAHumanrightscommission

Editor in Chief: Kayum Ahmed, CEO

Editorial Team:

Siyasanga Giyose, Head of Strategic Support and Governance

Isaac Mangena, Head of Communications

Lindelwa Nonjaduka, Strategy & Performance Specialist

Wisani Baloyi, Communications Officer (Internal)

Alucia Sekgathume, Communications Officer (External)

Motshabi Moemise, Human Rights Advocacy and Research Officer

Sizakele Ntoyi, Assistant (Intern)

CONTRIBUTORS:

- Adv Lawrence Mushwana, SAHRC Chair
- Eric Mokonyama, Mpumalanga Provincial Manager
- Bafana Malunga, Senior Legal Officer, Mpumalanga Provincial Office
- Muzi Ngwenya, Human Rights Advocacy and Research Officer
- Vivian John-Langba, Research Associate
- Karam Singh, Head of Research

“ Transforming Society, Securing Rights, Restoring Dignity ”



Kayum Ahmed – CEO, Editor in Chief

As we approach the end of the year, many people are starting to wind down. However, it does not feel like we are slowing down at the Commission. On the contrary, things have been rather busy over the past few weeks. The Commission released its finding into the death of Andries Tatane, we concluded the twitter racism complaints, launched an urgent application to release detainees from the Lindela Repatriation Centre, appointed a task team to make submissions to the Marikana Commission of Inquiry, and launched a second urgent court application when houses in Lenasia were bulldozed.

In the midst of dealing with these high risk matters, provincial offices have been working tirelessly to deal with ongoing complaints of human rights violations and have simultaneously been hosting various workshops and meetings, most notably the water and sanitation hearings. Our head office team, particularly from the Research Unit, Advocacy Unit and Commissioners' Programme has been working closely with Provincial Managers on these matters.


With the support being provided by our Corporate Services Division, the Commission has been working as a harmonious institution, making a significant impact on human rights issues across the country. The launch of the online leave management system and upcoming launch of the online procurement system will ensure in further efficiencies and improvements facilitated by the Corporate Services Division.

The Commission has received a number of positive comments about its work over the past few weeks noting in particular the leadership and guidance being provided by Commissioners. We've received several e-mails, calls, tweets and public endorsements of our work. One such e-mail notes that:

I would like to commend you for the good work you are doing at the Commission. As a member of the public I have been following your reports and debates on radio and TV. At some stage, I listened to your debates from one station to the other non-stop and I thought I should be one of the persons that acknowledge such hard and good work. You are not only dealing with issues of the day but also helping South Africans to see, feel and understand the role of the Commission. I have a reason to believe that my sentiments are shared by South Africans.

At the international level, our Chairperson, Adv Lawrence Mushwana, has been elected as the International Coordinating Committee (ICC) Chairperson. The ICC is the international body comprised of all national human rights institutions. This is the first time that an African country has been elected as the Chairperson of the ICC. As the Chairperson of both the Network of African National Human Rights Institutions (NANHRI) and the ICC, the Commission has been internationally recognized as a leading human rights institution.

Based on these recent developments, I firmly believe that we have moved into a new phase at the Commission. We have moved from a planning and restructuring phase into a proactive, impact driven phase. And the commitment and dedication of Secretariat members has been remarkable. I have seen colleagues sitting in meetings until late in the evening and working tirelessly over weekends to ensure that we fulfill our mandate. I have been inspired by my colleagues' hard work and have tried to ensure that they are provided with the necessary support during these challenging times.

I recognize that there is still so much to do, but I hope that we can move towards the end of the year with the knowledge that the Commission has made a significant difference in the lives of the poorest and marginalized in our country. Commissioners and members of the Secretariat should feel proud to form part of an institution that is playing a significant role in transforming society, securing rights and restoring dignity. 

"I firmly believe that we have moved into a new phase at the Commission."

SAHRC launches Equality Report

Government concedes much still needs to be done



Commissioner Bokankatla Malatji handing over the Equality Report to Deputy Minister of Women, Children and People with Disabilities, Henrietta Bogopane-Zulu

The South African Human Rights Commission is concerned about the state of disability in the country. Speaking at the launch of Equality report, Commissioner Bokankatla Malatji indicated that though Government should be commended for efforts made to redress the injustices that people with disabilities face, a lot needs to be done to accommodate people with disabilities.

Furthermore, he painted a bleak picture that “Facilities meant to accommodate people with disabilities are not having adequate people equipped to deal with people living with disabilities.” said Commissioner Malatji.

“There is lack of equipments to assist people living with disabilities to access buildings and other important area.” he said.

