

# Fanelo

*"It's Your Right"*

Transforming Society. Securing Rights. Restoring Dignity

The South African Human Rights Commission Newsletter



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## SAHRC moves to new Free State Office to be more accessible to the people



### SAHRC re-visits evicted family in Mkhondo, Mpumalanga

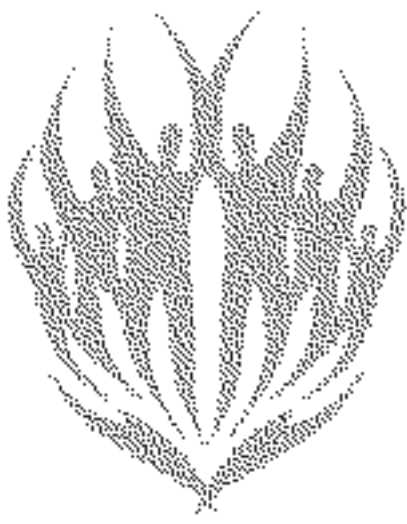


### SAHRC concerned about chaos during SONA, calls on investigation into jamming of internet

### The significance of celebrating Human Rights Day, 21 March

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## Celebrating 20 years of the SAHRC



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## In this issue....

*From the Acting CEOs desk, p 03*

*Human Rights Day, 21 March, p 04*

*SAHRC concerned about chaos during SONA, calls on investigation into jamming of internet, p 05*

*Sanef outraged by illegal clampdown of freedom of expression during SONA, p 06*

*'Homophobic' Joburg venue refuses to host a gay wedding, p 07*

*Commissioners visit Australia to learn best practices, p 08*

*We need a Human Rights Commission, p 09*

*Business and Human Rights as a Commission Focus Area, p 10*

*Chairperson Mushwana assess the state of Equality in Mpumalanga, p 11*

*The South African Human Rights Commission opens doors for all in the Free State Province, p 12*

*In the Hot Seat with...?*

*Q & A with SAHRC Chairperson, Adv Mushwana, p 16*

**Back pages:** *Snippets, birthdays and staff movements*

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## From the Acting CEOs desk



**Siyasanga Thulani Giyose**  
**Acting CEO**

### Greetings Colleagues,

I take this opportunity to express sincere gratitude to the SAHRC, Commissioners and staff alike, for the confidence and support provided to this acting responsibility.

A time of transition is always challenging, with uncertainties and 'fear of the unknown' often diverting attention away from sustaining organisational stability and progress.

It is further a challenging period as we are in the last month of the financial year and therefore must work to ensure that we fulfill the objectives and plans we set ourselves from the beginning of the performance period. Equally challenging in this time is the need to maintain an unqualified audit opinion. As you may all be aware, the audit opinion as expressed by the

Auditor General of South Africa, is one key indicator for good governance and organisational stability, and has huge implications for institutional image.

Interaction with many of you thus far indicates that we all have unwavering commitment to ensuring minimal disruption during this time. From the role assigned to us in the Office of the CEO, we encourage each one of you to keep up the team spirit and good work that, over the years, has seen the institution achieve and maintain 'A' status at international level; improve performance levels from average 50% to above 80%; and redeem its audit opinion from qualified to unqualified in one year.

We can also not forget the difficult transitional period brought to us by the restructuring process that took place over the last few years. More importantly though, is for

"I trust that we are all willing and able to sustain the momentum across all these important areas of our institutional development"

us to focus on the institutional revitalization process that recently commenced, seeing us inclusively involved in strategy information sessions; devising renewal plans; initiating communication platforms across all institutional level, including Commissioners; and staff morale building and recognition through employee awards.

As we await finalisation of the full time CEO appointment process, I trust that we are all willing and able to sustain the momentum across all these important areas of our institutional development.

Let me once again thank each one of you, for, in this short while, making everything as seamless as it has always been under the stewardship of our previous CEO, Kayum Ahmed. Hoping that we continue with this institutional spirit through to the appointment of our new CEO and beyond.

