

Fanelo

"It's Your Right"

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



Volume 34

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Commissioner Ameerma embarks on a mission to North West Klipgat community pleas for clean, drinkable water



**SAHRC and SAPS sign MOU
on Human Rights**



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World Refugee, 20 June

Every year, UNHCR holds several special events to recognize the lives of refugees and those who are dedicated to helping them. Our two blue riband events are World Refugee Day and the Nansen Refugee Award.

World Refugee Day

First marked in 2001, World Refugee Day is held every year on June 20. Tens of thousands of people around the world take time to recognize and applaud the contribution of forcibly displaced people throughout the world. The annual commemoration is marked by a variety of events in more than 100 countries, involving government officials, humanitarian aid workers, celebrities, civilians and the forcibly displaced themselves.

The Nansen Refugee Award

This annual award is named after the late great Norwegian polar explorer Fridtjof Nansen, who was appointed in 1921 by the UN's predecessor, the League of Nations, to be the very first High Commissioner for Refugees. The Nansen Award, consisting of a medal and a US\$100,000 monetary prize, is given out every year in October to a person or group for outstanding services in supporting refugee causes:

Source: UNHCRF

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Children's Rights and Business Principles roundtable: 10 June 2015, Astrotech Conference Centre, Killarney, Johannesburg

Launch of the Access to Justice campaign: 10 June 2015, University of Free State, Bloemfontein

Launch of Equality Round Table Report, Date: 25 June 2015, Venue: TBC

North West Office relocation

Kindly note that the North West Office is relocating to: 25 Heystek Street, Rustenburg. Should you have urgent requests during the move, please call Mpho Boikanyo on 073 429 6630 or Poppy Mochadibane on 072 411 2377.

Tel: 014 592 0694 Fax: 014 594 1089

New chairperson of the UN Committee on the Rights of the Child

The UN Committee on the Rights of the Child elected Prof Benyam Mezmur as chairperson of the UN Committee on the Rights of the Child during its sixty-ninth session week in Geneva. Prof Mezmur is a national of Ethiopia and also heads the Community Law Centre (University of the Western Cape) Children's Rights Project.

SAHRC and SAPS sign MOU on the protection of humans rights during protests and to eliminate violence.

The South African Human Rights Commission has on 18 May 2015 entered into an agreement with the South African Police Service following the signing of a Memorandum of Understanding (MoU).

The aim of the memorandum is to - promote the observance of, respect for and the protection of fundamental human rights amongst the population in order to dissuade the public from instigating and resorting to acts of violence during public demonstrations and protests.

The SAHRC is an independent public body established in terms of the National Constitution of South Africa, and the Human Rights Commission Act of 1994, to oversee the compliance and advancement of a human rights culture in the Republic.

The South African Police Service is a public body established in terms of the National Constitution to prevent, combat and investigate crime, maintain public order, to protect and secure the inhabitants of the Republic and their property, to uphold and enforce the law and to oversee the provision of law and order in the Republic.

The incidence of violent crime and public protests, sometimes resulting in physical injury and loss of life and property have been recorded; These incidences are matters that have implications for both human rights and civilian law and order; The parties to this agreement are concerned and committed to find opportunities to foster greater respect for life, property, law, order, rights and freedoms in the Republic.

There is a need to promote the observance of, respect for and the



Commissioner Titus and National Commissioner Riah Phiyega during the signing of the memorandum of understanding

protection of fundamental rights amongst the population in general in order to dissuade the public from instigating and resorting to acts of violence during demonstrations and protests.

The agreement is as follows:

The parties undertake to cooperate in the following areas, and shall within 14 (fourteen) days of date of signature of this agreement develop a time-bound project plan, in writing and signed by both parties, setting out more fully the objectives, goals, outputs, impacts, budget requirements, risks and indicators of success:

Curriculum Development

The review and development of training curricula for officers of SAPS pertaining to the protection of human rights in exercising powers of arrest, search and seizure; the policing of gatherings and dem-

onstrations; and the use of force, including lethal force, as provided for in law during arrest, the policing of gatherings and demonstrations and to protect the life and property of the community.

Visiting Lectures

The undertaking of visiting lectures by Commissioners and Secretariat of the Commission to the Service to build and enhance the capacity of officers of the Service to execute human rights approaches to policing.

Research

The undertaking of joint or collaborative research projects to identify, amongst other things, underlying root and systemic causes and consequences of violence, crime, and public protests in South Africa.



The MOU will assist the SAPS to respond better during protests.

File Pic. M&G

Outreach

The undertaking of joint or collaborative outreach activities to, amongst other things, sensitize and create awareness amongst members of the community and members of the Service on issues pertaining to human rights, freedoms and associated responsibilities relating to the conduct and oversight of public protests as well as matters of human rights and policing.

