

Fanelo

"It's Your Right"

Transforming Society. Securing Rights. Restoring Dignity.



Volume 05

The South African Human Rights Commission Newsletter

01 - 28 February 2013

SAHRC launches Charter of Basic Education Rights

Department of Basic education congratulates the Commission for an important milestone - Charter was well received by all stakeholders



Here it is..
SAHRC CEO
Kayum Ahmed
holds the Charter
at the launch

"The Commission plans to take the Charter to all provinces and make it user friendly for Children"



Also in this issue: SAHRC Moving To World Class Complaints Management

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The Big Interview



Commissioner Malatji talking to SAFMs Masechaba Moshoe-shoe about the rights of the elderly

“We spend January 1 walking through our lives, room by room, drawing up a list of work to be done, cracks to be patched. Maybe this year, to balance the list, we ought to walk through the rooms of our lives...not looking for flaws, but for potential.”

Ellen Goodman

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Kayum Ahmed – CEO, Editor in Chief

I started 2013 sitting cross-legged in an ashram in India trying to meditate. It was 32 degrees in Kerala during the second week of January and my concentration kept on being interrupted by a few annoying flies. The one thing I managed to take with me from the experience was the sound of the yoga instructor repeating over and over again, “Happiness comes from within. So give up everything else.”

My introduction to yoga formed part of a seminar I attended in India arranged by the Aspen Global Leadership Network where I am a fellow of the Africa Leadership Initiative. The aim of the fellowship is to bring together a diverse range of individuals to, “inspire them to move from success to significance and to create a continent wide community of like-minded people who are driven beyond their own personal success to achieve global significance.”


While I have a very long way to go to achieve global significance since I was not even able to concentrate long enough during my first yoga session, the Aspen Network has given me significant insights into leadership, and very importantly, into the responsibilities of leadership.

As leaders in the field of human rights in South Africa, every employee of the South African Human Rights Commission has a role to play in ensuring that we live up to the values of our institution. These values include integrity, objectivity and equality. At times, it probably feels like our responsibility to uphold the Commission’s values can be hard. Our leadership responsibilities probably feel more like a burden during difficult periods.

But it is important to remember that the organisation’s values are our values. The way we engage with the public and the manner in which we provide assistance to those whose rights have been violated, reflect both who we are and what our organisation stands for. Irrespective of whether your job is making photocopies, managing finances or assisting complainants, you form an integral and important part of what the Commission stands for.

That single photocopy may form the basis of a legal opinion that is used to protect vulnerable communities, and the finance spreadsheet you are putting together will ultimately allow a unit to deliver a service to communities across the country.

We must therefore take our role as a leader in human rights seriously. We have a responsibility, an obligation, to use our knowledge and our skills as instruments of justice. Together, I believe that the Secretariat of the Commission can make a significant difference in the lives of the poor and marginalised and go on to live and breathe the values of integrity, objectivity and equality.

I hope that 2013 is your year of significance. 

Notice:

Human Rights Month Activities

- Human Rights Month activities are at an advanced stage. A comprehensive communique will be issued detailing Commission’s planned Conference and provincial engagements.

Internal Seminar

- 22 February 2013, Chairperson: South Africa’s role in International relations: Monitoring Case for ICC Chairpersonship.

SAHRC launches Charter to help address Basic education challenges



Mud school in the Eastern Cape

The Basic Education Charter launched on 31 January by the South African Human Rights Commission has been hailed by experts and academics as an “important tool for realization, advocacy, monitoring and planning of education in the country”, and one that will “promote children’s rights to education and provide benchmarks through which the right to education of children can be measured”.

The Charter was developed with the aim to provide a common, legally grounded planning, monitoring and advocacy framework for use by the SAHRC and all relevant stakeholders, including government, to ensure and guide the realisation of access to basic education.

In its task of monitoring the realisation of the right to basic education in South Africa, it has become apparent to the Commission that there is a lack of a common and consolidated national statement of the scope and content of the right to basic education, or conversely, the scope of obligations to realise the right.

The Charter, which is the third to be developed in the world after Ireland and the United Kingdom, provides a statement of the various legal obligations on the State to ensure the realisation of the right to basic education;

the services and support that must be provided to children, and the educational outcomes that must be achieved by children.

