



# Pfanelo

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

Transforming Society. Securing Rights. Restoring Dignity.

The South African Human Rights Commission Newsletter



Volume 42

01 - 29 February 2016

## SAHRC says #NoToRacism

**RACISM**

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Officer**

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Dignity restored  
in the Free State**

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## 27 January

International Day of Commemoration in Memory of the Victims of the Holocaust

“The Holocaust and Human Dignity”

The theme for the Holocaust remembrance and education activities in 2016, including the Holocaust Memorial Ceremony, is “The Holocaust and Human Dignity”. The theme links Holocaust remembrance with the founding principles of the United Nations and reaffirms faith in the dignity and worth of every person that is highlighted in the United Nations Charter, as well as the right to live free from discrimination and with equal protection under the law that is enshrined in the Universal Declaration of Human Rights. The Holocaust, which resulted in the destruction of nearly two thirds of European Jewry, remains one of the most painful reminders of the international community’s failure to protect them. Source: UN

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# Introducing the Chief Operations Officer

## Shireen Motara



Shireen has a Master's degree in Law with specialisation in Women's Rights, Human Rights and Constitutional Law. She also holds post-

graduate qualifications in human resources, coaching and business administration.

She has held various leadership positions in the development and public sector. In the development sector, she has worked in the area of women's rights and children's rights and led or participated in various human rights projects. In the public sector, she worked for the Department of Trade and Industry and for the National Treasury.

She has also worked for Her Majesty's Treasury in the United Kingdom. She serves on the Board of the Southern African Trust and has previously been the Chairperson of the Board of the AIDS Foundation. She has also been involved with the work of the Charities Distribution Agency of the National Lottery Commission since 2011.

Shireen loves reading, and would like to travel more. She is also on a journey of learning to meditate and live in the present.

## Opportunities at the SAHRC

Administrative Assistant (Level 6) Permanent Position – Legal Services Programme – Head Office  
Salary: Package of R158 985 per annum exclusive of benefits

Kindly submit a one page cover letter and two page CV to [recruitment@sahrc.org.za](mailto:recruitment@sahrc.org.za) by 15h00 on Friday 18 March 2016. Please note that candidates may be required to undergo competency assessments and subject themselves to security clearance procedures. Only shortlisted candidates will be invited for interviews. The Commission reserves the right not to make this appointment. Appointment will be done in line with the Commission's Employment Equity Plan.

Translation and interpretation services to the SAHRC

The SAHRC requires the services of a team of an isiZulu Linguistic Specialist and an English Linguistic Specialist to do the following work:

- (a) To provide the SAHRC with a translation of 2 (two) documents of no more than 14 (fourteen) pages from isiZulu to English; and
- (b) To identify and analyse the idioms in the documents and to provide the SAHRC with a report on the meaning of those idioms

More information on [www.sahrc.org.za](http://www.sahrc.org.za)

## Say No To Racism

**If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse, and you say that you are neutral, the mouse will not appreciate your neutrality - Desmond Tutu**



## Don't fight racism with racism - SAHRC

Cape Town – The South African Human Rights Commission has pledged to investigate all racism-related complaints, regardless of the perpetrator's race.

This after a number of people on Facebook and Twitter vowed to take action against “all white people”, after KwaZulu-Natal estate agent Penny Sparrow compared black people to monkeys.

On a page dedicated to the downfall of Sparrow, a number of people, most of them black, have called for the killing of white people to do away with racism.

Some have called for the “necklacing” of racists.

Velaphi Khumalo, who on Facebook lists the Gauteng Arts and Culture Department as his employer, said he hated all white people.

“I want to cleans this country of all white people. We must act as Hitler did to the Jews. I don't believe any more that the is a large number of not so racist whit people . I'm starting to be sceptical even of those within our Movement the ANC . I will from ... unfriend all white people I have as friends from ... u must be put under the same blanket as

any other racist white because secretly u all are a bunch of racist f\*#k heads. As we have already seen [sic],” he wrote.

He later said he was unapologetic about his post.

SAHRC's head of advocacy and communications, Dieketseng Diale, said fighting racism with more racism was not the answer.