In response to Commission’s findings, Deputy Minister of Women, Children and People with Disabilities Henrietta Bogopane-Zulu welcomed the recommendations and indicated that the Department will use its oversight role to make sure that the recommendations are implemented.

“The Commission is welcomed to come to the Department of Women, Children and people living with Disabilities and

find out whether it has implemented the recommendations, said Zulu

The Deputy Minister also raised concern about other challenges that the Department continues to encounter during its monitoring exercise. “School Governing Bodies in Special Schools are not there. Parents dumps their children in schools.” she said.

In trying to redress these, the Department has embarked on a process of working with the National Associations of School Governing Bodies to ensure that parents play a their pivotal role of supporting their children.


The Commission, as an institution supporting constitutional democracy in South Africa, is obligated to report on the country’s progress towards the attainment of equality in respect of the national legislative framework.

Given the lack of adequate progress in addressing the needs of people with disabilities, the report contains two chapters focusing and providing commentaries on the rights of people living with disabilities and their attainment in the country.

Other chapters in the report interrogates gender equity and racism.

The Commission will write to various departments to enquire about the extent to which its recommendations are implemented and report to parliament.

As November has been identified as ‘Disability month’, the Commission celebrated the occasion by handing over the Equality report to the Department of Women, Children and People with Disabilities, a department which is in the front line of defending and protecting the rights of people living with disabilities.

The report is available on the website at www.sahrc.org.za. Enquiries can be sent to info@sahrc.org.za 

Deputy Minister Bogopane-Zulu takes us on her journey of living with disability



Deputy Minister Bogopane-Zulu responding to queries at the launch of Equality Report

As the Month of November is celebrated disability month, Deputy Minister for Women, Children and People living with disabilities Ms Hendrietta Ipeleng Bogopane-Zulu describes her experience of growing up being partially blind during her visit at the launch of the Equality report at the SAHRC offices in Braamfontein.

She describes her life as not an easy route growing up in the rural areas of Bophuthatswana in the North West Province and being the only child who is partially blind amongst her siblings. "As a partially impaired person you are always treated differently and have to explain yourself in all angles of life that you cannot see properly, she said."

Being the only Deputy Minister who is disabled does not come as an easy task, you always have to explain yourself in terms of the extra support needed to translate documents into Braille to accommodate my disability, it becomes very frustrating at times when you have to motivate

on why you need extra resources as Deputy Minister and other people may feel sorry for you wondering how you cope with this heavy duty of being Deputy Minister while partially blind, she said."

The South African Ministerial Handbook is also not in support of people with disabilities in terms of the additional resources and extra support staff that is needed to accommodate and support them to perform their ministerial duties which makes the case more complicated for disabled Ministers and Deputy Ministers.

Amongst other things Deputy Minister Bogopane-Zulu is married with three girls, two of whom are visually impaired. She is a disability rights, gender, children, youth and HIV and AIDS activist, a policy analyst and developer, a trainer, researcher on disability, development on HIV and AIDS and a writer on disability with a number of publications under her name.

She holds a National Diploma in Word Processing, B Tech in Public Relations from Technikon Pretoria, a Postgrad-

uate studies in Communications from the University of Pretoria and currently she is concluding her Masters Degree in Construction and Property Management from the University of Science and Technology in Zimbabwe.

"I joined the South African Parliament as Member of the National Assembly and served on a number of Committees including as Chairperson of the Joint Monitoring Committee on Improve-

ment of Quality of life and status of Youth, Children and Disabled persons. I was re-elected for the second term and served as a member of the Portfolio Committee on Social Development between 2004 and 2009, she said."

Currently Bogopane-Zulu is serving as Deputy Minister for Women, Children and People with Disabilities and as Chairperson of the Inter-Parliamentary Union (IPU) Advisory Group on HIV and AIDS, UNAIDS review committee and the Co-Chair the United Nations agenda for Women and Girls living with HIV and AIDS. **Pf**

Ms Hendrietta Ipeleng Bogopane-Zulu is the only Deputy Minister in South Africa with disabilities

Against all odds

Refilwe Modiselle is changing stereotypes about albinism

Refilwe Modiselle managed to break boundaries and continues to make inroads where most people would not dare. She is the ambassador of the Legit summer campaign and dreaming of more. As the Commission dedicate November to disability awareness Pfanelo took some time to talk to the bubbly model about her experiences as the South Africa's first working albino model.



Picture courtesy of Glamour Magazine

Who was Refilwe then and who is Refilwe now? Refilwe is a bubbly, vibrant, hard working individual, filled with life & has big aspirations. Who I was then is who I still am now; only difference is my bigger level of ambition, my outspoken nature & having a good head on my shoulders

If you weren't a model you would be..? Still working my day job in media & probably singing my heart outlol or sharing words of inspiration. I'd still like to pursue a music career as well as be a motivational speaker/life coach.

