



Fanelo

"It's Your Right"



Volume 16

Transforming Society. Securing Rights. Restoring Dignity

The South African Human Rights Commission Newsletter

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Rest in Peace Nelson Mandela

1918 - 2013



Graphic: Mark Alexander

It is now in our hands

World Literacy Day, 08 January 2014




Why is Literacy important?

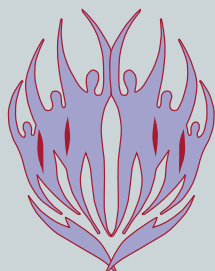
Literacy is a human right, a tool of personal empowerment and a means for social and human development. Educational opportunities depend on literacy.

Literacy is at the heart of basic education for all, and essential for eradicating poverty, reducing child mortality, curbing population growth, achieving gender equality and ensuring sustainable development, peace and democracy. There are good reasons why literacy is at the core of Education for All (EFA).

A good quality basic education equips pupils with literacy skills for life and further learning; literate parents are more likely to send their children to school; literate people are better able to access continuing educational opportunities; and literate societies are better geared to meet pressing development. Source - *unesco*

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In this issue:

Editor's Note: My Madiba inspiration, p 03



Mandela Passes On: A Tribute

**SAHRC message of condolences over the passing of Mandela, p 04*

**Obituary: Mandela – a lawyer at his core, p 06*

**General: A selfless lawyer who lived his life for others, p 07*

**My thoughts: Mandela, p 14*

**SAHRC staff reflects on Mandela, p 15*

SAHRC commemorates International Human Rights Day, p 08

Human Rights Day Celebrated Around the World, p 09

SAHRC commemorates World Aids Day, p 10

Impact of Business on Human Rights worrisome, p 11

International Human Rights Day in pictures, p 13

Parting Shot from the Chairperson, Adv. Mushwana, p 13

Human Rights Snipets, p 16

“To deny people their human rights is to challenge their very humanity.”
Nelson Mandela

Editor's Note



Kayum Ahmed
CEO, Editor in Chief

The rain is falling steadily, gently as I make my way to Madiba's memorial service. It's just after 7am when I arrive at the FNB Stadium to pay tribute to former President Nelson Mandela. A small crowd has gathered on the upper level of the stadium directly opposite the stage singing freedom songs.

The atmosphere at the stadium is electric. The songs are getting

louder as the crowd grows from a few hundred to a few thousand. I'm listening to the people around me as they arrive. A young woman on her cell phone is calling her boyfriend: "Like babe, when I walked into the stadium, I became like, emo..."

I know from having conversations with my twenty-one year old brother that 'emo' is short for 'emotional' and that 'TTYL' means 'talk to you later.' As the songs grow louder, the crowd starts singing 'Mandela my president.' An elderly man in his seventies weeps openly as he listens to the words of the song echo throughout the stadium.

Elsie and her friend are sitting next to me. They are very popular with the American students sitting in front of us who want to take pictures with them. Elsie's friend is wearing her traditional Xhosa dress as she smiles for the cameras. Strangers are hugging each other and taking photos like old friends.

Even though I've never met Elsie before, she shares her umbrella

with me and tells me how she had to negotiate time off with her 'white manager' to attend the memorial service. She adds - quite seriously - that her white manager likes the cold weather and would have enjoyed the rain that's drenching us.

The strange, sometimes humorous and interesting conversations happening around me reflect the diverse range of people that Madiba's message appealed to. I think about how the Human Rights Commission can through its work, continue to spread Madiba's message. I am reminded of our press release following Madiba's passing which stated that: 'His teachings will continue to guide generations to come and will forever remain in the hearts and minds of everyone, young and old, black and white, rich and poor.'

The rain continues to fall steadily, gently as I recall the famous African proverb: 'Love is like the misty rain, gentle coming in but flooding the river.' **Pf**

Office Closure

The Commission will be on recess from 20 December 2013 - 02 January 2014.