She said the SAHRC would investigate all complaints lodged, as it was accountable to the country.

“It is very crucial for us to investigate these allegations and complaints. And we will keep doing so until we see South Africa as the country it should be. A united country where people respected one another. We will continue to advocate for the people of South Africa, regardless of race,” Diale said.

‘Let's not fuel the whole thing’

She called on South Africans to educate themselves on rights violations and the best way to fight them.

“It starts with an individual like Penny Sparrow or Nelson Mandela to break or build a society.”

The SAHRC could not investigate, if people did not formally lodge complaints, she said.

“Instead of going to social media to complain, they must be part of the process. Let's not fuel the whole



thing, but do it the right way. It is our responsibility to investigate, and theirs to bring these issues to us.”

To lodge a complaint, visit the SAHRC’s website, and fill in the form online.

Or visit the Human Rights Commission’s provincial offices to do it in person, she said.

The South African Jewish Board of Deputies National Director, Wendy Kahn, said the hate-filled language dominating social media currently had no

place in a democratic South Africa.

“These statements undermine the values of our Constitution and result in the destructive racial polarisation that we have seen over the past days.”

“We all need to acknowledge that racism remains a serious problem in South Africa and need to be addressed with the seriousness it deserves; and its ultimate solution lies in the total sum of the committed efforts of all South Africans,” she said. **Source: News24; 05/01/2016.**

## Political parties react to controversial social media posts

Johannesburg – Political parties have spoken out strongly against controversial social media comments made by Penny Sparrow and well-known economist Chris Hart.

In a statement, the ANC said such remarks were reminiscent of the apartheid attitude towards the indigenous people of the country.

“They also degrade black people as people not deserving of using the beaches in their country of birth. They further accuse the majority of our country, who are mostly black, as having a sense of entitlement and hatred towards the minority,” the statement read.

Sparrow described black beachgoers as “monkeys”, in an apparent reaction to litter left behind after New Year’s celebrations.

Hart came under fire after he tweeted on Sunday that 25 years after apartheid ended; the victims were increasing, along with a sense of entitlement and hatred towards minorities.

This has resulted in mass reaction across social media platforms, as well as from political quarters.

Sparrow, a DA member, has since been given notice of intention to suspend her.

Hart, who works for Standard Bank, has been suspended pending an investigation. The SA Human Rights Commission is also investigating.

The ANC said Hart and Sparrow should have known better and should not be allowed to polarise society.

“We have made great progress in building this nation and no amount of racism from individuals or groups must be allowed in our society,” the ANC said.

Pan African Congress of Azania spokesperson Kenneth Mokgatlhe said racism was fuelled by inequalities in South African society.

“What is wrong when African people enjoy their ancestors’ land and its beautiful nature, clearly other people have a problem. Penny believes that something should only be exclusive to one superior group of people.”

The PAC said government should do more to distribute wealth as those who dominated the economy were

of the belief that they could say anything.

## Criminal charges

Meanwhile, the South African Civic Organisation (Sanco) has hit out at the DA for laying criminal charges against Sparrow while at the same time, allowing Diane Kohler-Barnard to represent the party in Parliament.

Sanco national spokesperson, Jabu Mahlangu said: “This latest racist incident has unmasked the DA’s genetic make-up and true identity suggesting that the party remains a bastion of racists.”

Mahlangu said the two incidents and how they were handled exposed the facade of DA leader Mmusi Maimane.

Kohler Barnard’s was previously expelled for sharing a Facebook post from journalist Paul Kirk, in which he praised former apartheid president PW Botha.

Her expulsion was lifted on December 22, after she appealed the October ruling. **Source: News24; 04/01/2016.**

# FW de Klerk Foundation reports 45 'racist' posts by 'disaffected blacks'



Johannesburg - The FW de Klerk Foundation has laid complaints with the SA Human Rights Commission (SAHRC) over 45 posts on social media expressing "the most virulent and dangerous racism... from disaffected black South Africans".

In a statement, the foundation raised its concerns "about recent statements in the media and the social media that constitute hurtful racist remarks".