Information Sharing

The exchange of information and research data pertaining to the protection of human rights within the context of policing as well as in respect of promoting awareness of the public's rights, duties and responsibilities to the extent that they have a bearing on policing in South Africa.

Monitoring and Evaluation

The joint or collaborative development of monitoring and evaluation tools to assess and report on the

extent to which progress is being made towards the achievement of human rights approaches to policing and citizen observance of rules and procedures relating to public protest in South Africa.

Media and Communications

The joint or collaborative development of media and public communications and responses to human rights and policing particularly the policing of public protests, in cases that both parties consider to be appropriate with due regard to dictates of respective institutional independence.

MANNER OF COOPERATION

The parties undertake to meet with each other at a high level at least bi-annually to discuss matters of concern and common interest pertaining to the areas of co-operation set out in Clause 6 hereinabove.

The parties undertake to involve each other in research and interactions such as workshops pertaining

to human rights in policing.

The parties undertake to liaise with each other on a frequent basis in terms of communication with the public in respect of human rights issues common to both parties. When communicating with the public, the parties must afford each other the necessary respect with due regard to their respective Constitutional mandates.

Communication between the parties must take place between offices of the signatories to this MOU, unless otherwise agreed to in respect of the arrangement of workshops or a joint project.

Where so agreed, communication between the parties must take place between the Chairperson of the relevant committee and the relevant Divisional and/or Provincial Commissioner, and reduced into writing.

The parties agree on the following fundamental principles that frame the present agreement:

Nothing in this agreement shall be construed to create a partnership between the parties, consolidation of budgets and finances, or a waiver of independence;

Notwithstanding the undertaking of collaborative activities, the parties shall maintain their respective independent legislative and constitutional mandates and responsibilities.

Notwithstanding the undertaking of collaborative activities, the parties shall maintain separate and independent reporting responsibilities to Parliament.

Still no clean water in Madibeng

The South African Human Rights Commission recently visited the Klipgat Community in the North West to address shortages of water in the area.

The visit was due to a complaint that was received by the SAHRC in March 2013 alleging that the Madibeng Local Municipality had violated the residents of Klipgat's right to access to adequate, clean drinking water. The SAHRC then issued a report in December 2013 which found that the Madibeng Local Municipality had violated the residents of Klipgat's right to having access to adequate, clean drinking water.

The SAHRC in its 2013 report recommended to the Madibeng Local Municipality to increase water services to three water tanks per section in Klipgat C every second day of the week, to provide the SAHRC with a report within a period of three months of the date of the SAHRC's report and such report had to indicate measures put in place to address access to water challenges.

The report further recommended that the Municipality must provide a report that sets out immediate measures that it will take to remove the impurities of the water and also provide the SAHRC with a detailed report within a period of six months, highlighting measures that the municipality had put in place to ensure that the challenge of adequate supply of water was permanently removed.

The SAHRC team led by Commis-



Commissioner Ameerma addressing concerned community members in Klipgat, North West regarding their challenges on accessing water

sioner Mohamed Ameerma conducted an inspection in loco to ensure whether the Madibeng Local Municipality had implemented these 2013 recommendations.

The community indicated that none of the recommendations had been implemented and said that the municipality has not done anything contained in the report. Mr Mkwazazi who approached the SAHRC with this complaint in 2013 indicated that "water that is supplied to the community is not clean and is not suitable for human consumption as it is not healthy at all, he said." He further stated that recommendations were made by the SAHRC for the Municipality to place water

tanks in the area, which they did but the tanks are filled only once a week and it ends up with most residents not having access to that water.

Other community members suggested that they must be provided with prepaid water and are willing to pay for it. "Ntate Lebea said that water tanks can be there for more than three weeks without a single drop of water being filled inside. "Water is supplied only to certain areas and an elder in the area is forced to carry 3 bottles of 20L in a wheelbarrow and school kids would buy the water for R1 per 20L bucket". Mr Lebea pleaded with the SAHRC to subpoena

We are going to call on the ward counselor, the municipal manager and the mayor to get answers on why there is still no water in Klipgat today - Commissioner Ameermia

the municipality to provide water for Klipgat community as it is a basic need.

Ntate Andries who lives with disability stays closer to the counsellor's house and has to go to the water tank around midnight as the tank is only accessible at that time. Ntate Paul McCook said "we do not want these water tanks at all as they are providing us with dirty water and the conditions are bizarre and we are getting sick from drinking this water as one has to boil the water before using it, he said". He further said that water taps that inside our yards must have running water and we are even willing to pay for it," said McCook.