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SAHRC Twitter account is @SAHRCCommission Facebook: SAhumanrightscscommission



Tribute to Human Rights Champion

SAHRC message of condolences over the passing of Mandela



Picture by Showme.co.za

The South African Human Rights Commission joins the rest of the world in expressing its immense sadness and sorrow, and pays tribute to the passing on of former President Nelson Rolihlahla Mandela, who was South Africa's first democratically elected president.

President Jacob Zuma announced Madiba's death on Thursday evening. Madiba passed on peacefully in his Houghton home following a long illness.

Just recently Mandela once again brought the world together as the globe celebrated his 95th birthday in July. Even though Madiba was, on his birthday, still recovering from the recurring lung infection in hospital, outside his life was celebrated

as a symbol of unity.

To the end his words and deeds become increasingly relevant to the rest of us. His teachings will continue to guide generations to come and forever remain in the hearts and minds of everyone, young and old, black and white, rich and poor.

As an ambassador for human rights, President Mandela set the tone for human rights in South Africa and abroad. During the 50th anniversary of the adoption of the Universal Declaration of Human Rights on 21 September 1998, President Mandela told the 53rd General Assembly of the United Nations that the Declaration "held high the hope that all our societies would, in fu-

ture, be built on the foundations of the glorious human rights vision spelt out in each of its clauses."

During his term, Chapter 9 institutions such as the South African Human Rights Commission were established to support constitutional democracy. The Commission celebrates Madiba, as SA's foremost human rights activist, who asserted and inspired human rights not just in South Africa, but across the world.

As the Human Rights Commission we celebrate the life of this once aspirant and distinguished human rights activist, who selflessly, and until the end of his life, advocated for the culture of human rights in



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Tribute to Human Rights Champion



SAHRC Chairperson, Adv Mushwana paying respect to Human Rights Champion Nelson Mandela

South Africa and the world. Many South Africans have realised their rights because of the selfless dedication of President Nelson Mandela.

Many South Africans attribute the right to freedom we enjoy today to him and his generation of women and men who fought for and asserted our right to dignity.

It was for this reason that the SA Human Rights Commission saw it fitting to confer its inaugural Duma Nokwe Human Rights Award to Madiba on the 10th of December 2001, to appreciate the role he played to advance human rights in the country and in the world.

To Madiba's family and friends, the SAHRC wish you strength and courage to help you go through this difficult and challenging moment of your lives. Thank you for sharing Tata with the people of South Africa and the world.

The Commission will continue to advance the realisation of human rights for all.

The Commission will continue to advance the realisation of human rights for all.

LALA NGO XOLO TATA MADIBA. MAY YOUR SOUL REST IN PEACE. *Pf*



Deep thought: SAHRC Deputy Chairperson Pregs Govender remembers Mandela's teachings on human rights



Commissioner Mokate spoke fondly of the time she spent with Mandela at the Union Buildings

Duma Nokwe Awards

The Duma Nokwe Human Rights Awards were held as part of the SAHRC role to discharge its constitutional mandate of promoting the observance of human rights and contributing to the development of a culture of human rights in society.

Through the awards the SAHRC acknowledged the contributions of some South Africans and organisations in instilling the rights culture in society.

Chairperson said during the memorial at the Commission that Commissioners are considering rescuitating the awards. *Pf*



Tribute to Human Rights Champion

Obituary: Mandela – a lawyer at his core...

'I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die'. - Nelson Mandela

It is easy to forget that in the outpouring of sorrow and praise following the death of Nelson Mandela (95), the great man set out on his incredible journey of justice and reconciliation as a lawyer, writes Legalbrief. He was, of course, SA's first democratically-elected President, an icon of peace and reconciliation the world over, but he was, at his core, a lawyer, whose concern for his fellow beings was to prove inspirational for many who followed him into the profession.

He attended Fort Hare University and the University of Witwatersrand, where he studied law. In his autobiography, *Long Walk to Freedom*, he described in his own words his first tentative steps in the profession:

'In 1951, after I had completed my articles at Witkin, Sidelsky and Eidelman, I went to work for the law firm of Terblanche & Briggish. When I completed my articles, I was not yet a fully-fledged attorney, but I was in a position to draw court pleadings, send out summonses, interview witnesses – all of which an attorney must do before a case goes to court. After leaving Sidelsky, I had investigated

a number of white firms – there were, of course, no African law firms. I was particularly interested in the scale of fees charged by these firms and was outraged to discover that many of the most blue-chip law firms charged Africans even higher fees for criminal and civil cases than they did their far wealthier white clients. ... In August of 1952, I opened my own law office. ... Oliver Tambo was then working for a firm called Kovalsky and Tuch.