"In this regard, it issued a statement on January 5 in which it strongly condemned the recent racist remarks made by Penny Sparrow regarding black South Africans who made use of public beaches on New Year's Day."

The foundation said most media commentators viewed Sparrow's remarks and the subsequent "far less controversial" comments of Chris Hart and Gareth Cliff as evidence of rampant and pervasive white racism while some of the views and threats expressed by black South Africans have not been met with the same disapproval.

"An analysis of Facebook and Twitter messages shows that by far the most virulent and dangerous racism - expressed in the most extreme and violent language - has come from disaffected black South Africans. The messages are replete with threats to kill all whites - including children; to rape white women or to expel all whites from South Africa.

"Section 16(1) of the Constitution states that everyone has the right to freedom of expression and section 16(2) adds that this right does not extend to propaganda for war; to incitement to imminent violence; or to advocacy of hatred that is based on race, ethnicity, gender or religion and that constitutes incitement to cause harm.

"Section 10 of the Promotion of Equality and Prohibition of Unfair Discrimination Act (PEPUDA), which deals with hate speech, states that 'no person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could be con-

strued to be hurtful; to be harmful or to incite harm; or to promote or propagate hatred'."

According to the foundation, the views expressed in the selected tweets contravene all of these provisions.

"The foundation has requested the SAHRC to make use of its powers "to investigate and to report on the observance of human rights" in so far as these messages constitute hate speech in terms of section 16(2) of the Constitution and Section 10 of PEPUDA."

Furthermore, they have also asked the SAHRC to use its powers to "take steps to secure appropriate redress where human rights have been violated" and, if it believes it to be appropriate, to refer communications that directly incite the killing of people or the perpetration of grievous bodily harm, to the National Director of Public Prosecutions for further consideration.

**Source: News24; 15/01/2016.s**

## We won't make any more public statements on racism complaints - SAHRC

2016-01-14

Bloemfontein – The South African Human Rights Commission (SAHRC) has said that due to the magnitude of race complaints it had received since last week, they would not divulge further

information regarding their investigations.

Spokesperson Isaac Mangena said the SAHRC would not make any public statements on the matter.

"We need to focus our energy on addressing the complaints received and to ensure that we don't compromise the investigation of the complaints in any way," Mangena said.

He said they would address the media at a later stage.

Several complaints have been laid since the beginning of the year when estate agent Penny Sparrow and others, including Standard Bank economist Chris Hart, were called out for racist comments on social media platforms.

## South Africa has no patience for Penny Sparrow's apartheid nostalgia-Sisonke Msimang

Had Sparrow made her racist comments in the 90s, black South Africans would have been asked to understand her fears. Those days are over .

This week racist commentary by a white South African estate agent, Penny Sparrow, went viral. Within a few days, Sparrow – who referred to Durban's black beach-goers as monkeys on Facebook – had been publicly shamed. To date, a charge of *crimen injuria* has been laid against her and a complaint about her statements lodged with the Human Rights Commission. Since finding her phone number angry South Africans have sent Sparrow a deluge of voice and text messages and her social media accounts have been inundated with monkey emoticons. To top it all off, she's lost her job and is said to be in hiding.

Sparrow clearly hit a nerve but her rant was hardly creative. It was crude and unimaginative, but South Africans – across the racial spectrum – have responded en masse because we recognise Sparrow. To white South Africans she is the embarrassing aunt who refuses to join the 21st century. To black South Africans she is the abrasive woman in the supermarket whose superiority complex makes her a compulsive queue jumper. We all know her kind well. Because of this, there haven't been many white South Africans jumping to Sparrow's defence. It has been relatively easy for South Africans of all races to agree that the woman is ob-

noxious. Sparrow is an important part of South Africa's story not because she is divisive but rather that she is so easily recognisable. Sparrow matters not because she insulted black people but because she so obviously misses apartheid.

When in her post Sparrow writes about "these monkeys that are allowed to be released on new year's day onto the public beaches," she reminds us all that there was a time, not too long ago, when "public" beaches were segregated. Her anger at the "black on black skins" crowding on to the beach is premised on the idea that the beach is not meant for blacks. She is asserting that black people do not know how to behave when they are given permission to occupy public spaces.