In response to the community members, Commissioner Ameermia apologized and indicated that the meeting was long overdue and said that drinking water is for the dignity of the people. "We are going to call on the ward counselor, the municipal manager and the mayor to get answers on why there is still no water in Klipgat today. The report came out in December 2013 and people still don't have access to water which is not acceptable at all, he said."

Commissioner Ameermia meets with Human Rights Committee of North West University Potchefstroom Campus

On 14 May 2015, Commissioner Ameermia held a meeting with members of the Human Rights Committee (NUHRC) of Potchefstroom Campus of North West University. The purpose of the meeting was to share information between the South African Human Rights Commission (SAHRC) and the NUHRC. Also, it was to explore possible partnership opportunities and to cement relations through the signing of a Memorandum of understanding.

Mr. Scheppel, a member of the NUHRC informed the Commissioner that the purpose of the SAHRC was to be a proactive guardian of the basic human rights of all staff, students and members of the community without infringing on the rights of other individuals or groups.

Further, the focus of the SAHRC this year was to raise awareness of human rights among the community and its external environment. Thus, it was important to create ties with the SAHRC through a Memorandum of Understanding, in order to promote awareness of human rights and to foster a human rights culture.

Commissioner Ameermia highlighted the mandate of the SAHRC. He noted that the constitutional literacy was important if people were to be able to access human rights. Mr. Scheppel concurred with him, stating that they did a snapshot survey within the Campus and found that levels of constitutional literacy were very low. According to Commissioner Ameermia, it would be commend-



Commissioner Ameermia addressing students at the University of the North West

able if universities could include the Bill of Rights in their orientation programme, admission documents and even academic curricula. In an effort to enhance the accessibility to the Constitution, the SAHRC had published the Constitution in all eleven official languages, on the SAHRC website.

Further, he told the HRC that in partnership with the Department of Basic Education and the Foundation for Human Rights, a booklet called the Constitution Made Easy for Learners had been launched. This booklet was in the process of being distributed to Grade 12 learners throughout the country. He gave some of the copies to the HRC for distribution when conducting their awareness campaigns.

Pf

NO TO
XENOPHOBIA

SAHRC in final stages of investigation into the King's alleged utterances

The South African Human Rights Commission is in the final stages of collating information in respect of the high number of complaints it has received relating to the recent violent attacks in the KZN province earlier this year. The probing of these complaints forms part of the Commission's broader investigation into the root causes of the attacks on non-nationals in the country. A comprehensive understanding of the root causes is vital in eradicating the recurrence of similar human rights violations in future.

The complaints are being dealt with in terms of the Commission's Complaints Handling Procedures which dictate that we consult with complainants and respondents during the course of the investigations. Meetings with complainants in Gauteng, many of which related to the alleged comments by King Goodwill Zwelithini, took place on Friday. An SAHRC mission headed by the Chairperson of the Commission, Adv Mushwana and Commissioner Lindiwe Mokate, to meet with complainants in Kwa Zulu Na-

tal and with the Advisors of King Goodwill Zwelithini was concluded today.

The office of the King has agreed to fully cooperate with the Commission in the course of its investigation and will provide its responses to the preliminary probe by the Commission at a date agreed to by them and the Commission.

The Commission intends to make a preliminary determination on the course of its investigations by mid June 2015.

Nine-year-old Dolly, staying in a temporary camp, doesn't understand xenophobia – misses school.

In April, Dolly and her two siblings fled with their mother Gloria Makwakwa to the Chatsworth displacement camp in Durban along with hundreds of other foreign nationals, after a spate of xenophobic attacks across the city. Mozambican-born Gloria, now a hairdresser, came to South Africa as a young woman with no family links "back home" after her parents died. Dolly was born in Durban in 2006.

Dolly has now lost weeks of schooling and misses her friends and teachers terribly. She lends her voice to the plight of foreign nationals still in limbo in South Africa.

Medecins Sans Frontieres (MSF) Southern Africa has released "Voices from the Camps", a series of five powerful video testimonies from people who were displaced in the

wake of the xenophobic violence in March, to ensure their stories are not forgotten and that South Africans learn more about the life-threatening challenges that vulnerable foreign nationals face.

By telling their stories in these videos, refugees, asylum seekers and survival migrants expose the harsh reality of life as "amakwerekwere" in South Africa. They describe the persistent xenophobia that leads to healthcare exclusion, being denied protection and the unpredictable violence they face from friends and neighbours. Many experienced similar attacks in 2008.

Following the repatriation of thousands of Malawians, Mozambicans and Zimbabweans in April by bus, the displacement camps set up for foreign nationals shrunk. Today

520 people – predominantly Burundians and Congolese – are stuck in limbo in the last remaining camp in Chatsworth. They cannot be repatriated to the conflict zones they fled from – but they don't feel that it is safe to be reintegrated into the very communities from which they recently fled. Government-led reintegration efforts are underway but the trust of traumatised camp residents in a safe return is fragile.