I often visited him there during his lunch hour, and made a point of sitting in a Whites Only chair in the Whites Only waiting room. ... It seemed natural for us to practise together and I asked him to join me. ... 'Mandela and Tambo' read the brass plate on our office door in Chancellor House, a small building just across the street from the marble statues of justice standing in front of the Magistrate's Court in central Johannesburg. Our building, owned by Indians, was one of the few places where Africans could rent offices in the city. From the beginning, Mandela and Tambo was besieged with clients. We were not the only African lawyers in SA, but we were the only firm of African lawyers. For Africans, we were the firm of first choice and last resort.'

Working as a lawyer, he was frequently arrested for seditious activities, notes Legalbrief, and, along with other ANC leaders, was prosecuted for high treason from 1956 to 1961 but was found not guilty. In association with the SA Communist Party he co-founded Umkhonto we Sizwe in 1961,

leading a bombing campaign against government targets. He was arrested, convicted of sabotage and conspiracy to overthrow the government, and sentenced to life imprisonment in the Rivonia Trial.

The Rivonia trial was perhaps the most significant political case in our legal history, writes Legalbrief. The trial of the State versus the National High Command and others, not only produced evidence of a sensational underground conspiracy but also created in accused Number One, Nelson Mandela, an internationally feted symbol of resistance to apartheid, according to a report on the News24 site.

Mandela's statement from the dock, protected against banning or censorship by court privilege, was an exposition of the ANC's view of apartheid, its motives for resisting it, and its methods and goals – all couched in the articulate words of a trained lawyer. In time it became an oft-quoted manifesto for the entire struggle against racial discrimination in SA. It took several months before public interest in the proceedings in Pretoria's Palace of Justice took hold.

In the end it became a national cause celebre, also attracting unprecedented international media and political attention. **Pf**

This article was published in Legalbrief on 06 December 2013



Tribute to Human Rights Champion



Madiba Magic: People braced wet weather to attend the Nelson Mandela memorial service at the FNB stadium.

Picture by Hellomagazine.com

General: A selfless lawyer who lived his life for others....

On this the fourth day after his death, the world seems to belong to Nelson Mandela, such has been the outpouring of thanks for a life that not only saved South Africa from itself, but left an indelible imprint of the value of freedom and reconciliation for all, notes Legal-brief. But reconciliation – perhaps his greatest legacy – was not always foremost in the mind of the lawyer who became a warrior for justice and a revered peacemaker. Mandela taught his family that ‘a life lived for others was a life well lived’, even if it meant sacrificing that life for others. In a compelling read on the Mail & Guardian Online site, Advocate George Bizos, Mandela’s lawyer, confidant and friend, describes the icon’s selfless strategy during the Rivonia Trial. He writes: ‘...Mandela, with the concurrence of all his co-accused and the legal team, decided

that they would challenge the legitimacy of the regime. He would make a statement from the dock and they would give evidence on oath not only to expose the truth about the oppression of the people of South Africa by an illegitimate regime, but also to appeal to the world at large that they had no choice. They appealed to the world jury to acquit them of any moral wrongdoing and to convict the regime of committing crimes against humanity. They used the courtroom as a forum to proclaim that their cause was just.’

Bizos notes that Mandela was aware that the accused – and he in particular – had adopted was a dangerous step. He writes: ‘At our first consultation, we informed ANC leaders who had been detained for 90 days without trial and Nelson Mandela, who was

serving a five-year sentence on Robben Island, that the likely sentence would be death. Their immediate response was that the shadow of the gallows would not deter them from proclaiming to the world they were proud of their actions because they were carried out as a just cause.’ Bizos concludes: ‘With undue humility, he disavows that he was the great leader that brought democracy, freedom, equality and dignity to the people of SA. His concern about the nation, his family, his friends and even those whom some would consider his enemies makes him a great world leader. The lives of all of us who have crossed his path have been enriched. Had it not been for his optimism and leadership, many of us may have given up. It will be hard to find another South African leader to follow him.’