It is not incidental that beaches evoke such strong emotion in South Africa. They are a symbol of the best of the good old days. They were crucial to the psyche of white South Africans because they provided a safe place of fantasy. On the beach, white people could retreat from the reality of Africa: that it was a land inhabited by black people. They could pretend they were anywhere in the world except South Africa: in New England or Brighton or even the south of France. The beach offered respite from the reality that despite apartheid, whites could not escape black people. Black people were their servants, their employees, their petrol attendants but seldom their peers.

In today's South Africa it could be argued that little has changed; the beach remains a segregated space. Yet, as the Penny Sparrow incident reveals, so much has changed in the way South Africans feel about their country and their future. Some white South Africans, like Sparrow, romanticise apartheid because they feel as though they have lost control of a territory they once commanded. They feel as though they are under siege, overrun and threatened. In reality, however, whites continue to have a monopoly on the resources in the country. They have better jobs, higher levels of education and employment, and better social networks. In other words, their sense of loss is disproportionate to their gains under the new dispensation.

In the early days of the transition, there might have been more voices calling for South Africans to understand that Penny Sparrow's hysteria is based on fear, and that all fear is underpinned by vulnerability. They might have argued that Sparrow needs pity rather than vitriol. Those days are over. Twenty years after the end of apartheid, this generation isn't interested in understanding the roots of white vulnerability. Their eyes are on accountability and building a new political culture based on justice rather than nostalgia and sentimentality. Source: The Guardian; 07/01/2016.

### Did you know?

The SAHRC received around 169 complaints regarding racial discrimination in January alone.

The total number of racial discrimination complaints lodged with the Commission as at the end of January in the 2015/16 financial year is 442.



## Mangaung provide services to Sibuyile Informal settlement following SAHRC finding

Sibuyile Park Informal Settlement is situated approximately 10km outside the centre of Bloemfontein. Some of its earliest residents have been living there since 1989.

Mr Themba Tlhatlogi, Chairperson of the Sibuyile Park Committee, came to the Free State Provincial Office on 3 February 2011 to lay a complaint on behalf of his community. He alluded that the Mangaung Metropolitan Municipality had not applied to the Provincial Government for Sibuyile Park to be proclaimed a township, despite the fact that other informal settlements in the area, which had emerged after Sibuyile Park, had been formalised.

He also complained that they did not have sufficient water, refuse removal services and adequate sanitation.

The Free State Provincial Office conducted an investigation and a report was issued on 27 June 2013, which recommended that the Mangaung Metropolitan Municipality “Ensure that priority is given to the basic needs of the community of this informal settlement and that each member of the community has access to basic municipal services pending the upgrading of Sibuyile Park. The interim services should consist of the following:

- Access to one chemical toilet per household;
- Access to a regular and reliable refuse removal service; and
- Access to more water standpipes within 200 meters walking distance from the nearest shack.”



**Representatives of the Free State Provincial Office, Mangaung Metropolitan Municipality and the Sibuyile informal settlement community in front of one of the new toilets.**

The Municipality responded by installing 6 stand-pipe taps and instituting a regular refuse removal service. The Municipality indicated, however, that Sibuyile Park could not be formalised as it is situated under a 33KV power line servitude and is also on top of a large bore water pipeline servitude.

No access to sanitation was provided and there was no communication with the community regarding plans for future relocation.

A decision was therefore taken by the Commission to institute legal action against the Municipality due to its non-compliance with the recommendation regarding the provision of access to sanitation. The Free State Provincial Office consulted with members of the Sibuyile Park community and drafted affidavits that would form the basis of a High Court application.

### Consulting with members of the Sibuyile Park community

In the meantime, the Free State Provincial Office has made at-



**Commissioner Ameermia interacting with an elderly woman in Sibuyile during a provincial visit in 2015.**



tempts to engage with the Office of the Premier and the Mangaung Metropolitan Municipality with the view to settling the matter, without having to resort to litigation which is likely to be expensive and protracted.