How has being selected as the face of Legit changed your life? Being the ambassador for the Legit's summer campaign has been phenomenal & unanticipated in the response it has received. The amount of love & support I've received has been

amazing. And for the mere fact that recognition has even sparked beyond the South African borders, has been humbling. It's opened up a platform to impact globally with a greater voice.

What were your experiences of growing up in SA? I had a normal upbringing, in the sense that the people close to me didn't treat me so differently purely because of my carefree nature. But yes I did go through encounters of being mistaken for a white child when walking among my own black people & white people couldn't understand how I had a black mother & spoke vernacular fluently, it seemed to not make sense. But all this didn't seem to impact on who I was as Refilwe, as from home I had been nurtured with a strength & confidence to take pride in who I am.

Do people treat you differently because of your albinism? It varies. I think people become a lot more assured & comfortable to not treat me any differently once they feed off of my positive & warm energy. What you exude as a persona sets a precedence of how you'd like people to treat you.

Your best and worst memories? Best memories are all the wonderful blessings in my life up until this point. I remember when I was 11 years old, our grd 6 class had won a trip to Paris after winning an art competition run by the UNESCO Children's Summit, & apart from meeting Tata Madiba & shaking his hand as he asked why I was crying, we had the opportunity to spend a week in Disneyland Paris. And many other wonderful things have collected over my journey, such as being the highest academic achiever when I graduated, to getting my first

job at a global media agency. I've also had a taste of the music industry & dived into a modeling career that's now acknowledged me as being SA's first working albino model, allowing me to break bounds.

My worst memories was the pain of going through a corneal ulcer at some point in my life, that's left me with damage to my eyes, & the second thing was going through a retrenchment & struggling to find employment for 3 years. It was a tough 3 years but these years shaped me in finding my inner strength & using that to push on other levels until I had a breakthrough & was back into the working world.

Your future aspirations? To explore my various talents further, & to continue to break bounds & I'd like to touch lives in whatever way life channels me & build a legacy that will continue on, years to come.

If you were president for one day you would?...Look into an immediate solution on how the economy can be improved. The cost of living has become too high that even a loaf o bread costs R9.00 – R11.00. How do our people even begin to live when basic necessities are not affordable?On a lighter note, I'd fly my private jet to meet President Obama & the Queen of England. (laughs)

The three things you can't live without? My phone, make-up & my necklace with the cross.

Parting words to those living with disabilities? Never allow your "limitations" to define the person you were meant to be. Live life to the fullest, turning your imperfections into strengths you'll take pride in.

Pf

Did you know?**Albinism**

Not everyone with albinism has light hair and skin; although most do.

The majority of children with albinism are born to parents who have average eye and hair color for their ethnicity. At times, people are not aware they do have a form of albinism. One of the myths about albinism is that people with it have red eyes; the fact is there are different forms of albinism and the amount of pigmentation in the person's eyes varies. While some people with albinism do have violet or reddish eyes, the majority of people with it have blue ones. Some people with albinism even have brown or hazel eyes. Unfortunately; every form of albinism is associated with vision issues -
Source: disabled world

Did you know?**Disability**

The provincial prevalence levels show that the most affected province was Free State with a prevalence of 6,8% and the least affected Gauteng (3,8%). The prevalence increased by age from 2% in the age group 0-9 years to 27% in the age group 80 years and above. Those who had post-secondary education had the lowest prevalence (3%) compared to those who had no schooling (10,5%), primary level (5,2%) and secondary level of education (3,9%). - Stats SA

State of disability in the country

Opinion piece by Commissioner Malatji, SAHRC Commissioner responsible for disabilities and older persons portfolio

South Africa is a signatory and has ratified the Convention on the Rights of People with Disabilities (CRPD) in November 2011 and is also legally bound by the provisions thereof. The South African Government has over the years made commendable and substantial progress in complying with the provisions of the CRPD, particularly with regards to the provision of education for persons with disabilities, employment and recreation. Despite such achievements there are numerous challenges, which continue to deprive persons with disabilities from attaining and accessing rights conferred by the Convention and given legal effect in certain laws.

The major challenges include the lack of implementation of some of the provisions of the Convention and the lack of monitoring mechanisms. Cast against the context of poverty which continues to underpin much of the lives of persons with disabilities, especially those living within rural communities and informal settlements is the lack of appropriate infrastructure and essential amenities. Such challenges exacerbate the plight of people with disabilities even in a political context where a broad legal framework exists for the possible attainment and realisation of such rights.