Pf

SAHRC commemorates International Human Rights Day



SAHRC Chairperson Adv Mushwana with heads of other Human Rights institutions at the International Human Rights Day commemoration

The SA Human Rights Commission calls on everyone to commemorate the International Human Rights Day to advance the human rights legacy of former President Nelson Mandela, and promote and protect the rights and dignity of all people everywhere.

As South Africa and the world, we celebrate this day while we mourn the passing of a Human Rights Defender, and Nobel Peace Prize recipient, Tata Madiba.

We are therefore reminded on this occasion of the words by Madiba when he said "To deny people their human rights is to challenge their very humanity".

On this occasion of marking International Human Rights Day, the world commemorates the 20th Anniversary of the Vienna Declaration and

Programme of Action, which will be celebrated under the United Nations theme, "20 Years Working for Your Rights".

The Vienna Declaration, adopted following the World Conference on Human Rights, paved the way for a new international outlook on hu-

man rights and resulted in the creation of the Office of the UN High Commissioner for Human Rights.

This year also marks the 20 years since the adoption of the Principles relating to the status and functioning of national institutions for the promotion and protection of human rights (Paris Principles), and the establishment of international umbrella body for national human rights institutions, the International Coordinating Committee for National Institutions for the Promotion and Protection of Human Rights (ICC). The SAHRC is the current Chair of this body – the first time an African country has chaired this international human rights body.

The SAHRC sees the International Human Rights Day as an opportunity for critical reflection on the work that we undertake as required by our Constitution and the various legislative provisions.

It is a day when the world collectively reflects on the meaning of human rights, the accomplishments made and the challenges that need to be addressed. For human rights to have true meaning, requires that



Delegates participating at the commemoration

International Human Rights Day

that protective laws aimed at addressing abuse, especially against women and children, are enforced.

As we commemorate the 20th anniversary of the Vienna Declaration, it is worth noting that South Africa is on the eve of celebrating 20 years of freedom. As a country we are better than we were in 1994, with some achievements in the area of housing, health care, education and economic growth. However there are still many challenges that we face as South Africa. For the Commission, the work related to mining activities and the impact on socio-economic rights; questions on poor service delivery and its impact on water and sanitation and related rights such as right to health, right to food, right to education, speak to the need to increase our attention on addressing the impact that business has on the realisation of human rights.

As we celebrate 20 years of working for human rights, let us ensure that every person living in South Africa is treated with equality and dignity. This is what makes us all human.

Pf

International Human Rights Day, 2013

Office of the High Commissioner for Human Rights: 20th anniversary

As we continue to strive towards a world that acknowledges the rights of all human beings, the Vienna Declaration and Plan of Action, adopted at the World Conference on Human Rights in Vienna in 1993, still sets the agenda for much of our work. The Declaration, which led to historic advances in the promotion and protection of human rights, is the most significant overarching human rights document produced in the past 40 years.

Pf

Overview – UN Human Rights Chief, Navi Pillay

Human Rights Day Celebrated Around the World



Every year on 10 December, Human Rights Day commemorates the adoption of the Universal Declaration of Human Rights (UDHR). This year was also dedicated to the 20th anniversary of the establishment of the High Commissioner for Human Rights and the adoption of the Vienna Declaration and Programme of Action (VDPA).

[The Shine Your Light interactive performance in Brussels © Philippe Chabot/UNRIC] The UN Human Rights Office held several Human Rights Day events in New York, Geneva, and around the world using the 2013 slogan, 20 Years Working for Your Rights. Mexico, Lebanon, Belgium, Rwanda, Serbia, Myanmar, Kosovo*, Brazil, and South Africa are only a few samples of the Human Rights Day celebrations held throughout the world.