Source: M&G



Children do not understand why they are in camps and not attending school



in expressing grave concern about the turn of events.

However, we can state, unequivocally, that constitutionally and institutionally South Africa still remains very much opposed to racism and all prejudices.

Unlike the apartheid crime which was government driven, the government is opposed to xenophobia.

The few criminal elements who take advantage of the misery of the poor in South Africa, including economic immigrants, have no place in our society.

The communities, civil society and government, as recently seen, showed a united front against xenophobia.

Law enforcement agencies are acting against perpetrators.

The concern is that of low numbers of convictions by the justice system. This ought to change drastically.

Notwithstanding, the following issue arises: Despite South Africa being signatory to international protocols protecting refugees, is the policy of border controls and management being appropriately implemented? Concerning the possible increased inflow of desperate migrants, like in Europe, what plans are there to address the potential refugee crisis to prevent future xenophobic incidents?

Regarding the thorny issue of the "rampaging-rhino-in-the-room," three questions arise: First, hasn't the time arrived, in all sincerity, to cast the searchlight upon the man-made inhumane conditions prevalent in the countries from where people are fleeing into South Af-



SA Citizens joined forces to march against Xenophobia Pic: Channelnewsasia

rica; and also into Europe from the African continent?

Second, is it not about time to similarly focus the spotlight upon those responsible for creating such conditions?

Third, should perpetrators continue to enjoy the limelight despite numerous condemnatory resolutions of international organisations, such as the UN and the AU?

Indeed, South Africa owes its development to many nationalities from across the world.

Some arrived as colonialists, others as economic migrants and others as refugees. However, it has mainly been developed upon the cheap labour of its own people and of fellow Africans.

On achieving independence, African states, like others elsewhere, also provided support to South Africans who fled from the apartheid regime.

This history must never be forgotten. The ignorant need to be edu-

cated. Hence the call for African solidarity and unity.

Today xenophobia targets those from outside national borders.

Next, those outside provincial ones.

Someday those outside tribal boundaries. It knows no borders...

The grim lessons of Rwanda still haunt us. The xenophobia of today is the genocide of tomorrow. Those who fail to heed the lessons of history are doomed to repeat its terrible mistakes.

The powerful words of Nelson Mandela should be heeded.

"Never, never, never again shall it be that this beautiful land will again experience the oppression of one by another and suffer the indignity of being the skunk of the world! Let freedom reign. The sun shall never set on so glorious a human achievement. God bless Africa."

* Tokyo Sexwale is president of Global Watch. Source: IOL

South Africans don't need to use force to address xenophobia: Motlanthe

NO TO
XENOPHOBIA

SA's use of force to combat xenophobic violence is unnecessary, says former president Kgalema Motlanthe.

Mr Motlanthe told this to delegates while speaking during a Pan African Youth debate at Rhodes University on Monday. The debate was held to commemorate Africa Day.

His remarks represent a departure from the government's controversial Operation Fiela, during which raids have been conducted around the country to eradicate criminal elements believed to be the catalyst for xenophobic violence, according to the state.

Hundreds of foreign nationals, most of whom are believed to be asylum seekers and refugees, have been detained during the raids, as well as a trickle of South Africans.

Mr Motlanthe, called for an end to discrimination on the basis of race and nationality.

"You do not need to use force to address xenophobia. This is a challenge that can be addressed, firstly, by ensuring that every person in the country is documented," Mr Motlanthe said during the debate.

This is the second time Mr Motlanthe has spoken frankly about the government's performance in recent times.

During a panel discussion with FW De Klerk in Paarl on Friday, Mr Motlanthe expressed misgivings about the way opposition parties were treated in Parliament by the



Not in my name: The resurgence of attacks on Non-nationals that reminded South Africans that much still needs to be done to educate the public about issues of migration

ANC.

Human rights activists, most notably, the People's Coalition Against Xenophobia, have criticised the timing of Operation Fiela raids and cautioned that the state's actions could stoke xenophobic tensions again. The state's characterisation of the raids as "clean sweeps" has also raised rights watchers' ire.

In total, 1,650 supposedly undocumented migrants have been detained as a result of Operation Fiela.

The government, however, has denied that its actions have "legitimised" xenophobia. The state is also pressing ahead with stricter migration regulations and moving towards tightening border controls. A border management agency, responsible for policing SA's borderline and its ports of entry, would

be up and running by 2017, Home Affairs Minister Malusi Gigaba said earlier this month.