In light of the aforementioned, following a round-table discussion that the South African Human Rights Commission had in the Free State on the 12th of November 2012. The stakeholders that were present comprehensively complained about lack of implementation of the available policies and laws by government. The stakeholders complained about the government

being vocal and not active towards addressing issues concerning disability. One of the stakeholders highlighted that when they apply for employment for instance, and get short listed and called for the interview they often face a barrier that a job that they applied for does not cater for their particular disability and that there is often preference of one disability over the other. Therefore, people with disabilities feel like somehow disability in South Africa is differentiated. Meaning, there is a kind of a disability that is better than the other.

Thus, it can be argued that often government personnel do not have a clue as to what they ought to do. Teachers in schools where children with disability learn, complain about government officials who do not know what to do when it comes to issues of disability. It can be argued that, State must develop training programmes for relevant government officials and service providers who interact with women and children with disabilities who are victims of exploitation, discrimination, abuse and violence. Some of the schools that Commissioner Malatji raised concerns about lack of staff that plays a pivotal role to learners more especially those who stay in hostels. Teachers are complaining about the system that government is using for both mainstream schools and specials schools. They argue that they cannot finish the syllabus at the same time as teachers who are teaching in mainstream schools (due to the fact that some children with Disabilities are slower). And when they raise these concerns with government officials no body attends to them. The South African Human Rights

Continued to page 9

Victory: Commission manages to force Government to a mediated approach in Lenasia



SAHRC Chair Adv Mushwana at the packed South Gauteng High Court during the Lenasia court appearance

Timeline: Lenasia housing demolition matter

- 28 Nov 2012; Human Settlement Minister intervenes in the matter by organizing Special Intervention Team (SPLIT) with a purpose of finding suitable, permanent and sustainable solutions to the matter.
- 23 Nov 2012; Deputy Judge President Mojapelo postpones the court case to allow parties to engage in finding an amicable solution.
- 20 Nov 2012; Department of Housing and local government disappoints SAHRC by continuing with further demolitions pending the court order.
- 16 Nov 2012; SAHRC reaches to stakeholders seeking support with court application to stop further demolitions.
- 12 Nov 2012; SAHRC applies for court order with the South Gauteng High Court to halt demolitions ordered by Gauteng Department of Housing.
- 09 Nov 2012; SAHRC task team visited the area
- 08 Nov 2012; Bulldozers move in to demolish over 50 houses



A woman tries to stop a bulldozer from demolishing her house in Lenasia. Picture courtesy of Associated Press

The South African Human Rights Commission welcomes the creation of the Special Lenasia Intervention Team (SPLIT) by the Minister of Human Settlements, Tokyo Sexwale.

The SPLIT was created as a result of the court order by the South Gauteng High Court which called on all the parties to engage in a mediated process to find an amicable solution to the Lenasia dispute.

This was after the SAHRC approached the courts to intervene and halt the demolition of houses by the Gauteng Department of Housing.

The Ministerial Intervention Team convened its first information-sharing meeting on Wednesday, the 28th November 2012 at the Department of Human Settlements offices in Pretoria. The SAHRC Chairperson Adv. Lawrence Mushwana led the SAHRC delegation to the meeting.

The purpose of the SPLIT, which the SAHRC is part of, is to help government find suitable, permanent and sustainable solutions to the housing problems in Lenasia which are premised on respect for human rights and the rule of law.

The SAHRC support, and has always advocated for, an approach grounded in dialogue. A mediated approach recognises that our legal framework is built on the values enshrined in the Constitution which are reflective of our history and struggle as a country. These must be made a reality for communities.



SAHRC CEO Mr Kayum Ahmed outside the South Gauteng High Court addressing the media after the case was postponed

A milestone for the Commission as Chair gets elected the International Coordinating Committee for National Institutions Promoting and Protecting Human Rights (ICC)

He talks to *Pfanelo* about his vision for this world human rights body



The news of the SAHRC being elected as chair of the ICC have been warmly welcomed by all of us, we are immensely proud! Could you briefly share what the ICC is and what this news means for the Commission and for South Africa?

The ICC is the international umbrella organization for national institutions promoting and protecting human rights. Its membership is as its name implies global with NHRIs from the 4 regions that is Africa, Europe, the Americas and the Asia Pacific. The ICC primarily advocates for the participation of national human rights institutions within the UN system and its mechanisms such as the treaty bodies and the Human Rights Council.