Sincerely,

Siyasanga



## Human Rights Day, 21 March

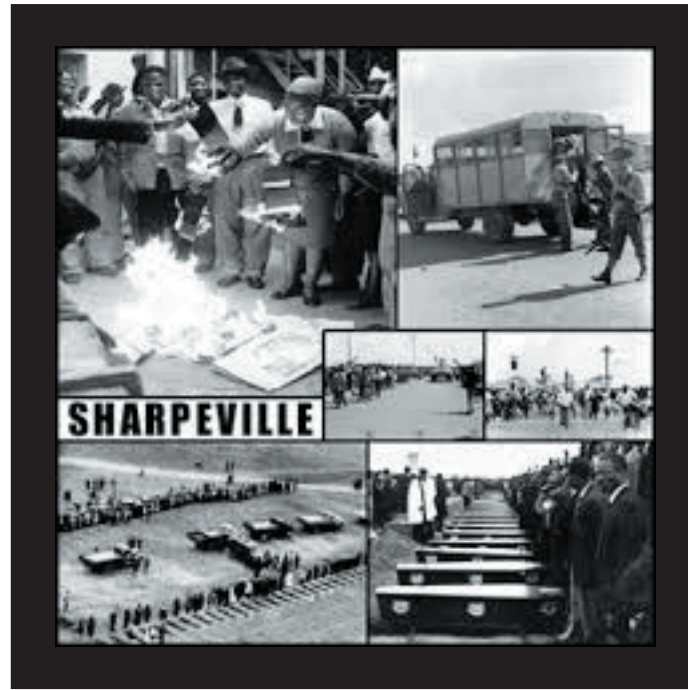
We celebrate this day each year to remind us of the great suffering and loss of life that accompanied the struggle for human rights. It is to remind us that people in South Africa will never again be denied their human rights.

**What is Human Rights Day?** Human Rights Day (21 March) is the day set aside to celebrate human rights and to remind all South Africans of their human rights.

**What are human rights?** Human rights are the rights that everyone has, simply because they are human beings. They are the rights we all have from the moment we are born. We do not have to earn them and they cannot easily be taken away from us.

The list of human rights protected in South Africa are contained in the Bill of Rights, which is Chapter 2 of the Constitution. The Constitution is the highest law of South Africa. Everyone in South Africa, including the government, must follow it. The rules set out in a Constitution cannot easily be changed, and so the rights in the Bill of Rights are also very hard to change. This means that it is difficult for anyone to change your rights or to take them away from you.

**Rights and responsibilities:** Because everyone has these rights regardless of their race, age or gender, we all have to respect other people's rights as well. It is no good saying that you have these rights if you are doing things at the same time, which go against other people's rights. We must also respect and follow the laws of the country as well.



### **Why do we celebrate Human Rights Day on 21 March?**

On 21 March 1960, events were planned for many parts of the country, for people to protest against the Pass Laws. These laws required all black people living or working in and around towns to carry a document (known as a pass) with them at all times. Failure to carry this document would lead to arrest by the police and to people being sent away from the towns in which they lived.

On this day people decided to go to police stations without their passes and to demand that the police arrest them.

The idea was that so many people would be arrested and the jails would become so full that the country would not be able to function properly. It was hoped that this would lead to the Pass Laws being scrapped. At Sharpeville in Gauteng, thousands of people gathered at the police station demanding to be arrested. They were met by 300 police officers. After a scuffle broke out, the police opened fire on the

crowd. At least sixty-seven people were killed and 180 injured by the shooting.

These people were protesting against unfair laws and demanding recognition their human rights. Many of these rights are now included in our Bill of Rights, and include the rights to:

- Equality (Section 9)
- Human dignity (Section 10)
- Freedom of expression (Section 16)
- Assembly, demonstration, picket and petition (Section 17)
- Freedom of association (Section 18) and
- Freedom of movement and residence (Section 21).

### **Did you know?**

As part of celebrating Human Rights day, the Commission will launch the Advocacy Report, Business and Human Rights Guide and will hold dialogue on twenty years of Human rights.

These activities will take place from 18 -19 March 2015

# SAHRC concerned about chaos during SONA, calls on investigation into jamming of internet

The South African Human Rights Commission witnessed and observed with great astonishment and disappointment the chaotic events that occurred during the State of the Nation Address (SONA) on Thursday, 12 February 2015 three days after the 25th anniversary of the historic release of the icon of our democracy, Nelson Mandela.

It is not our intention to apportion blame to any or all of the political parties who were involved in the SONA debate which was subsequently marred by chaotic events bordering on the overt threat to our democracy and indeed our most widely revered Constitution.

We equally do not want to descend into the political arena of this country as it subsequently unfolded during the debate which is the prerogative of those who have been elected to serve in those capacities, but we want to come in, as we hereby do, and intervene as that Institution that has been established by the Constitution itself

to support constitutional democracy in this country.

The events that occurred during the SONA debate are by now well-known and widely published and reported in all print, electronic and social media in and outside of this Country and it is not our intention to regurgitate such reports.

The disabling of access to the internet in Parliament was and remains a serious violation of the right to receive or impart information or ideas to and from members of the public, and indeed the freedom of the press and other media as encapsulated in our Constitution.