At a post-national executive committee briefing two weeks ago, ANC general secretary Gwede Mantashe said it would be impetuous to change Operation Fiela because of its unintended consequences if it is yielding positive results in the process.

"If there are things that are wrong in Operation Fiela, they must be dealt with. You can't throw away the programme, whose intention is clear and good for society, on the basis of incidents that happen in the process of implementing it," Mr Mantashe said. **Source: Times-media**

Court orders Free State pub owner to pay R80, 000 for using K-word

The South African Human Rights Commission (Commission) welcomes the Bloemfontein Equality Court judgment wherein Mr Patrick Prior, a pub and grill owner was ordered to pay R80 000 for calling Mr Gilbert Makanda, a Zimbabwean national and a lecturer at the Central University of Technology, using the k-word.

Mr Makanda complained to the Commission in August 2014 that actions by Mr Prior violated his constitutional right to Equality (the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000) when he used racial slur towards him. Mr Makanda had

misguidedly went to a bathroom designated for female patrons as he could not read the signage written in Afrikaans

The Commission instituted the matter in the Equality Court on 6 March 2015. Judgment was delivered on 20 April 2015 after Mr Prior failed to appear in court.

The Commission is adamant that the judgment is in line with the objects of the Equality Act which provide remedies for victims of unfair discrimination, hate speech and harassment and persons whose right to equality has been infringed. The equality provision in section

9(3) of the Constitution includes a clear prohibition on discrimination based on race, ethnic or social origin and colour. The Complainant made an honest mistake by using toilets designated for female patrons at the Pub and Grill and the actions taken by Mr Patrick Prior were both extreme and discriminatory in nature.

Mr Prior was ordered by the court to make a written public apology to Mr Makanda. The apology should also be published by no later than 22 May 2015 on Bloemfontein based Newspapers publications in both English and Afrikaans.

Parliamentary channel could be switched off if MPs are unruly, court

South Africans could be denied the right to watch "disruptive" conduct in Parliament in future. This is the upshot of a High Court ruling.

Parliamentary proceedings have become contentious since the Economic Freedom Fighters' #PayBackTheMoney challenges of President Jacob Zuma over the tax money spent on upgrades to his Nkandla homestead. In February, electronic communication from parliament was cut for several hours ahead of Zuma's state of the nation speech, preventing MPs, journalists and the public from making cellphone calls or tweeting from the parliamentary precinct.

In a majority ruling on Thursday, 28 May 2015, the Western Cape High Court found against a number of media houses and institutions, including the SA National Editors' Forum (Sanef) in the case they brought against parliament about the broadcast feed which is provided, showing proceedings in the National Assembly and the National Council of Provinces.

Sanef and the other organisations had argued the rules that bar the provision of video and audio feed of gross disturbance amounted to censorship and are therefore unconstitutional. In a full bench ruling by three judges, two ruled against the media organisations while one dissented and agreed with the media

companies.

Expressing disappointment at the ruling, Sanef chairperson Mpumelo Mkhabela said in a statement: "Sanef is still convinced that the public would be better served by seeing all of what their representatives get up to in Parliament".

Parliament's Policy on Filming and Broadcasting, in operation since 2009, regulates recordings of Parliamentary proceedings for public broadcasting that is in the public interest and related to the main business of Parliament. This broadcasting, the policy states, should also be in conformity with acceptable standards of dignity, appropriate behaviour and conduct. Source: Pressreader

Why the Independent Media panel on reader commentary disappointed

The panel advising Independent Media on its handling of hate and other objectionable online reader commentary has recommended that these newspapers start pre-editing all online reader commentary or close it down.

This is worrying. It will cost significant money to pre-edit all this material, so management will be tempted in these tough times to shut it down – which would be a retrogressive step.

Besides, pre-editing worries me, as it closes down the space for conversation and debate rather than targeting the seriously problematic material.

The panel was set up by company chair Dr Iqbal Survé who was concerned about the amount of hate speech and other offensive material in the readers' comments on the company's news sites. It seemed somewhat over-the-top to have a six-person team to go through such an elaborate process to set policy on a standard media issue. But this might have been because Dr Survé wants to take firm action without evoking even more of the hostility he has faced in the media world.

And it seemed strange to put together a team without anyone with much frontline experience in handling this problem. Just two weeks ago, there were two international experts in town discussing how they have grappled with this issue in England and Germany – James Lamont, managing editor of the Financial Times, and Anita Zielina, formerly of Stern – both of whom had fascinating and important ideas on this front. It seems that the panel did not

hear what was being said by some of those on the cutting edge of this global debate. A pity.