On 25 November 2015 the Free State Provincial Office met with Advocate Charlie Naidoo, the Municipality's General Manager: Legal Services to discuss the possible settlement. During that meeting, it was agreed that the Municipality would:

1. Provide temporary (portable) toilets for the residents of Sibuyile Park, until such time that the residents are relocated;
2. Provide 1 toilet for every 4 households i.e. 20 portable toilets;
3. Maintain the toilets; and
4. Meet with the community to discuss the placement, sharing, locking and cleaning of the toilets.



The Free State Office at the end of year activity

between the Municipality and the residents of Sibuyile Park on 30 November 2015 to discuss the arrangements regarding the toilets. Mr Tlhatlogi, as Chairperson of the Sibuyile Park Committee, began the meeting by praising the South African Human Rights Commission

At that meeting, in addition to discussing the arrangements regarding the toilets, representatives from the Municipality gave an undertaking that the residents of Sibuyile Park would be relocated to formal housing in around February 2016. The Free State Provincial Office will be monitoring the implementation of that undertaking.

The Free State Provincial Office decided to celebrate this tremendous success by having a Christmas party in Sibuyile Park Informal Settlement. The money needed for the party was raised through donations made by each member of staff in the office. It was also decided to use the opportunity to recognise and honour Mr Tlhatlogi for his unwavering and selfless dedication to his community, by presenting him with a certificate of appreciation.

The laughter of children playing on the jumping castle, the rich smell of boerewors filling the air and the joyful singing of people finally given their dignity, made this Christmas party one that none of us at the Free State Provincial Office will easily forget.



Good news: Acting Provincial Manager Buang Jones reporting back to the Community.

The first 11 portable toilets were delivered to Sibuyile Park the following day. A further 11 toilets were delivered on 1 December 2015.

A community meeting was held

for "championing the war on behalf of the majority of the poor people in Sibuyile Park". He reminded the people that "there were no taps or toilets before the intervention of the Commission, and now we would be like other people in South Africa who can access clean water and sanitation".

# Considering the human rights of correctional officials



**By Gabby Coutinho**  
Research Associate  
Human Rights and Policing

When ordinary South Africans think about correctional centers, they think about awaiting trial detainees and sentenced offenders. In some cases, they might think about how the offenders are being treated, and perhaps less frequently will they think about the correctional officials.

Correctional officials are men and women who have been entrusted with the responsibility of assisting those persons who are in conflict with the law. In light of the enormity of this responsibility, the government in turn has a responsibility to ensure that correctional officials are kept healthy, both physically and emotionally. Correctional centers are therefore a balancing act of rights and responsibilities of offenders and correctional officials.

The rights of offenders and detainees are clearly outlined in the Constitution of South Africa. These rights include the rights of offenders and detainees to be detained in humane and dignified conditions, which includes the right to be provided, at the state's expense, with adequate accommodation, nutrition, reading material and medical treatment. Further, this includes the right not to be tortured or treated in an inhuman, degrading,

or cruel manner.

But what about the rights of correctional officials? In a recent study published by Just Detention South Africa titled "In their Boots", it was noted that psychological effects on some Johannesburg correctional officials were apparent. Causes of this ranged from out of touch managers; the lack of political will; little time for communication between correctional officials; inadequate communication between correctional officials and detainees; problem solving that breaches policy; compassion shown by correctional officials being misconstrued as corruption; and correctional officials being required to act as councilors due to the shortage of psychologists.

In order for a correctional center to function optimally, consideration needs to be paid to the whole system. Do the managers at Head Office understand the realities of working in the actual correctional centers and working with offenders and detainees? Is enough attention paid to the rehabilitation of offenders? Is enough attention paid to the psychological wellbeing of the correctional officers? Is enough attention paid to the safety and security of correctional officers? Take this scenario for example, a correctional official notices that a male offender has been raped, and the correctional official could not get to the inmate as limited correctional officials were on night duty, and the light in the community cell was switched off. After the ordeal in the morning, the correctional official must become the counsellor

due to the chronic shortage of psychologists.