Conveying human rights messages through art was an approach made by the regional office in Mexico as they launched, *Cine a Mano*, a live art demonstration by Mexican artist Arturo López Pío. Music filled the exhibition space, while López Pío sketched the images that were displayed on a large screen for public viewing. The Office produced the live exhibition with Amnesty International Mexico, Red TDT (a nation-

al human rights NGO's Network), and the University Claustro de Sor Juana.

In Lebanon, the National Higher Conservatory of Music organized a concert by the Lebanese Philharmonic Orchestra, which featured two musical ensembles composed for the occasion entitled, *Human Rights Overture* and *Human Rights Cantata*. The event was co-produced by the UN Human Rights Office's regional office in Beirut, the United Nations Information Centre in Beirut (UNIC Beirut) and the UN Resident Coordinator's Office.

A Human Rights Day event in Serbia welcomed more than 150 participants, including representatives of Ministries, civil society, NHRIs, independent institutions and regional and international organizations. The event was co-organized by OHCHR, UNDP and the Government's Human and Minority Rights Office in cooperation with the Ministry of Justice.

In Rwanda, copies of the UDHR were distributed at a festive event attended by the UN community and civil society.

In South Africa, OHCHR's regional office organized the expert colloquium, *Celebrating 20 years of working for human rights: the relevance and impact of human rights treaty bodies and special procedures mandates for Africa and South Africa*.

Events commemorating the 20th anniversary had been celebrated previously in the lead-up to Human Rights Day in Tunisia, Austria, and Uganda, among others.

Pf

SAHRC commemorates World Aids Day

The South African Human Rights Commission joined the rest of the world to commemorate World Aids Day 2013. The event, themed **Get Wise. Get Tested. Get Circumcised**, provided staff members an opportunity to engage with officials and activists on HIV and other related diseases.

Bonginkosi Mthembu-Moloi from the Treatment Action Campaign challenged the Department of Health that it needed to increasingly provide ARVs in order to think about getting to Zero new infections.



Main speaker, Bonginkosi Mthembu-Moloi, who lives with the disease, spoke of the challenges that HIV positive people continue to encounter in accessing medication



Staff interacting with health officials



SAHRC staff observing a moment of silence as part of the World Aids Day commemoration



Staff came in their numbers to engage on health issues.

Rights Abroad

Impact of Business on Human Rights worrisome



SAHRC Chairperson, Adv Mushwana, at the NANHRI Biennial Conference in Ghana

Opening statement by Adv Mushwana at the NANHRI Biennial Conference on Business and Human Rights held in Accra, Ghana.

I am honoured to address the opening gathering of the Conference on Business and Human Rights convened by the Network of African National Human Rights Institutions (NANHRI). I acknowledge with appreciation our host country, Ghana, for welcoming us to Accra and to the Commission for Human Rights and Administrative Justice, and for their invaluable contribution to the planning of this conference.

I also acknowledge the support received from our partners: the Office of the High Commissioner for Human Rights, the United Nations Development Programme, the Organisation Internationale de la Francophonie (OIF), and the Commonwealth Secretariat.

I will take a few moments to speak briefly about the work of the ICC in the area of business and human rights, which is the main theme of this Conference, the importance of national human rights institutions (NHRIs) as key partners in the promotion and protection of human rights within the context of business, and also reflect on some of the challenges and opportunities for national human rights institutions that this thematic area presents.

Promoting and protecting human rights within the business context is at the heart of NANHRI's work and is also an area of priority engagement and action for the ICC, which is the global association of national human rights institutions. The ICC created its working group on business and human rights precisely because it recognised that national human rights institutions operating in accordance with the

Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (or the Paris Principles) have a distinct role to play in promoting and protecting human rights globally, regionally and nationally.

I commend the Danish Institute for Human Rights, the Canadian Human Rights Commission and all the current and previous members of the ICC's Working Group on Business and Human Rights for their commendable accomplishment in not only highlighting the role of NHRIs in the promotion and protection of human rights but in capacitating NHRIs through the development of materials for information, advocacy and training to enhance institutions' capacities to address the promotion and protection of human rights.

Allow me to also take this moment to recognise the former ICC Chairperson Jennifer Lynch, who recently passed on, and who laid the foundation for the work of the ICC in the area of business and human rights. (May her Soul Rest In Peace).