It gives credibility to NHRIs through its accreditation system which is based on principles known as the Paris Principles which define the character of NHRIs and determine the various statuses that are formally accorded to NHRIs. The status that an NHRI has been accorded will determine the extent to which it can interact with the UN system. The Commission has an A Status and hopefully the next three years will witness an increase in the number of NHRIs particularly those in Africa being granted the A status.

For the Commission, this means that we have been recognized as an institution that is actively engaged in championing human rights nationally, regionally and in-

ternationally and this will also have a positive bearing on South Africa's standing in the international arena.

What are your hopes for the ICC

The ICC has been in existence since 1993 and will mark its 20th anniversary next year. It has over the course of two decades grown to become a champion of the promotion and protection of human rights through a strong membership base. I hope to see the ICC grow in strength by solidifying its internal structures through for instance establishing its own secretariat and also by meeting some of its challenges it faces in securing a strong financial resource base. This will not be easy as there is wide lack of political will to ensure that NHRIs run effectively and of course the current financial regime is not conducive to securing adequate financial commitments for support from donors. I also hope that there will be an increased appreciation of the unique role that NHRIs play within the international human rights system and that this will culminate in being granted a standing in the UN General Assembly so that NHRIs can actively influence the processes and outcomes therein.

Furthermore especially in the current global political and financial context, the NHRIs from across the four regions pool their resources and increase the number of collaborative projects.

It will also be an important opportunity to push forward human rights interests that are pertinent to the African context.

Not only is your plate full with saving the face of human rights on the continent; but now saving the world has been added on the menu. How do you plan to go about this tremendous feat?

The Commission is in the process of identifying the best structures to put in place in order to support this position effectively. Together with this team and working closely with both the African network, NANHRI, and the ICC representative in Geneva, I'm sure that this role will be undertaken successfully.

Any other pursuits in the pipelines?

Yes, profiling the work of the ICC. It is important that peo-

ple understand who and what the ICC is so that at the end of the day, people will have a clear understanding that within the field of human rights, there is another ICC besides the International Criminal Court.

What legacy do you dream of leaving behind?

I look forward to leaving in place an institution that is well placed to deal with the challenges that it faces especially in terms of identifying ways to secure a sustain-

able core funding. I hope that the number of NHRIs particularly African NHRIs receiving the "A" status increases as this will be a reflection of Governments' support to the independence of these institutions.

Any parting shots?

I would like to express my heartfelt appreciation for the support I received from the Commissioners, staff and colleagues from NHRIs from across the continent and I look forward to the continued support.

....but what is the ICC?

Vivian John-Langba
Research Associate:
International and Regional Affairs



The ICC is an independent institution created in 1993 following the adoption of principles, known as the Paris Principles that govern the establishment of national such as national human rights commissions and offices of the ombudsman. It is the umbrella organisation for NHRIs from around the globe. The ICC is based in Geneva and its secretariat is hosted by the national institutions and regional mechanisms section (NIRMS) of the United Nations Office of the Human Rights Commissioner.

The ICC coordinates the activities of NHRIs at the UN level in consultation with the regional coordinating committees from the four geographical regions that is Africa, the Americas, Europe and the Asia Pacific. The African regional coordinating committee, the Network of African National Human Rights Institutions (NANHRI) is currently headed by the Commission's chairperson, Adv Lawrence Mushwana

The ICC is headed by a Chairperson, a position that is voluntary and rotational with a term of office that runs for three years. This is the first time that Africa will hold this position and it is an honour and privilege that the Chairperson of the Commission was nominated to this office.

One of his biggest roles will be to advocate for the participation of NHRIs at the UN General Assembly in New York which will afford NHRIs the opportunity to proactively influence decisions made at the General Assembly.

The Chairperson works together with the Secretary of the ICC (who is also the Vice-Chairperson) in close collaboration with the ICC Geneva Representative. In addition to these offices, the ICC also has a Finance Committee, a Sub-Committee on Accreditation and a Bureau overseeing the financial aspects, accreditation of members and the day-to-day running of the ICC respectively.

The Chairperson will continue to be based at the Head Office and will continue to Chair the Human Rights Commission and undertake his work in the Focus Areas of Asylum Seekers, Migration, Xenophobia, Housing and Equality. He will also continue to work in his allocated provinces of Northern Cape and Mpumalanga. **Pf**

DID YOU KNOW?

Chairperson Mushwana is the chair of the following bodies:

- South African Human Rights Commission
- Equality Review Committee
- Forum for Institutions Supporting Democracy
- The Network of African National Human Rights Institutions
- The ICC

For more information please visit the ICC website <http://nhri.ohchr.org>

The Commonwealth Forum of National Human Rights Institutions (CFNHRI) welcomes the election of the South African Human Rights Commission (SAHRC) as the incoming Chair of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

In the seat

with Karam Singh, **Head of Research**



Who is Karam? My full name is Karam Jeet Singh. I am off mixed parentage, my father is a Punjabi Sikh and was born and raised in Delhi, India and my mother is also mixed, with an Irish father and English mother, raised in England. I have an older brother and sister, a fiancé from the Durban south coast and a recently arrived son named Rafael.