So what can we do to ensure that the rights of offenders, detainees and correctional officials are protected? There needs to be a decisive change in how the system is run.

More focus needs to be paid to upgrading the current correctional center systems, so that adequate information can be provided to the correctional officials regarding the risk profiles of offenders or detainees. In addition, more funds need to be diverted to the implementation of rehabilitation programmes, and the provision of better psychological services to offenders, detainees, and correctional officials. Lastly, lawlessness and corruption within the Department of Correctional Services needs to be decisively dealt with and rooted out.

When we trust the Department of Correctional Services to house offenders and detainees to protect society, we are saying collectively, that the correctional officials should be held to a higher standard than that of the offenders and that we expect them to behave within the confines of the law.

Moreover, we expect that they will lead by example, and ensure that the principles of rehabilitation are adhered to. For correctional officers to successfully do this, we need to provide them with enough support and resources.

# In the Seat

with Alufheli Nefale

Intake Officer, Mpumalanga



*Tell us about Alufheli in a nutshell?*

I am a respectful, & confident person who is not afraid to speak her mind.

I attended primary and high school in Duthuni, Venda. I matriculated at Ligege Secondary in 2002. I then enrolled at the University of the Witwatersrand, where I obtain Bachelor of Arts Degree in Industrial Sociology & African Language Literature in 2007. I am currently doing 3rd year Bachelor of Laws at UNISA and I am also about to complete a Diploma in Paralegal at IN-TEC College.

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

I was born on 18 July 1984 in the rural village of Duthuni, Venda, Limpopo. I am the fourth child in a family of five children – 3 girls and 2 boys. I grew up in a loving and caring family where I was taught good morals and values.

Growing up as a child was not that of a challenge, as I was raised by both parents until my dad passed on in 2001. My mother was a pillar of strength through my varsity years, until she passed on in 2009. Though my parents were not educated, they were hard workers and were able to provide basic school necessities for us. They also took care of a number of children in the village who were less fortunate than we were. I spent my childhood attending Sunday school, where I participated in so many activities such as Netball, drama, music etc. I was also involved in community activities such as girl guides.

I faced some challenges when I moved to Johannesburg to further my studies. As a young dark

I am the first recipient of SAMRO JSM Khumalo & Wits Department of Language Literature Awards.

I am multilingual; I speak 7 South African official languages.

skinned lady walking in the streets of Joburg CBD, I experienced the violence of the city. Being called names (the ones that people use to call our other African brothers and sisters) was not easy to digest but later I got used to it. One day I was stopped by a police officer requesting me to produce my ID (hahahahaa). Then when my sister's friend visited us in 2008 during Xenophobic attacks, she told my sister that I must avoid using Ramaphosa squatter camp and Reiger park routes since they will think that I am a foreigner. It was not just negative remarks that I got because of my skin colour; I also benefited ("smiling").

It was better when I moved to Mpumalanga to join the Commission. I was welcomed by loving and caring colleagues. Truth need to be told, in this office, I am home away from home.

*Describe your position at the commission and explain what it means to you holding that position*





**Alufheli with colleagues at the Strategic Planning and Team Building session held in January 2015**

Initially I joined the Commission as an Education and Training Intern (now HuRAP) in 2009-2010. I am currently employed as a Flowcentric Data Capturer (known as Intake Officer) since 2012 at the Mpumalanga Provincial Office, a position which ensures proper and effective recording of all information in the office. To me, holding this position requires someone with various skills such as good time management, organizational skills, and the ability to work under pressure etc. I manage all files and when the files are requested, I should be able to locate them. The interesting part of working with the files is that when a file handler doesn't recall the reference and/or name of the complainant and only briefs me about the content of matter, I still am able to assist. Holding this position also means that I should be able to respond to any request relating to files at any given time. This position paved my path and inspired me to register for an LLB degree and Paralegal Diploma simultaneously.

#### *Your day at commission*

The first thing I do when I enter the

office is normally to make a "to do list". Thereafter would normally have tea then switch on my computer to check important work related e-mails, check if I have new matters to register, send acknowledgement letters and respond to enquiries, not forgetting capturing data also on the flow-centric and updating it. The day never goes by without discussing complaints related issues with colleagues.