Over the years, the ICC's role in promoting and protecting human rights has evolved positively. NHRIs agreed in 2008, as reflected in the Edinburgh Declaration, to prioritise business and human rights in their activities. The African region adopted a Plan of Action on Business and Human Rights in 2010 in Yaoundé, Cameroon (emanating from the Edinburgh Declaration), which in essence underpins NHRIs' work in the area of business and human rights.

Many human rights violations from Businesses activities

These documents, together with the Paris Principles and the UN Guiding Principles on Business and Human Rights, serve as the guide for our efforts as NHRIs in ensuring that human rights are promoted and protected by states and business actors, and that communities are aware of their rights.

There are many challenges flowing from the actions of business enterprises taking place around the World, including Africa, which threaten communities in many ways. The impact of business activities on indigenous communities for instance is worrisome with many facing a future without access to land and inability to farm and produce crop for sustenance. Some business activities result in damage to the environment; air pollution, which has drastic consequences, such as harmful climate change.

Human rights norms and standards provide a minimum; namely; that any activity, whether for development or extraction of resources should not compromise any human right that a person or people have. Where violations of rights occur as a result of any business activity, access to appropriate remedies must be provided, thus accountability for such violations must ensue as a matter of law.

In order to be effective in dealing with human rights violations emanating from the activities of businesses, NHRIs need to build their capacity, strengthen partnerships with other similar rights institutions including NGOs and work with States so that the effective monitoring and implementation of human rights norms and standards within the context of business can effectively take place.

However, bearing in mind that

NHRIs are created by States their effectiveness therefore, depends to some extent on the behaviour of States. Across the world and indeed in Africa it has happened and continues to happen that NHRIs that are fully compliant with the Paris Principles have had their mandates drastically changed or have experienced negative State interference with the institutions' discharge and execution of their legitimate mandate in terms of their constitutive statute.

These actions have affected the workings of some NHRIs to the extent that these NHRIs are no longer in a position to become effective partners in the promotion and protection of human rights within the context of preventing violations of human rights emanating from business activities wherever they occur.

Opportunities presented, for instance by the African Commission on Human and People's Rights (ACHPR), in particular its Working Group on Extractive Industries and the Environment, must be explored in full. African NHRIs should identify ways to strengthen their partnership with the African Commission and its Commissioners. In addition, enhanced engagement with NGOs and other civil soci-

ety organisations; UN structures such as the OHCHR, UNDP and the Commonwealth Secretariat all of whom are represented here will go a long way in helping NHRIs in implementing, inter alia the Yaoundé Action Plan on Business and Human Rights and monitor the implementation of the UN Guiding Principles on Business and Human Rights.

Ladies and gentlemen, in conclusion, it is my humble belief that the call to action for national human rights institutions will be renewed during and after this meeting and my hope is that radical change will begin to happen within the continent. The perennial conflicts affecting numerous states in our continent, Africa, are indeed of grave concern because of their threat to human rights of the citizens in the Continent. True, numerous challenges exist, but there are also some glimmer of hope and opportunities for us to work with key actors in the pursuit of accountability, transparency and justice.

I am certain that the deliberations over the next three days will be fruitful and will result in concrete steps for action, with concise monitoring and implementation goals.

Pf



International Human RightsDay in pictures



SAHRC CEO Kayum Ahmed directing the programme at the International Human Rights day 2013



Parting Shot from the Chairperson, Adv. Mushwana



As we conclude the activities for 2013 I am reminded of the words of Nelson Mandela:

"I have walked that long road to freedom. I have tried not to falter; I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But

I can only rest for a moment, for with freedom come responsibilities, and I dare not linger, for my long walk is not ended."

It is my humble hope that, as the year comes to a close, Colleagues, you will all look back at the year that was, take the lessons that you can and use these to shape the new year. Happy Holidays! Be safe wherever you are and see you all in 2014!