“The right to basic education is a constitutionally protected right that is unequivocally guaranteed to all children in South Africa. It is considered a central facilitative right that is not qualified by expressions such as “available resources”, “progressive realisation”, or “reasonable legislative measures” which are applicable to other socioeconomic rights enshrined in our Constitution,” said Commissioner Lindiwe Mokate who is responsible for Basic Education and Children’s Rights at the SA Human Rights Commission.

On a daily basis, the Commission is confronted with a myriad of complaints, which include:

- issues around corporal punishment;
- children of school-going age not attending school for various reasons
- poor resourcing of schools;
- lack of facilities to accommodate children with disabilities;
- violence against learners based on gender or otherwise.
- pregnant learners refused to go to school.

The Commission has regularly commented on the country’s proposed education legislation, conducted public hearings and issued recommendations. In addition the commission has worked with universities and national and provincial education departments on producing resource books such as “The Educator and the Constitution”, manuals on inclusive education in schools and a training manual for educators on Alternatives to Corporal Punishment accompanied by a countrywide roll out.

The Commission recognises that there is no clear indication of what children and their parents and caregivers may expect from, and demand of, the education system.

“Monitoring the right to basic education has not been made easy by the absence of a common and consolidated statement on the scope and content of the right to basic education.

It has become increasingly clear that while much research and advocacy has been conducted, there did not appear to be consensus among all role-players on what is required practically when we discuss and claim the right.

The courts have avoided specifying the content of socioeconomic rights including the right to basic education,” Commissioner Mokate added.

In the Charter there is acknowledgement of the progress that has been achieved by the democratic government in addressing the grossly inequitable and racially determined apartheid education policies.

The Charter is available on the SAHRC website on www.sahrc.org.za

Pf

Poor still face basic education hurdles

By: Commisioner Mokate



The right to basic education is a constitutionally protected right that is unequivocally guaranteed to all children in South Africa. It is considered a central facilitative right that is not qualified by expressions such as 'available resources', 'progressive realisation', or 'reasonable legislative measures' which are applicable to other socio-economic rights enshrined in our Constitution. This was explicitly confirmed in the 2011 Constitutional Court Judgement of *Governing Body of the Juma Musjid Primary School and Others v Essay NO and Others*.

The South African Human Rights Commission has a constitutional mandate to monitor the realisation of the right to basic education in South Africa.

Since 1996 the Commission has been engaged at various levels in addressing various aspects of the right to basic education. As South Africa's constitutionally mandated independent body with the responsibility to promote and protect human rights the Commission has conducted awareness raising programmes; received complaints; monitored and produced reports on government's realisation of the right to basic education as required in terms of section 184(3) of the Constitution; and engaged with all relevant stakeholders including the Executive and Parliament on education matters. The Commission

has regularly commented on proposed education legislation, conducted public hearings and issued reports with recommendations. In addition the Commission has worked with universities and national and provincial education departments on producing resource books such as "The Educator and the Constitution", manuals on inclusive education in schools and a training manual for educators on, Alternatives to Corporal Punishment accompanied by a countrywide roll out.

Monitoring this right has not been made easy by the absence of a common and consolidated statement on the scope and content of the right to basic education. It has become increasingly clear, that whilst much research and advocacy has been conducted, there did not appear to be consensus amongst all role-players on what is required practically when we discuss and claim the right. The courts have avoided specifying the content of socio-economic rights including the right to basic education.

Debates among human rights practitioners including academics identified the Commission as an independent body with the necessary human rights mandate to embark on and lead a consultative process that would culminate in the development of a Right to Basic Education Charter.

It has increasingly been recognised at an international level that national human rights institutions are best

placed to determine the monitoring indicators for economic and social rights due to their independent nature and knowledge of local conditions.

The Charter is a culmination of an extensive engagement process and research by the Commission and stakeholders. It aims to provide a common legally grounded planning,

monitoring and advocacy framework that is child-centred and recognises the inter-connectedness of human rights. Whilst the Commission intends using the Charter as a monitoring tool, it can also be used by all relevant stakeholders to conduct education and awareness raising on the right to basic education and in assisting with education planning and oversight.

The Charter provides a statement of the various obligations of the State to ensure the realisation of the right to basic education; notes key shortcomings and inequities; revisits commitments made to address the gaps in achieving quality education and the key role-players are identified.

In the Charter there is acknowledgement of the progress that has been achieved by the democratic government in addressing the grossly inequitable and racially determined apartheid education policies. Despite all these achievements huge challenges remain in this sector and they impact most negatively on the poor and vulnerable in our society thus reinforcing the existing inequality patterns.