My name has both a Sanskrit and Arabic origin. In Arabic it means 'generous or giving.' In Sanskrit my name mean 'deeds.' I once told someone that my name means 'good deeds.' I was corrected by another friend, more familiar with Sanskrit than me who said, no it just means 'deeds' – which can be either good deeds or bad deeds!

Where you we're born? I was born in town called Summit, in the state of New Jersey, USA.

Education background? I completed my first degree (BA, Honours) at Brown University with a double major in History and Cultural Studies. I went on to receive my Juris Doctorate

from Georgetown University Law Centre. I also have an LLB from the University of Cape Town and I am in the process of completing my LLM in Constitutional and Administrative Law from the University of Pretoria. I am an admitted attorney in the state of New York.

What does being Head of Research mean to you? It is a great honour for me to take up this post. I had been with the Special Investigating Unit (SIU) for the past 6 years working on anti-corruption issues heading up a Research unit. Having worked previously in the human rights field with Lawyers for Human Rights (LHR), arriving at the Commission is like a home coming for me, but I believe there are great inter-connectedness between anti-corruption, good governance and human rights work.

What do you want to achieve with the Commission? Ultimately, I would like to contribute towards helping the Commission achieve its mandate by popularizing our work, building closer ties and better relations with social actors including government, where appropriate, and civil society and ensuring that the work of the Commission is broadly well-understood, relevant and has an impact on improving the lives of all who live in South Africa. I also hope my contributions can help internally towards building a more harmonious and unified Commission.

What motivates you and what inspires you? I became a father for the first time this year. This has shifted the entire focus of my universe. I would like to leave a legacy for my son in terms of my life's work. I am inspired by the notion that my work can contribute towards

improving the social environment we find ourselves in and the lives of those around me... I hope my son can look back on my contribution with a sense of pride.

What are your favorite activities?

I love sports, particularly football, documentary film, politics and keeping abreast of current events. One day, I would love to make a documentary film of my own – popularizing, educating and entertaining on a topic or issue that is not well know...

I used to be an avid footballer, but I have hung up my boots, I was never that good and the young guns used to break my ankles.

Since I have been unable to find a reliable tennis partner, this leaves me with golf as the one 'sport' that I am left to play. I have developed a passion for golf – a source of embarrassment for someone who considers himself to be human rights activist! I am also an avid Manchester United supporter having seen them win the Champions League final in Moscow in 2008.

I love to travel to new places and have to also admit to a fondness for Cape Town.

Any interesting thing that people don't know about you? In 2002, when I was still with LHR, I conceptualized and initiated South Africa's first human rights film festival – The Tri Continental Film Festival, focusing on human rights documentaries from Latin America, Africa and Asia. Last year we celebrated 10 years of the festival.

"Karam is a softspoken person, he believes in open door policy and is a good listner." Lesedi Sojane Librarian

Welcome to Mpumalanga

Pfanelo features Mpumalanga Provincial Office at work



Mpumalanga Office celebrating Heritage Day

“A dream is about to come true”

Irregularity in the allocation of an RDP house investigated

By Bafana Malunga
Senior Legal Officer, Mpumalanga Provincial Office

The allocation of RDP houses by the relevant organs of the state has been tainted by many irregularities such as fraud and bribery. While the SAHRC acknowledge the effort undertaken by state organs to provide access to housing, these irregularities still persist and continue to undermine the right to access to housing entrenched in section 26 of the Constitution of the Republic of South Africa Act, 108 of 1996.

The Mpumalanga office recently received and investigated a complaint involving a 57-year-old disabled woman (the complainant) who applied for an RDP house. The complainant received a letter from the Nkomazi Municipality in February 2005 confirming that she had been allocated an RDP house. Happy that she would finally have a roof over her head, her happiness was short-lived because the same house, allocated to her, was occupied by other people.

As a result, the complainant approached the Mpumalanga office earlier this year for assistance in resolving the matter. The office engaged and wrote numerous correspondences to the Municipality. After not receiving


cooperation from the Municipality, the office elevated the matter to the Executive Mayor of the Municipality and ultimately insisted on having a meeting.