In short, the panel recommended that the company:

- adopts a narrow definition of unacceptable speech which takes into account local conditions
- appoints internal moderators to vet all reader comment prior to publication (rather than cleaning it up afterwards)
- that all commentators be required to register to ensure that are accountable for their views and do not abuse anonymity
- that if this proved unaffordable, it would be preferable to close down commentary than allow it to continue uncontrolled. The report indicates that this was a majority, and not a unanimous view of the panel.

I am with them on the narrow definition of what should be considered unacceptable. There needs to be great care to avoid the temptation to remove what is merely controversial or even offensive.

And I can (reluctantly) accept the requirement for commentators to register. Anonymity does sometimes allow difficult things to be said which need to be said, but it also makes it too easy to dish up hate speech or defamation.

I believe it would be in the interests of open debate and discussion to avoid pre-editing, but rather have moderators who can move quickly to remove material which crosses the line and even blacklist repeat offenders. Readers' help can be solicited to make this fast and efficient, as can technology.

But if the pre-publication moderators have a light touch, focusing only on the truly problematic material, then the temptation to be too controlling can be avoided.

I am worried that the panel has opened the door to Independent – under pressure like all newspaper groups to cut costs – just closing down commentary, or closing most of it down, as this is contrary to the spirit of open and free exchanges of views on the internet.

But what concerns me the most is that they have proposed only a defensive policy, rather than a positive one which would embrace the value of user participation in online discussion and debate. Perhaps this is because they were asked to come up with a strategy to deal with hate speech, rather than what would have been a more progressive attempt to encourage and enable good, valuable and rich reader engagement.

There is both a moral and a business case for a more positive approach. The moral case is that we want South Africans to be active, participative citizens and this involves engaging in public debate, even if we don't like some views.

The business case is that every site needs to work on its "stickiness", its capacity to keep its audience involved so that they stay with the site. And participation is crucial to this.

A site without reader commentary would be a step back towards old media rather than embracing the interactive, participatory power of new media. **Source: Anton Harber, Journalism, Media regulation, Online, Politics.**

In the Seat



with Ntombenhle 'Nhle' Ngwane
PA to Commissioner Mokate



Tell us about Ntombenhle in a nutshell?

I am a 20 something year old woman. I am a mother to a 5 year old Bayanda. I am an aspiring policy analyst. I am a Christian. I hold strong feminist values. I respect and observe culture and tradition. I love life and everything it comes with.

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

I was born in a place called Umzumbe near Port Shepstone in the South Coast of KZN in the late 80's. I am a last born in a family of 8 children. My dad passed away when I was seven years old, doing Sub-B, now known as grade 2. My father

I remember I had to walk something around 20 kilometers to and from school every day.

was the sole breadwinner at home and his passing resulted into a great deal of a financial struggle. Somehow though we pulled through. We all managed to finish matric and I was fortunate to be the first to go to University. I did my primary schooling at Umzumbe Primary School. I remember I had to walk something around 20 kilometers to and from school every day. I then finished my matric at Mtumasele High. After that, I enrolled with UKZN where I did a Bachelor of Social Science Degree and an Honours in Policy and Development. Other than that, I had quite a happy childhood. My family is a close-knit family and we love and respect each other so much. My mother is my hero and everything I am today and everything I will ever be, I owe it to her good guidance and eternal support and love.

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

I am currently working as a personal assistant to the Commissioner. This means that I manage the Commissioner's schedule, organ-

ize her meetings and everything in between. I am quite grateful for the opportunity, especially since it came at a time where I had lost hope in finding employment after my internship in one of the national government departments in Pretoria. I therefore make sure that I give the position my best and always strive to excel in everything that I do. I started the position with no training or experience and it was a bit of a challenge to meet the expectations of the job. I remember Commissioner, before going into a meeting, asking about her meeting pack and I was like, what pack? It was quite a challenge but I like to

I remember Commissioner, before going into a meeting, asking about her meeting pack and I was like, what pack? It was quite a challenge but I like to believe I have adjusted quite well.



believe I have adjusted quite well.

Day outside office?

I am currently registered for a Masters of Management in Public Policy with the University of Witwatersrand's School of Governance. I therefore often spend my weekends in my room or at the library doing my school work. On rare occasions that I have time to spare, I always hang around with my 'KZN connection', roaming around Johannesburg or chilling in doors. Those chilling sessions always end up in some form of debate about one thing or the other. Unfortunately, I am always alone on the other side of the debate as I am the only woman in the crew. My 'connection' is a bunch of young professionals and revolutionary thinkers. We grow and inspire each other immensely.

What motivates and inspires you?

I am inspired by young people, regardless of their backgrounds and situations, doing it for themselves. I always say that God entrusted us with the freedom to choose. The choices you make will determine whether you succeed or not. I therefore dislike people who sit in their corners indulging in pity parties and thinking things will miraculously change.