The Charter has the potential to benchmark where we are at currently in terms of fulfilling the right to basic education and where we need to go to ensure that every child receives quality education.



Human rights: The good, the bad and the large grey area in between



Picture courtesy of vosizneias.com

The writer says Police could always be perceived to be the good guys and the protesters the bad guys

By: Kayum Ahmed

Even in the human rights field there is often no clear distinction between the good guys and the bad guys,

As a child, I used to play "cops and robbers". The cops had to chase the robbers and, once they were caught, they would be thrown in jail – usually a cupboard or a demarcated area of the playground. In my childhood game, it was easy to distinguish between the "good guys" and the "bad guys". The cops were always good and the robbers always bad.

Today, things are far more complex. Since joining the South African Human Rights Commission just over two years ago, I have been confronted with the reality that even in the human rights field there is often no clear distinction between the good guys and the bad guys.

In the Andries Tatane case, the commission found that the police had used excessive force during a service delivery protest and violated the right to life. In the Chumani Maxwele matter, the minister of police was found to have violated the right to dignity of a student who had allegedly gestured with his middle finger to a police convoy transporting the president. And, as the Marikana

commission of inquiry unfolds, we may see another example suggesting that the cops are not always the good guys.

It also appears that the robbers are not always the bad guys. In the case of Lenasia, many residents, who allegedly illegally occupied land owned by the Gauteng government, claimed that they were the victims of fraud and corruption. Whether some residents knowingly took advantage of what they perceived to be an opportunity or not remains to be tested in an appropriate forum. We do know that many residents paid cash for the land and were issued with a letter on the department's letterhead indicating that the land now belonged to them. Although an argument could be made that some residents should have known they were acting unlawfully, many residents were defrauded.

The Gauteng government's decision to bulldoze houses was met with general outrage from the public despite the fact that the government was acting on a court order.

The inability of the government to see its actions in the context of our recent history and its failure to recognise the symbolism of demolitions carried out by the apartheid regime was rather confounding. The Gauteng government appeared to believe sincerely that it was the good guy and that the Lenasia residents were the robbers.

Complexities of human behaviour

The simple notions of good and bad we ascribe to particular behaviour have been considered by numerous writers and philosophers ranging from Mencius to Machiavelli. In dealing with the complexities of human behaviour, these writers have helped me to make sense of human nature in the application of a human rights discourse. The truth is that I am

still trying to figure things out.

The night before the formal reconciliation ceremony in the Reitz matter, involving four white Afrikaaner students who had filmed black African workers at the University of the Free State performing various humiliating acts, I had the opportunity of sitting around the table with the former students and the workers.

Two remarkable things struck me about the process. The one was the ability of the workers to forgive. I remember one of the workers saying to the former students: "You were our children and you will always remain our children."

The other was the students themselves. One often assumes that violators of human rights are evil. But these men were not monsters. In fact, they were just ordinary South Africans who were able to cause such humiliation and pain. And so I often marvel at our capacity as human beings to perpetrate such inhumane acts against one another, but also to have the ability to love unconditionally.

We all have the potential to play the role of both the cop and the robber. Our decision to take on a particular role (assuming we have a choice) is then either justified by circumstance or need. It is therefore imperative that, when we judge the actions or behaviour of others, we must also take a moment to reflect on the role we play and to challenge our established notions of good and bad.

"The Gauteng government's decision to bulldoze houses was met with general outrage from the public despite the fact that the government was acting on a court order."

Pf

"Transforming Society, Securing Rights, Restoring Dignity"

Is the Equality Court accessible?



By: Eileen Carter
Gauteng Provincial Office
Legal Officer

The Promotion of Equality and Prevention of Unfair discrimination Act [PEPUDA] was drafted in fulfilment of this constitutional obligation, and in adherence to South Africa's international obligations in terms of the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women

In 2009 media outlets reported that Equality courts were closing down as they were being underutilized. The National Department of Justice and Constitutional Development [DOJ&CD] responded that all efforts were being undertaken to increase the efficiency and accessibility of equality courts to complainants who had fallen victim to unfair discrimination, hate speech and harassment. The DOJ&CD also indicated that during the 2008/2009 financial year, 445 equality cases were reported. At that stage, only 219 courts were designated as equality courts. In essence, this would mean that only 2.03 matters pertaining to PEPUDA were heard by designated courts, for that entire year.