During the meeting, the Mayor acknowledged the irregularity and commended the office for bringing this matter to her attention. She also undertook to investigate the matter herself and provide the office with concrete feedback. This was communicated during the meeting to the complainant telephonically by the Mayor at the request of the office and the meeting was followed by a written confirmation from the Mayor’s office confirming that a recommendation has been made to the Department of Human Settlement to provide the complainant with a new house.

The Mpumalanga Office is closely monitoring the matter until the complainant’s “dream of having a roof over her head” comes true.

Did you know ?

Mpumalanga Office telephone number is 013

752 8292 

Human Rights Education – Who needs it Most?

By Muzi Ngwenya
Human Rights Advocacy and Research Officer
Mpumalanga Provincial Office

I write this opinion piece in response to a regular debate about who needs Human Rights Education the most. Is it the poor and the marginalised, whose lives are largely preoccupied by daily struggles for the basics? Is it those who live in poor, under resourced communities, in which, at best, there is only one school [also under resourced] and a dusty soccer field? Is it those people whose access to fundamentals such as water, sanitation, health care, food, etc. remains a pipedream?

Or, on the other hand, should the South African Human Rights Commission (Commission) concentrate its Human Rights education and Advocacy efforts, and resources, to teaching those we sometimes assume are the most learned and knowledgeable. In this regard, I refer to those who sit in air-conditioned offices, meet in air-conditioned boardrooms and drive air-conditioned vehicles.

For the purposes of this article, I refer to government officials as “those who sit in air-conditioned offices, meet in air-conditioned boardrooms and drive in air-conditioned vehicles”. They include officials in all spheres of government and within those spheres, all departments of government.

Of all the staff in the Commission, HuRA officers, due to the nature of their work, are the ones interacting with the communities the most. In the main, HuRAP officers are tasked with discharging the promotion mandate of the Commission. This means that they carry out functions as agreed upon in the Commissions’/HuRAPs’ Annual Performance Plan.

In essence, the promotion mandate means initiating and responding to the needs of communities in respect of awareness about their rights and obligations. To achieve this, HuRA officers organise dialogues and community workshops; initiate Human Rights awareness campaigns; etc. We do this either on our own or in partnerships/collaboration with other bodies such as government, NGO, CBOs, etc.

This, inevitably, means that most HuRA officers spend a lot of time on the roads and, most of the times, in rural corners of the country.

Although that is often the case, we do, every now and then, also run workshops in air-conditioned boardrooms; for those who sit in air-conditioned offices and drive air-conditioned vehicles. Not so long ago we facilitated a workshop for COGTA in Mpumalanga, Xtrata Coal Mines, and for Local Councillors in Pixley KaSeme Municipality [the list is endless].


Whilst the level of knowledge of Human Rights from both ends is equally astounding, what we find more worrying is the levels of ignorance and little knowledge about human rights – especially the Economic and Social Rights – from those who are supposed to deliver on these rights. I can confidently say [and roughly estimate] that 80% of those in air-conditioned offices point out ignorance of the most basic human rights they are tasked to promote, protect, respect and fulfil. Could this be one of the explanations for poor service delivery?

In one of the workshops we ran for a government department, a senior manager asserted that it was the first time that she was exposed to Human Rights education. In another workshop, for another government department, a senior manager confessed that Human Rights education for staff is never a priority whenever annual plans and budgets are drawn. According to him, this was the case for many government departments, in all spheres of government.

Now, the question is: why exactly is Human Rights education necessary for those who sit in air-conditioned offices, meet in air-conditioned boardrooms? The answer to this is simple: The core function of government is to fulfil these rights?

There are many benefits of Human Rights education for those in air-conditioned offices. One of the obvious ones is the fact that, just as much as you cannot drive a car without obtaining proper training and licensing, you cannot find adequate passion to **respect, protect, promote and fulfil** these rights if you have no Human Rights education.

Over and above, I find Human Rights education necessary for officials for among others:

- For anyone to serve the interests of the people in a democracy, they need not only understand Human Rights, but must also support them.
- Once people grasp human rights concepts, they begin to look for their realization in their own lives; in their families and in the lives of the people they serve. 

Chairperson pays tribute to Justice Arthur Chaskalson

TO : THE CHASKALSON' FAMILY

The South African Human Rights Commission has learnt with a deep sense of shock and sorrow of the sudden and untimely passing on of Judge Arthur Chaskalson', the first Chief Justice of the Republic of South Africa after its attainment of democracy.

He is one of those South African Jurists who used their knowledge and skills to defend those who fought against apartheid as well as the poor and the marginalised when it was not fashionable to do so during those difficult days.

His unyielding commitment to the rule of law and an ardent advocate of Constitutional democracy contributed to the quality of the final Constitution of our country that is regarded as one of the best Constitution in the world.