#### *What inspires and motivates you?*

I am inspired by the work that I do and my colleagues in the office. Having discussions with legal colleagues (especially with the Provincial Manager and SLO) on issues relating to complaints that we have received, is priceless. They always give me opportunities to express my views on any issues/cases we received in the office and they also assist me with my school work, and as a result I am doing well. In addition to this, to receive good feedback from PM regarding my work and doing well at school is phenomenal because it shows that

I can manage work and study at the same time.

#### *Day outside office?*

I spend most of my Saturdays at UNISA library doing assignments and studying and Sundays I go to church. I also travel to Venda once per month.

#### *Favourite Activities?*

I love reading motivational books, going to the movies and shopping.

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

I am the first recipient of SAMRO JSM Khumalo & Wits Department of Language Literature Awards. I am multilingual; I speak 7 South African official languages. I am a mother to a 7 years old daughter Rilise.

#### *My favourite quotation*

"First know where you going then ask direction" - Unknown

#### *Tell us about your passion*

I am passionate about guiding primary school kids on career choices.

#### *My favourite Book, music, chill out place etc?*

\* Book - Seven Things That Steal Your Joy: Overcoming the Obstacles to Your Happiness by Joyce Meyer

\* Music: I play all kinds of music more especially Reggae and Rumba (mostly played in Zimbabwe).

\* Movie: Why did I get married – Perry Tyler

\* Chill Out Place: Ocean Basket



## SNIPPETS

### Open Stellenbosch retracts apology to suspended 'purple-face' students

Cape Town - Student movement Open Stellenbosch has retracted an apology it sent to two students after the pair's purple costumes were deemed racist on social media, claiming their actions were "still blackface".

Student Poekie Briedenhann and a friend drew much controversy on Instagram after posting a picture of themselves in what appeared at the time to be dark paint, possibly brown or black, and were subsequently accused of donning "blackface".

Following the fallout, the students were suspended from their residence and an investigation was launched by the university.

Briedenhann took to social media on Friday to apologise for any offence the picture had caused, but stressed that the pair had been dressed up as purple aliens for a space-themed residence party.

- Read More: Stellenbosch 'blackface' incident was actually purple-face

Other images of the event circulated on social media thereafter, seemingly backing up their version of events.

Open Stellenbosch initially apologised to the pair on Monday, with the original apology reading:

"We wish to retract our statement of Friday 5 February 2016 with respect to the mistaken incident of blackface that occurred at Heemsteede residence.

"When new information came to light on social and mainstream media we noted that the initial images shared were misleading and that this was not, in fact, a case of students dressing up in blackface.

"We hereby apologise to the two students involved, who were suspended from their residence."

'Still blackface'

The group, however, removed the apology after a few hours, and on Tuesday morning, said their stance had changed.

In a new Facebook post, the group said that the picture should be considered within the context of heated racial debate at the university recently, and was therefore still "blackface".

"[Monday's] apology was however issued without the consensus of the collective and should not be considered to be the current stance of OS on the 'blackface' incident," the post read.

"We as OS maintain that the fact that the student filtered the photo to appear black and then knowingly continued to upload the photo herself onto social media clearly confirms that this is a blackface incident."

Open Stellenbosch then said it

would continue to call for the two students to be expelled from the university.

Attempts by News24 to contact a representative from Open Stellenbosch on Tuesday were unsuccessful. **Source: The South African.com; 09/02/2016.**

### Protecting Our Constitutional Democracy

The public protector, Advocate Thuli Madonsela, has called on citizens to help protect South Africa's constitutional democracy, arguing that in such a democracy, as opposed to a parliamentary democracy, the final say lies with the courts and ultimately the Constitutional Court.

She was delivering the ninth annual Peace, Safety and Human Rights Memorial Lecture which honoured the legacies of the late minister Abdullah "Dullah" Omar and Johannes "Joe" Moabi, hosted by the University of South Africa at its Florida Campus on 10 May. The lecture carried the theme Citizenship and Protection of South Africa's Constitutional Democracy.