By 2009 all Magistrates Courts were designated as Equality Courts, further increasing accessibility of the justice system. At present, 382 courts are designated to hear matters in relation to PEPUDA. It appears however that these courts are still seriously underutilised and under capacitated. At the Gauteng provincial office tangible insight has been obtained through experience with some of these courts. In January 2013, a magistrate court within the Gauteng province was visited by the SAHRC. The court manager indicated that the court had never since its inception heard a matter as an Equality court.

Section 16 of PEPUDA is clear that presiding officers must be trained on PEPUDA before commencing their duties as presiding officers of the Equality court. Section 31 establishes broad standards for the designation of a presiding officer, explicitly in calling for 'training, experience, expertise and suitability in the field of equality and human rights.' The court in *George v The Minister of Environmental Affairs and Tourism*⁹ stated that Equality Courts will be staffed by, "judges and magistrates who have been specially equipped to meet the needs of the accessible and user-friendly adjudication of equality claims." Of equal concern was the fact that at the time of the SAHRC visit, no such presiding officer was available at court, as envisaged by section 16 of PEPUDA at the court.

In terms of the DOJ&CD's annual 2012/2013 performance plan, one

of its aims in 2013 is to implement a national programme to promote PEPUDA. The need for this is a clear and pressing one. It is however crucial that, before embarking on a rally to move vulnerable complainants towards recourse available from the Equality court, judicial role-players and court personnel are fully trained on how to assist these complainants to the full extent necessary. In 2011, Honourable Minister Jeff Radebe indicated that provincial indabas showed that little interest was shown by some judicial officers in dealing with Equality Court matters. It was also contended that a great number of magistrates were already trained on PEPUDA, many of them soon after PEPUDA came into force in September 2000. This training took place more than 10 years ago. This also begs the question whether training undergone more than a decade ago adequately addresses the expert needs required in terms of section 30 of PEPUDA to fully develop much needed jurisprudence in this vital area of law in South African. In the light of the submissions made by the honourable minister on the lack of interest in the Equality courts, this expertise is debatable.

In a country that is rife with unfair discrimination, a product of our past and continuing inequalities; mechanisms and frameworks intended to promote access to justice, and the grundnorm of equality, must be intensively promoted and utilised.

Pf

Flying SAHRC flag abroad... *with Fadlah in Geneva*

When *Pfanelo* heard from reliable sources that Fadlah Adams, Senior Researcher, Parliamentary & International Affairs will be in Geneva at the United Nations Office of the High Commissioner for Human Rights for six months, it tracked her to the chilly Swiss city.



Fadlah in Geneva

• Your role working in Geneva?

I am doing a fellowship with the United Nations Office of the High Commissioner for Human Rights (UN-OHCHR). The fellowship provides exposure and working level experience with the United Nations human rights system (including the treaty bodies, Human Rights Council, Universal Periodic Review and Special Procedures).

• **How will your move assist the Commission?** It will strengthen our understanding of the internal working mechanisms of the UN and allow the SAHRC to develop an extensive contact network with OHCHR staff, other UN agencies and NGO's represented in Geneva. It also provides the UN-OHCHR with substantive expertise and knowledge of the working methods of the SAHRC. In addition, the fellowship coincides with Chairperson Mushwana's appointment to head the ICC and thus a SAHRC presence within the UN will be of great assistance.

• **What it means to you?** Growing up, I often watched news and stories about human rights atrocities and decisions made by an international body known as the 'United Nations'. I always said I would one day work at the UN and

specifically pursued a Masters degree in International and Human Rights Law. It has been a lifelong dream with great perseverance, prayer, patience and hard work. It is all very surreal but I am grateful for the opportunity to see a dream come to fruition.

• **How have the first few days been like?** It snowed the entire weekend that I arrived! Geneva has a very efficient public transport system and moving around is very easy so the first few days went okay. However had I not visited Geneva in May 2012 for the UN Universal Periodic Review (UPR), I would have been completely lost! On the work front, it has been a smooth transition with colleagues very helpful- the environment is very diverse with colleagues from all over the world. I have already been assigned Anglophone country projects to work on and I am learning



so much!

• **Missing home?** Of course! My family, friends, (including cats and dog!), is such a big part of who I am and have been influential in shaping me. With advancements in technology though, they are a mere skype, viber, whatsapp, etc. away!