Favorite activities?

Before Wits work consumed me, I used to read, quite a lot. I finished Fifty Shades of Grey trilogy in four

Coming from a poor background, I am passionate about helping children realize their goals

days lol (laugh). I also like reading non-fictional books and watching movies.

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

Well, if it counts as interesting, I am the only child who is not a twin at home.

My favorite quotation

"What does not kill you can only make you stronger" (Unknown)

Tell us about anything that you are passionate about

Coming from a poor background, I am passionate about helping children realize their goals, especially

goals involving education. As a result, I always try to share information on how to access higher education even though one cannot afford to pay for tuition and residential fees. I also have a very soft spot for children, especially those that do not have anybody to care for them. It is my hope that one day I will be able to open a children's home, where I will take care of children that need love and care.

My favorite Book, music, chill out place etc.

Joyous Celebration 19 is what I currently play in the mornings and before I go to sleep. I find the songs inspirational and after singing and dancing, ALONE in my room, I always feel like Hakuna Zvinorema (nothing is too difficult).

I also have a very soft spot for children, especially those that do not have anybody to care for them

Chiefs or Amazulu - both
KZN or Gauteng - KZN

SNIPPETS

The South African National Editors' Forum (Sanef) is outraged by four more incidents of the abuse of power by police officers, security personnel and taxi drivers against journalists.

- In the latest incidents on Tuesday April 21, a reporting team from the Daily Sun covering the burning of two Golden Arrow buses in Nyanga, Cape Town were assaulted and abused by so-called "Amaphela" taxi drivers. Reporter Mandla Mnyakama and photographer Lulekwa Mbadamane were covering riots by taxi drivers after traffic police had impounded 45 taxis in the past two weeks. Mandla and Lulekwa drove past a scene where a Golden Arrow bus was burning in Govan Mbeki Drive in Nyanga. They parked their car and got out when a group of men stormed them and asked why they were taking pictures. The men, who were carrying bricks, proceeded to search the journalists and asked them whether they were carrying cameras. Lulekwa was hiding her camera under her jacket when the men insisted to search the journalists' car. A group of about twenty men surrounded them. They found Mbadamane's camera and destroyed it by smashing the camera on the tar road. The also took her cell phone and instructed the journalists to drive off if they didn't want to die, before pelting the vehicle with stones.

- Also on Tuesday, Mathews Baloyi was safely escorted out of Jeppes-town in the evening just before the military and police raid of the area after residents saw him raise his camera and started threatening

beat him and other journalists for the Sunday Times pictures of Emmanuel Sithole being killed in Alex which led to the arrest of the four suspects.

- On April 15 Eyewitness News reporter Thembekile Mrototo was forced by a police officer in Jeppes-town, Johannesburg to hand over his cell phone after using it to take pictures of police action against looters. The officer proceeded to delete the pictures from his phone and then gave the phone back. The officer wasn't wearing a police badge at the time.

- On April 8 Frans le Roux, a journalist at Paarl Post community newspaper, was physically prevented by a security guard from the Passenger Rail Authority of SA (Prasa) from taking pictures of a train derailment in Paarl. Le Roux was trying to take pictures from the road when the guard stormed at him and prevented him from taking photos. This is not the first time the newspaper has experienced this kind of behaviour from Prasa security guards. The editor of Paarl Post has since lodged a complaint with Prasa. Source: **SANEF**

Madonsela fires back on Nhleko report

Public Protector Thuli Madonsela has hit back at Police Minister Nkosinathi Nhleko's Nkandla report, saying it's riddled with misstatements, inaccuracies, incomplete information, innuendos and false accusations.

In a statement posted on the the Public Protector's Facebook page says she believes that Minister Nh-

leko gave the matter his best and applied his mind to the issues at hand. However, when mentioning the report's shortcomings, she says they are partly due to the fact that the minister is a member of the executive who serves the president.

Madonsela says she will write to the President Jacob Zuma to point out the limitations in the Minister of Police's report, with a view to ensuring that the President is placed in a position to make an informed decision not based on withheld or distorted information.

"There are untruths in the report for example our reports as the Public Protector of South Africa says no public funds were used to build the president's houses, we didn't say but we did say that public funds were used to build the president and additional house," says Madonsela.

"We did not question the integrity of the minister we are just saying he has done his best but its given people half of the information so they are not given enough information to make an informed decision."

Madonsela says the visitors centre at Zuma's Nkandla residents is a full house which was built with public funds. The area is used as an additional house, a double storey building, which is just called a visitors centre.

Measures that should never have been implemented as they are neither provided for in the regulatory instruments, particularly the Cabinet Policy of 2003, the Minimum Physical Security Standards.