Pf



Tribute to Human Rights Champion

My thoughts: Mandela



Kebotlhale Motseothata,
Visiting student

I love and appreciate how far our country has come and all that Madiba has done to ensure that we are a united and peaceful democratic South Africa. When I heard the news of his passing, I did not know how to feel. I did not know whether to be sad or disappointed. I did not know whether to express my views about my various discontentments or to glorify him and his marvelous achievements. In those moments of confusion, I felt greatly tormented by the idea of freedom. In my moments of introspection I found it difficult for me to feel free when many are still living under the most unbearable conditions. It is hard for me to feel free and enjoy my freedom when many are still psychologically and economically damaged by the aftermath of our violent past. I found myself questioning my existence and my viewpoints as I could not fully join the world in celebrating the life and spirit of a man who had the most wonderful vision in mind.

Am I a bad person for not wanting to attain good education alone? Why should I get better healthcare when the majority of my people do

not have it? Why should I inhabit a better house, articulate myself better, eat better, go to a better school and get a better education when the majority of South Africans are free but are not in possession of such privileges? I found myself wondering if I am perhaps being unreasonable as I do not carry a “dom pass” and I can go to any mall and any beach freely without anybody restricting me. That I have the freedom to express myself without anybody dictating what I should read and write, what language I should speak or where I should live and with whom I should associate.

Nelson Mandela and many others fought for me to have the opportunity to study Engineering when I wanted to and when I realised it wasn't fit for me, his efforts made it possible for me to change to Journalism and follow my passion of writing as much as I want. I appreciate such liberties, but I still do not feel free as the minds of the majority of South Africans are not truly liberated. I am not free as our leaders do not have our best interests at heart, as they think of their pockets first instead of reminding young people like me to carry on the legacy of building this democracy fairly. We are told to get an education, yet we are not reminded that the liberation of others and not money should be the motive. That we should study to teach those who do not know and acquire skills to build a legacy for ourselves as a people and as a country and further a continent.

Perhaps I am ungrateful, for there are so many opportunities for me than there were before, yet instead of thanking Mr Mandela, I

choose to focus on the pitfalls of our progress. With a brilliant Constitution and the best protection of my rights, how dare I overlook the efforts of the father of our nation, the architect of the rainbow nation? Why do I feel like this in a time where I am supposed to mourn in gratitude? This is the new South Africa. I grew up in it with no oppression or torture from anyone. I did however, grow up tormented by what I witnessed among my people. The aftermath of the past still haunts and divides many. I have seen many tears of crippled souls from broken homes that lay the bitterness of their souls on death beds of crime and intoxicants. With nothing but countenances that reflect the depth of their emotional defeat as they continue to live from hand to mouth.

After hours of thinking and wallowing about all these realities, I realised that there is still hope. We are a peaceful society and we will be fully united one day. The evil of fear will fully diminish and happiness, tolerance and respect of our differences will prosper. We are a loving and forgiving nation and there is no doubt that one day we will all be fully equal economically and socially. Our skin colours will dissolve in the spirit of oneness and racial tensions, crime and poverty will cease to exist. I have hope in the fact that there will be no division of any sort, culturally and inter culturally, that we will stand together and build the country that our heroes fought for. I now understand that it might not all happen at once, but we are indeed alive with possibilities and I know that all South Africans will be truly free one day. **Pf**



Tribute to Human Rights Champion

SAHRC staff reflect on Mandela

Tawana Malapane - Assistant Librarian



In apartheid times, many lives were lost, many sacrifices were made, which we are still exposed to today: the harsh living conditions, the housing conditions, the

unemployment rate, the salary gaps amongst racial groups, the gap amongst the have's and the have not's, poverty and diseases. After 20 years of democracy there are households who go to bed on an empty stomach.

The light bulb moment that I realized when I heard about Mr. Mandela's death was that 20 years of democracy is limited to achieve all our goals.

Impatient and restless as South Africans, we were not prepared that achieving our goals as a nation might take a longer time. However, we can't deny the positive changes in our society after

the 1994 elections.

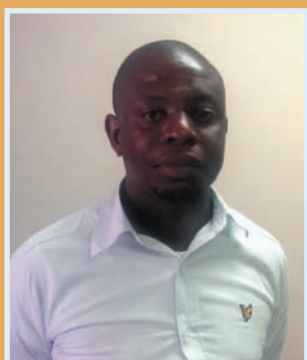
Mr. Mandela's quote that comforted me when I heard about his death was, "It seems impossible until it's done".