• **Weather, Coming from sunny South Africa how are you coping?** It was a shock to my system! As the plane descended into Geneva I was mesmerized by the sheer beauty of white landscapes in and around the

city. It was as if icing sugar had been sifted all over. However, the reality is that the snow is Not that sweet! The beauty is deceiving! No amount of thermals could get me to adjust from 32 degree Cape Town weather to -2 degree Swiss weather! Once the snow starts melting you have to tread carefully otherwise you'll slip! On the positive side, all the offices, public transport and shops are equipped with central heating which averages about 23 to 25 degrees. So all you really need when going outside is a good overcoat or jacket- oh and maybe snow boots too!

• **Languge, How do you communicate with other people, do you intend to take lessons to learn French?** At University, I was forced to learn French as I was due to complete my Masters degree at University of Aix-Marseilles in France. After one year I decided I would much rather go to the Netherlands and dropped the French course! It has now come back to bite me! I have lost a lot of the language and must brush up and go back to my books! The French here is a heavy dialect though- as if the tongue is loose! Most people speak English in the office and communications are circulated in both English and French.

• **Food?** Chocolates and pastries! The Swiss have to compensate for their horrid winter weather somehow! There is great variety in foods, restaurants, cafés etc. but it can dent your pocket. If you shop wisely you can easily find products you're familiar with and rather cook food than buy. Everything is expensive in Switzerland and most people do their dining or grocery shopping in neighbouring France. It's a mere 15 minute drive to the border! *Pf*

Moving To World Class Complaints Management



Project team

By: Oupa Dithejane

The Commission's core management system, upgraded to match the revised complaints management procedures and the new structure, is currently being deployed to all offices. Exciting new enhancements to the system, known as the Flowcentric

Dithejane and Kebalepile Modise. The system was deployed on Friday 18 January 2013 without any glitches, thanks to the IT team.

A key factor in ensuring both a smooth rollout and the ongoing success of this system is to have a pool of "champions" across all offices to provide face-to-face training and support to all system users. The Flowcentric champions, or in IT systems-speak "super users" are:

- Bafana Malunga (Mpumalanga)
- Buang Jones (Free State)
- Kisha Candasamy (Gauteng)
- Martie Muntingh (Northern

Cape)

- Nomathemba Tyulu (Eastern Cape)
- Parvershree Padayachee (Kwazulu-Natal)
- Victor Mavidhula (Limpopo)
- Zena Nair (Western Cape)

Super users were trained on the system in mid-January and were then tasked with returning to provide one-on-one training and support to all system users in their respective provincial offices. The monitoring tools available in the system clearly indicate that activity is picking up around the country as new users are trained and pick up the pace of working on the system.



Legal Officers at training

System, include a monitoring and evaluation component and a management reporting component. These components are capable of facilitating better management reporting, enhanced complaints management effectiveness and efficiency and better quality control of the complaint management function.

Deployment of the upgraded system was initiated by the Legal Services Unit (LSU) headed by Pandelis Gregoriou. His head office team included Walter Nene, Sebongile Mutlwane, Oupa

The LSU team will continue to monitor closely and review the implementation phase throughout the month of February with the aim of having the system completely stable with accurate current and complete data available for performance monitoring, evaluation and reporting for the next annual cycle starting on 1 April 2013. The LSU team is confident that the newly deployed system will soon facilitate improved complaints management throughout the Commission.



Training in progress

Are you religious or spiritual...Siza tells all



By: Sizakele Ntoyi
Intern: SS&G

When the Head of Communications approached me with the idea of writing about this topic I got excited because it is so much a part of me and I walk this talk every day of my life. I also feel that as a democratic society we should be more tolerant and honour everyone's right to religion that is entrenched in the Bill of Rights of our Constitution.

I've always had that burning question about all faiths even as a person who was raised in a Christian home. What is it that makes my religion better than the next and it has always been my belief that when you don't understand something, you should ask, even though it is forbidden when you're religious. My question has always been, if we all come from God (the Source or the Divine if you will), then all that I am including my thoughts and habits must also come from there. And if it all comes from there then why are we made to feel ashamed and even afraid to do what is inherently in us? Why are we afraid to ask? While I would never try to convince anyone to renounce their faith, I do believe it honourable to follow what you know to be your truth than to follow something that is forced upon you.

What I now realise is that the fundamental teachings of all faiths and religions are very simple; compassion,

understanding, love and ultimately, tolerance which is partly my reason for writing this. To try and inspire understanding, respect and openness for everyone's beliefs and to give a broader view, inspire a sense of oneness and tolerance. Ultimately, all religions teach us that God is Love. We are love too since we come from God and therefore any other opposite emotion we feel is learned.