The public protector cited a Supreme Court of Appeal judgement, which held that: "The Republic of South Africa is a constitutional state. Local and other state institutions may act only in accordance with powers conferred on them by the law. This is the principle of legality, an incident of the rule of law."

She also referred to a Constitutional Court decision handed down by Justice Sandile Ngcobo, wherein he said: “The exercise of public power must therefore comply with the Constitution, which is the supreme law, and the doctrine of legality, which is part of that law ... It entails that both the legislature and the executive are constrained in the principle that they may exercise no power and perform no function beyond that conferred upon them by the law.”

Madonsela explained that, in parliamentary democracies, parliaments had the final say. However, in constitutional democracies such as South Africa, Parliament could speak and if its view was inconsistent with the Constitution, a court of law could intervene.

She said through participation in free and fair elections, a hallmark of democracy, citizens elected among themselves representatives they trusted enough to surrender their own power and collective resources, thereby allowing those elected to manage such power and resources on behalf of the electorate.

“Such powers and resources are entrusted on the basis of good faith, with the understanding that both the exercise of public power and control over the collective resources will be done within the parameters of the terms on which such power has been granted and in the best interest of the citizens,” she said.

In other words, she explained, state actors could not do things because they felt such things needed to or must be done. If a need was identified, a law needed to be created and debated transparently before a right to do what was identified as a need could be given. Scrutinising the exercise of state power from an administrative point of view

Madonsela referred to former president Nelson Mandela’s remarks in one of his speeches, which suggested that South Africa’s constitutional democracy often had to be protected from actions in government or organs of state. She made an example of the Treatment Action Campaign case, where the court overruled the executive on the provision of anti-retroviral drugs, lead-

ing to the saving of lives.

The history of democracy from separation of powers to diffused state power, she said, told a story of state actors who tended to abuse their power or even, as indicated in the court cases referred to above, acting ultra vires or beyond their powers.

The public protector said her office was part of the new set of institutions introduced in modern democracies such as South Africa to strengthen constitutional democracy.

“Instead of judicial scrutiny, [the public protector’s] job is to scrutinise the exercise of state power from the administrative point of view,” she explained. “Former president Mandela recognised the powers of these institutions and he mentioned them by name – the public protector, the Human Rights Commission, the auditor-general, the Independent Electoral Commission, the Commission for Gender Equality and others.” Source: Corruption watch; 14/03/2014.

## Pfanelo Baby

Azania Bongukuhle Phetole Mangena

Parent: Isaac Mangena

Date of birth: 03 November 2015

Gender: Male



## Appointments

### NAME & SURNAME

### POSITION

### OFFICE

Ms Kelly-Anne Cleophas

Legal Services Officer

Free State Provincial Office

Mr Tefo Tlale

Legal Services Officer

Gauteng Provincial Office

Mr Ayanda Nene

HR Advocacy Officer

KZN Provincial Office

Ms Ethel Kgasago

Assistant Accountant

Head Office

Mr Lesego Matlaopane

Intern HR

Head Office

Ms Shirly Mlombo

RA CEO

Head Office

Ms Lorinda Lynn

Finance Manager

Head Office

Mr Kwanele Pakati

Legal Officer Lindela Project

Head Office

Ms Clarice Duma

Head of Commissioner

Head Office

Dr Remember Miamingi

Head of Research

Head Office

## Happy Birthday

The following colleagues celebrated their birthdays in February. Please join us in wishing them well.

Keneth Machevele, (HO) 02nd

Makhosani Nwandzule, (HO) 03rd

Mpho Tsoku, (HO) 04th

Njabulo Ndebele, (HO) 08th

Shirley Gouws, (NC) 11th

Joyce Moloj, (HO) 13th

Commissioner Ameerma, (HO) 14th

Gabisile Khoza, (MP) 16th

Mankese Thema, (LMP) 17th

Ntombenhle Ngwane, (HO) 18th

Tawana Malapane, (HO) 19th

Eugene Raphalalane, (NC) 22nd

Thenjiwe Dlamini, (HO) 25th