Mr. Mandela's quote that should motivate us as South African Human Rights Commission is, "Society can only be Judged on how it treats its most vulnerable people".

I liked the part in President Obama's memorial speech when he said that, "The struggle of Mr. Nelson Mandela was also our struggle as South African's."

Pf

Makhosani Nwandzule: Programme Assistant - Commissioners



As we pay homage to Nelson Mandela, as this generation we must ask ourselves that being referred to as a "lost Generation" is befitting to people who lived along side Nelson Mandela. Nelson Mandela and his generation discovered their mission, they remained true to it and as a result they realized it in their life time. The freedom fought for by the generation of Nelson Mandela

was not, is not an end in its self but a means to an end. Therefore, as this generation we must find the means to end envisaged by Madiba and rid our self of a "lost Generation" title. Let us take our rightful place in the challenges of South Africa and make our small contributions, the death of Nelson Mandela demands that of us. Etlela Hiku Rhula Tata.

Pf

Thandiwe Matthews: Senior Legal Officer



My thoughts are with my parents generation, the millions of foot soldiers of the UDF and other organisations, who were inspired by a few wise men and patiently fought for me to be free.

They were beaten and tortured, watched their children being killed, were humiliated and had their dignity denied. And yet

they taught us that we are not free until all the world's people are free, self-taught global citizens that connected the struggle of our country to the entire world.

We remain humble and thankful to be the children of such an inspiring nation. We shall not forget. Aluta continua! **Pf**

Human Rights Snippets

SA judgments ‘do not apply in Zimbabwe’

28 November 2013

A ruling by South Africa’s Appeal Court on Wednesday, which gives the green light to South African police officials to investigate allegations of torture against Zimbabwean officials, has been dismissed as a “non-event” and an “unfortunate development” by Zimbabwe’s newly appointed prosecutor-general, Johannes Tomanana.

The Supreme Court of Appeal in Bloemfontein on Wednesday ordered the South African Police Service (SAPS) to investigate the allegations, which date back to 2007,

after a police raid on the Movement for Democratic Change (MDC) offices in Harare.

The court made the order after finding that, in keeping with South Africa’s Rome Statute obligations, the SAPS is empowered to investigate the alleged crimes whether or not the alleged perpetrators are present in South Africa.

It dismissed an appeal by the National Police Commissioner and the National Director of Public Prosecutions against a judgment of the High Court in Pretoria last year, which had ordered South African authorities to investigate Zimbabwean officials accused of committing crimes against humanity in Zimbabwe. *Lawyers for Human Rights.*

SAHRC welcomes the Promulgation of Protection of Personal Information Act

The South African Human Rights Commission (the Commission) welcomes the signing into law of the Protection of Personal Information Act 4 of 2013 (the Act) by the President.

The Commission looks forward to the commencement of this Act, which introduces a new institution called the Information Regulator that will take over the powers and functions of

the Commission in terms of the Promotion of Access to Information Act (PAIA) 2 of 2000.

The Commission is hopeful that this newly established institution, with the enforcement powers assigned to it, will be able to improve compliance with PAIA by public institutions and address the challenges facing PAIA implementation.

The Commission also welcomes the protection of the right to privacy of everyone and the right to seek redress for violations of the right in terms of the Act. This development is a significant one that also moves South Africa in a positive direction consistent with international practice.

Source: www.sahrc.org.za - 03 December 2013 

Happy Birthdays

Flora Dipela - 01 January Lerick Muthaphuli - 13 January

Lindiwe Khumalo - 05 January Betty Boya - 05 January

Zamile Mbanjwa - 12 January Alinah Khompeli - 14 January Zena Nair - 15 January

Nthabiseng kwaza - 23 January

Faraaz Mahomed - 25 January Lucky Zulu - 25 January

Mokgadi Makgatho - 31 January

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Human Rights Calendar Day

08 January 2014- World Literacy Day