We live in a world where religion is used as an excuse to shift the blame to a higher power in order for us to not take responsibility and to not account for our own actions. Where we call ourselves weak and don't take control of our thoughts and in turn our actions. While the bible speaks of "thou shall not kill", the image of Soldiers praying and asking for God's blessings before going to war and slaughtering their enemies, contradicts what God stands for. People have gone to war to defend what is ultimately Love. Going to war or honouring ones deity does not include killing and anguish.

The Hindu religion has 33 deities or gods, as they are sometimes known. All of which are their connection to the Source. Similar to Christianity and other religions, Hindu scripture states that there is only one supreme God. Each deity is considered a dynamic part of the Divine and in Christianity only one deity is considered a dynamic part of God. In Hinduism, each supports our living in this world and represents each essence of the Divine.

For me spirituality is about having an understanding of the concept of religion and God. Understanding that ultimately we all pray, worship and meditate to the same Divine source regardless what our belief is or what we believe connects us to the Divine. I find it so much easier to embrace all religions. Being able to

find the connection with your higher self whether through doctrine or the feeling that the Divine is within you and that we have full access to that source of Love and Inspiration regardless where your life is and regardless what part of the world you're in. Spirituality does not exclude, threaten or terrify, which is a limiting principle in religion. I like the concept and feeling that the Source is always present and you are always connected because that is the very essence that makes you, you.

God dwells within you as you, so there is really no need for us to feel we have to be like anybody else. How you choose to find that connection is completely up to you as an individual. This is my view, at the end of it all there is no right or wrong, your only responsibility as an individual is to respect the other person's view, faith and opinion because at the end of the day, we are all entitled to our own truth.

Did you know?

- * Buddhism is not considered a religion. It is a lifestyle based on the teachings of Buddha.
- * Meditation is a spiritual form of listening and most people are intent on just prayer as a medium of communicating with the Divine.
- * It has been reported that atheists have a higher IQ than people who are religious.
- * Reiki is a Japanese form of energy healing where your natural "life force energy" is awakened, relieving stress, sickness and it also makes you feel more alive and happy, without the aid of western medicines.

For comments, inputs, questions or reservations forward to wbaloyi@sahrc.org.za send to Siza will respond in the next edition

Pf

In the seat

with Siyasanga Giyose, Head of Strategic Support and Governance



Q: Tell us about Siyasanga in a nutshell?

A: Siyasanga is an easy going, flexible, friendly person. The 'what you see is what you get' kind.

Q: Where he was born and how was it for him growing up?

A: Born in the township of Zwelitsha, King William's Town in the Eastern Cape. I grew up with my paternal grandmother and am the only child, but have 4 distant half brothers. Growing up was a bit lonely but it taught me certain family values and responsibilities. Being the only child, I did all the household chores, without gender distinction. This prepared me very well for when I lived alone as a young adult at tertiary education institutions. I remember I had a friend who could not cook and would buy all the groceries, asked me not to bother with buying, as long as I cooked I could share with him.

Growing up in poor surroundings has motivated me to make my own little contributions to the development of this country, especially my home province.

Q: Educational background?

A: Post-graduate Diploma in Public and Development Management from Wits University.
Bachelor of Social Sciences from University of Cape Town.

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

A: I am heading the Strategic Support and Governance Unit, dealing with strategic planning, as well as performance monitoring, evaluation and reporting.

I am delighted with the position that I hold. It assumes a lot of

responsibility, contributing to steering the organisation towards an appropriate strategic direction. I find it challenging and exciting. It has offered me an opportunity for personal and professional growth and development.

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

A: Starts with staff greetings; a cup of coffee and 'amagwinya'; responding to emails; attend meetings, especially in the CEO's Office; consult with staff on progress with current tasks; finalise outstanding business

Q: What motivates you and what inspires you?

A: A challenging environment
Goal driven and hard working individuals
Being able to convince and persuade others
Loving and caring personalities

Q: Favourite activities?

A: Watching boxing and movies;
Travelling;
Listening to music – various genre
Conversations with kids
Barbeques with family and drinking whisky

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

A: I stopped smoking about 7 years ago

Q: In the note of interest can you tell us on what inspired you to have dreadlocks?