Source: **SABC**

Film and Publication Board to launch draft Online Regulatory Policy

3 March 2015, Johannesburg. The Film and Publication Board (FPB) will hold a media briefing on 4 March 2015 to launch the draft Online Regulatory Policy for public comment.

The policy has been developed in pursuant of section 4A of the Films and Publications Act, 61 of 1996, as amended.

The current legislation is not platform specific, and the FPB's compliance and classification activities have over the years focused more on physical platforms and less on the online space, resulting in children being exposed to unclassified content accessed through the internet and other mobile platforms. Media convergence has fundamentally transformed the way media content is distributed and consumed. The draft online regulation policy is meant to address such challenges.

The FPB will be embarking on national public consultation road shows which will begin in April 2015 and will allow members of the public to give inputs on the policy.

The policy will be published in the Government Gazette on 04 March 2015. Any person who wishes to submit representations or comments is invited to do so within 90 (ninety) days from the date of publication, by no later than 16h00. Submissions should be emailed to policy.submissions@fpb.org.za or hand delivered to the FPB head office at ECO Glade 2, 420 Witch Hazel Street, ECO Park, Centurion, 0169 and marked for attention Ms. Tholoana Ncheke. **Source: FPB**

Take a stand against online regulation

APC joins South African civil society groups in opposing internet content regulation proposed by South Africa's Film and Publication Board.

If implemented, the Draft Online Regulation Policy proposed by the South African Film and Publication Board (FPB) would, under the guise of child protection, pose serious threats to online freedom of expression. It would involve policing content published on the internet – including blogs, personal websites and Facebook pages. APC joins the many South African civil society and broader communications sector voices that are expressing their concern about the proposed regulations.

Under the Draft Online Regulation Policy, the Film and Publication Board would have the power to “refer any self-generated video that is found to contain classifiable elements for classification to its classification committee, instruct the distributor to take down the unclassified content and only reinstate it after having complied with the FPB classification decision.” This is tantamount to giving the Film and Publication Board the power to effectively censor any Facebook post, Twitter ‘tweet’, YouTube video, or any other user-generated internet content created by any South African.

Aside from the fact that this power would be open to abuse – for example, for censoring political speech, or censoring content created for the purpose of sex education or promoting the interests of LGBT groups – it would be impossible to ensure compliance with the policy. It would place additional burdens on all internet users and intermediaries (companies and organisa-

tions that host internet content), particularly small and medium enterprises.

At a sector meeting convened by the Association for Progressive Communications (APC), the SOS Coalition, the Right2Know (R2K) Campaign and the Freedom of Expression Institute (FXI) on Friday 22 May in Johannesburg, there was consensus that the draft regulation policy must be scrapped. The participating civil society groups, media organisations, library associations and internet and telecommunications industry associations all agreed that the proposed regulations pose a serious threat not just to online freedom of expression and association, but also to local internet-based innovation, content development and job creation.

Child safety, one of the primary objectives of the proposed regulations, is very important. However, there are other more effective strategies and mechanisms to ensure the protection of children in the online environment that do not require pre-publication censorship.

The internet can be a powerful tool in protecting children from harm. Should the proposed draft regulations be adopted, we would be creating an internet which children cannot fully utilise to protect themselves from harm, both online and offline. The question of values in the draft regulations is particularly problematic. We must be careful that the values used in imposing internet control in children's so-called best interests do not end up fundamentally depriving children of all sorts of rights that should be available to them. **Source: APC**

New Appointments

Pfanelo would like to congratulate the following colleagues on their appointments

Dr Martin Nsibirwa - Senior Manager Operations
Dr Khulekani Moyo - Head of Research
Brandon Ainslie, Legal Officer (EC)
Lesego Tau - RA Hurap Officer (HO)
Nombulelo Mnisi - Cleaner (MP)
Norllen Pitjadi - Admin Assistant (Commissioners' Programme)

Happy Birthday

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

Anelisa Bulana (HO) & Omolara Atikonye (HO) - 03rd

Carol Ngwenyama (MP) - 05th

Judith Cohen (WC) - 06th

Chantal Williams (NC), Cindy Lee Hangone (WC) & Rachel Mambani (HO) 08th

Musa Mchunu (HO) - 09th

Sibongiseni Tula (HO) - 14th

Sizakele Ntoyi (HO) - 15th

Nonandi Diko (WC), Nompumelelo Sobekwa (HO) & Barbara Moloji (HO) - 20th

Lauren O'reilly (GP) - 22nd

Siyasanga Giyose (HO) Kenosi Masilana (HO) and Herriette Buga (GP) - 26th

Phillip Molekoa (GP) - 29th