As the Human Rights Commission we celebrate the life of this once aspirant and distinguished human rights activ-

ist, who selflessly, and until the end of his life, advocated for the culture of human rights in South Africa and the world.

While we lost such a renowned and remarkable jurist, his invaluable juridical work contained in his judgments and similar writings are a heritage that will forever remain in the hearts and minds of jurist and human rights activists for many years to come. So his spirit will remain with us for as long as we remain advocates of the rule of law and the culture of human rights.

To the Chaskalson' family we send our heartfelt condolences and want you to know that our thoughts and prayers are always

with you. We wish you strength and courage to help you go through this difficult and challenging moment of your lives.

Thank you for sharing the life of this legal and human rights stalwart with the people of South Africa and the world.

"Although it is difficult today to see beyond the sorrow, may looking back in memory help comfort you tomorrow" (un).

MAY HIS SOUL RESTS IN PEACE.

"The SAHRC is deeply saddened by the passing away of Justice Chaskalson. He will be remembered not only for his landmark judgments and his development of our constitutional jurisprudence, but also as a person of integrity and courage." CEO K Ahmed

HUMAN RIGHTS WORLD IN SNIPPETS

Stop the Traditional Courts Bill Sonke Gender Justice

The Traditional Courts Bill is currently being considered by parliament in order to provide updated legislation for traditional justice processes and institutions. The Bill will affect over 17 million South Africans. The Bill being proposed is blatantly unconstitutional and violates the human rights of women and men in rural communities.

Marikana: Marikana inquiry updates

Sapa | 20 November, 2012 15:47

A family member of one of the miners killed in the Marikana massacre.

All of the news from the Farlam commission's inquiry into the Marikana mine shooting in one place.

Amcu leaders said no to cop cars Sapa

Leaders of the union Amcu declined police transport to address striking Marikana miners the day before they clashed with police, video evidence revealed on Tuesday.

The footage, captured by members of the SA Police Service on the evening of August 15, was shown to the Farlam commission of inquiry into the events in North West.

Lenasia: lafrica.com, 19 November 2012

What's happened so far?

1996 - 2003

People across the country, register on waiting lists for low-cost housing. This list eventually becomes part of a "demands database", so when a housing development begins in an area, the units are allocated according to those registered. The department says different proportions of units are given to different groups. This means a certain number are allocated for local residents, vulnerable groups, and those who've been waiting on the database the longest.

Land in Lenasia, Ennerdale, Lawley and parts of Soweto in Southern Jo'burg are identified by government for the development of low-cost housing.

Happy Birthdays



- * 6 December - Nomvuyiseko Mapasa
- * 8 December - Melanie Dugmore
- * 10 December - Penny Carelse
- * 25 December - Motshabi Moemise
- * 25 December - Ntombentsha Lubelwana
- * 27 December - Bahia Sterris

Commissioner Malatji recently celebrated his birthday on Friday 16 November and *Pfanelo* graced the occasion to give you the lowdown in pictures.



New appointments

Ifanelo welcomes the following staff members to the Commission

Ms. Poppy Mochadibane * Admin Officer * North West
Ms. Betty Boya* Flowcentric Data Capture * North West
Mr. Brandon Ainsle * Flowcentric Data Capturer * Eastern Cape
Ms. Nomvuyiselo Mbala * Housekeeper * Corporate Services Division
Mr. Matimba Ndhlovu * PC Technician* Corporate Services Division
Ms. Dineo Phushuli *Records Clerk * Corporate Services Division*
Ms. Zukiswa Cynthia Louw * Flowcentric Data Capture * Northern Cape
Ms. Nicole Christina Breen * Research Associate *
Mr. Anthony Frederick Wyngaard * Senior Legal Officer*Northern Cape *
Ms. Nomathemba Tyulu * Legal Officer * Eastern Cape
Mr. Theledi Komana * Legal officer* Limpopo
Ms. Thembi Madalane *Legal Officer* Limpopo
Mr. Karam Singh * Head of Research*
Ms. Kisha Candasamy: *Senior Legal Officer* GP
Ms. Ayanda Mdletshe: *Senior Legal Officer* GP
Ms. Eileen Carter: *Legal Officer* GP
Ms. Alucia Sekgathume: *Communications Officer

Calendar of Events

Water and Sanitation Hearings

- 10 December, Gauteng, Suurman Community Hall, Ward 8, Hammanskraal, Tshwane (30 km from Pretoria)

World Aids Day Commemoration

- 3 December, 2nd Floor Training Centre, time: 10h00 - 20h00

SAHRC Xmas Party

- 7 December, Ubuntu Kraal, time: 10h00 - 20h00