A: The music of Peter McIntosh; the inspirational lyrics in Reggae music; the free spirited and loving nature of Ras Tafari. The dreadlocks for me symbolize freedom from unnecessary societal restrictions, especially those entrenched by the West.

"Growing up in poor surroundings has motivated me to make my own little contributions to the development of this country, especially my home province."

Welcome to Africa’s Eden - Limpopo Office

Pfanelo profiles the Limpopo Provincial Office



South Africa has a long way to go in the realisation of Human Rights



Victor Mavhidula ready to tackle Human Rights challenges in Limpopo

**By: Victor Mavhidula
Limpopo Provincial Manager**

Working for the Commission for Gender Equality in Gauteng for several years and then moving to Limpopo Province in July 2012, gave me exposure and valuable experience that assists me to understand the gaps that exist between people who live in the rural areas and those who live in the urban areas.

There is no doubt that Limpopo Province is dominated by rural areas, and that a large number of the population lives in these, where they don’t have access to basic services such as water, sanitation, electricity, tarred roads, health care etc. It is clear that in the absence of these services, it can be very difficult for these people to enjoy their Constitutional Rights. During my first six months with the Human Rights Commission in Limpopo, I have also noticed that the pace of developing a culture of human rights in the Province is very slow. This may also be attributed to the fact that the majority of people stays in the rural areas and farms where they are not accessible. The Human Rights Commission in the Province is faced with a challenge of ensuring that all people in the Province are educated about their rights and the process of

enforcing those rights.

In the past few months Limpopo Province was in the limelight for all wrong reasons, none delivery of text books at Government schools in the Province, the killing of three children in Mokgophoong, the recent deaths of four babies at George Masebe Hospital at Mokopane and the children who were attending classes under the tree at **Selowe Primary School at Silvermine**. These incidents are just a few out of many in the Province. The abuse of Human Rights in the public and private sector, more especially in the farms, is still posing a very big challenge to the Human Rights Commission in the Province.

The Selowe Primary School matter attracted attention of everyone in

the country and also received high media coverage. In this case parents decided to withdraw their children from a school. Children from Grade R were forced to walk more than five kilometers in the bush to attend school. This was a very risky situation to children who are very vulnerable in our society. These children had to attend classes under trees until the intervention of the Human Rights Commission in the Province. After realizing that the Provincial Department of Education was not attending to the matter the Human Rights Commission in the Province started with the investigations and visited the school on the 06 January 2012. When the Human Rights Commission officials in the Province visited the school for the second time in July 2012, they found that the Department had provided the school with mobile classrooms. The Department also promised to build permanent structures for the learners. Six qualified teachers were also provided and also the feeding scheme for the learners.

These are just some of the matters that the Human Rights Commission had attended to. But it is a fact that many cases of human rights violations are still not reported to the SAHRC in the Province, because the majority of victims do not have resource to reach our office in Polokwane. **Pf**

SAHRC intervention led to the Department of Basic Education providing teachers and temporary classes at Selowe Primary School

By: Theledi Komana
Legal Officer



Pic. Grade 3 pupils attending classes under a tree at Selowe Primary School in Limpopo

The above picture depicts Selowe Primary School, a school which was attended under trees at Silver mine Village under Senwabarwana Local Municipality.

In terms of Section 184 (1) (c) of the Constitution of the Republic of South Africa Act 108 of 1996 the South African Human Rights Commission (SAHRC) must monitor and assess the observance of human rights in the country.

In terms Clause: 4.1.4 of the Complaints Handling Procedures of the SAHRC, the Commission may, on its own accord, investigate any alleged violation of Human Rights.

In this matter the Human Rights Commission in Limpopo had decided to conduct investigation regarding the alleged violation of right to Education in terms of section (29) of the Constitution of the Republic of South Africa, Act 108 of 1996 without necessarily receiving a complaint.

SAHRC visited Selowe Primary and found that:

- Schools started by Community to cut down on travelling by their children
- Teachers were ordinary members of the community without qualifications
- Teachers not remunerated **Pf**

“...many cases of human rights violations are still not reported to the SAHRC in the Province, because the majority of victims do not have resource to reach our office in Polokwane.”

Introducing Commissioner Titus

By: Sindi-leigh McBride



Commissioner Titus at the Internal Seminar

Commissioner Titus is a part-time Commissioner at the South African Human Rights Commission, a position held since 1 October 2013. The strategic focus areas within the SAHRC looked after by his office are civil and political human rights matters with specific reference to law enforcement and the prevention of torture. MphoTsoku and Sindi-Leigh McBride provide support to his work, as PA and RA respectively. The work of this office has been primarily focused on the work around

the massacre at Marikana, undoubtedly one the worst of South Africa's violent protests post-1994 dawn of democracy. The abuse of multiple rights which occurred, include but are not limited to: the rights to life; security of person; and dignity. The challenges faced by the SAPS in responding to the situation, and its resultant culpability in the tragedy that transpired, calls into question the effectiveness of South Africa's law enforcement structures and domestic intelligence services.

The SAHRC has participated in the Farlam Commission of Inquiry by making submissions to assist in showing that the police were not entitled to use any form of lethal force on protestors and the lethal force used was disproportionate to any threat that the police were facing. This work has included attending the proceeding of the Commission in Rustenburg, meeting with the SAHRC legal counsel and the Centre for Applied Legal Studies (CALS) as well as research work.

Commissioner Titus hosted an internal seminar on Friday, 25 January, focusing on the human rights imperative where he discussed the essential and unavoidable nature of human rights. There was a surprise presentation to the SAHRC staff by Mr. Trevor Mulaudzi, who participated in the Gauteng Water and Sanitation Hearings in Hammanskraal recently. Mr Mulaudzi shared a shocking slide show of terrible toilets at a junior primary school in his area, making real the struggle for the right to water and sanitation.

The need to entrench the human rights imperative has never been as strong as it is now after the tragedy at Marikana, which starkly highlighted the synergy between socio-economic and civil and political rights, and the constant struggle to ensure that all rights are essential and unavoidable, to be protected and respected by all and for all. **Pf**

HUMAN RIGHTS WORLD IN SNIPPETS

Marikana: New evidence against miners emerges

Police have post-mortem results which show that some of the killed miners in Marikana had fresh traditional incisions. This has emerged at the Marikana Commission of Inquiry which is investigating events leading to the death of 34 miners on August the 16th.

Legal representative for the police Ishmael Semanya says they also have video footage of naked men on the Koppie being applied with what appears to be "traditional medicine" or muti.

Some reports following the police shootings suggested that miners had used traditional medicine and believed they would be invisible against heavily armed police.

COSATU ends farm workers strike in South Africa

The Congress of South African Trade Unions (COSATU) has once again called off a strike by farm workers without any of the demands of the workers being met.

The strike was ended last week pending a government announcement on a new minimum wage, which is certain to

be far below the workers' demand for 150 rand (\$16.62) a day. The government has set a deadline of April 1 to decide on altering legislation governing minimum wages.

The African National Congress (ANC) government and its tripartite partner COSATU have worked tirelessly to demobilise striking farm workers in the Western Cape province, a highly lucrative source of profits for large farms and corporations. Revenues in South Africa's fruit and wine sector are now at \$1.3 billion a year. **Pf**

Happy Birthdays



Shirley Gouws - 11th February

Gabisile Khoza - 16 February

Joyce Moloi - 13 February

Mpho Tsoku - 4th February

Kayum Ahmed - 17 February

Ntombenhle Ngwane - 18 February

Congratulations proud moms

Pfanelo celebrates with Olivia Muchapondwa and Penny Carelse whose Children matriculated last year.

* Olivia Muchapondwa – daughter Cheryl Muchapondwa – Bachelors pass

* Penny Carelse – son Michael Carelse – Bachelors pass

Proposed Internal Seminar Schedule

- * 22 February 2013, Chairperson: South Africa's role in International relations: Monitoring Case for ICC Chairpersonship
 - * 29 March 2013, Deputy Chairperson: Human Rights and International Women's Day
- * 26 April 2013, Commissioner Love: (4 April is International Day for Mine Awareness and Assistance in Mine Action)
 - * 31 May 2013, Dr Kgamadi Kotmesi: Research: Racism
- * 28 June 2013, Commissioner Mokate: (Children's Week & Youth Month)
 - * 4 June is International Day of Innocent Children Victims of Aggression)
- * 26 July 2013, Northern Cape: World Population Day (Nelson Mandela Day)
- * 30 August 2013, Commissioners Programme: (Exploring a Vision for Chapter 9 House)
 - * 25 October 2013, Fola Adeleke: PAIA
 - * 29 November 2013, Dr Karam Singh:
- * 6 December 2013, Chairperson Mushwana: HIV and AIDS and Human Rights