We commend the Presiding officers for having commitment to an urgent investigation into this serious transgression and as a Commission we will closely monitor developments in this regard and make recommendations to respective parties where appropriate.

With regard to the presence of the police and private security personnel within the precinct and Parliamentary chambers, the Commission believes this matter would be best-dealt with within the rules of Parliament and other due legal processes.

Following on this debacle we call on all leaders of Political Parties in this Country to convene an urgent meeting to be facilitated by an independent individual/institution, or a collective of their choice to carefully and soberly reflect on what happened during SONA, and inform the people of this country and indeed the world of what steps they will be taking to address and correct this situation and of course to prevent its recurrence going forward.

Further and in the circumstances, we are of the view that it is in the interest of justice and of this country that this meeting that we are humbly requesting, should precede the SONA debates scheduled to take place on Monday and Tuesday next week and indeed the Question Time due to take place on the 11th of March instant.

We implore all leaders of Political Parties to put the interests of this country before any other interest to avoid anarchy that may follow and destroy our hard earned democracy.

Our democracy and the Constitution are products of negotiation and dialogues which, in our view, were not once off events but something that should continue to guide us as a fall-back position in times like this.

We remain committed and available to participate in any process that is aimed at strengthening Constitutional Democracy and the promotion of human rights and a culture of human rights in this Country.



**Members of Parliament protesting against jamming of signal in parliament during the State of the Nation Address. Pic: ENCA**



## Sanef outraged by illegal clampdown of freedom of expression during SONA

The South African National Editors' Forum is outraged by the shocking, illegal clampdown on freedom of expression in Parliament during the State of the Nation address on Thursday night. We believe these unconstitutional actions were an attempt by both the legislature and the executive to prevent journalists from telling the nation the full version of Thursday nights' events.

1) In an unprecedented move, cellphone scrambling devices were installed in Parliament to block any communication from inside Parliament. We have reason to believe that the executive, particularly the security agencies of the country, took the unlawful decisions to block the signal in contravention of the Electronic Communications Act.

2) Parliament refused to show the eviction of members of parliament by security officials who were called in by Speaker Baleka Mbete. Sanef previously wrote to the office of the Speaker and met with officials from her office to request that the coverage of proceedings should not be limited to what parliament regards as the "business of parliament", but broadened to show the South African public everything that happens in the house, in accordance with the constitutional principle of openness, transparency, accountability and the



**The jamming of signal was contravening the freedom of expression as enshrined in the Constitution. Pic: Timeslive**

right to know.

3) Sanef is further outraged by the intimidation of journalists and attempts by security officials to prevent reporters from conducting interviews with MPs who had just been ejected from Parliament. Journalists were threatened with arrest and withdrawal of their accreditation.

Sanef has decided at its council meeting today to initiate the following actions in response to this despicable, shocking and unprecedented assault on our freedoms and rights.

- We will approach the courts to prevent any future attempts by state security agencies from unlawfully blocking communications signals aimed at interfer-

ing with journalist's constitutionally protected rights and freedoms

- We also want the courts to compel Parliament to allow broadcasters to install their own TV cameras in Parliament to cover the proceedings fairly and openly. This after parliament refused our request to do so.

- We will challenge the refusal by the office of the speaker to provide unedited footage of the proceedings of Parliament.

- We demand a meeting with the speaker and President Jacob Zuma, as head of the executive, for a full explanation, an investigation and an assurance that the rights and freedoms of the media and the public shall not be violated again.

### Meanwhile

State Security Minister Mahlobo says he cannot be blamed for signal jam

Security Minister David Mahlobo on Wednesday brushed aside an

opposition call to resign over the jamming of the cellphone signal during the state-of-the-nation address, saying he could not be held responsible for an operational error.

Mahlobo told the National Assem-

bly that since he had not ordered the signal blocking a question from Democratic Alliance intelligence spokesman on whether he was prepared to quit was therefore "irrelevant".

## ‘Homophobic’ Joburg venue refuses to host a gay wedding

GARRETH VAN NIEKERK @City\_ Press 9 February 2015 12:40 5

A popular wedding venue has come under fire for its “anti-gay” stance after it reportedly refused to host another couple because it “doesn’t do gay weddings”.

Sean Hydes and Shawn Swiegers were turned away from Oakfield Farm, a popular wedding venue in Johannesburg, because of their sexual orientation.

The venue is currently under investigation by the Commission for Gender Equality for sexual discrimination after a complaint was filed against it last year.

In the latest allegations, Mambaonline reported that the couple went to visit the venue which, over the phone, seemed happy to have them

until they arrived in person.

When the woman who runs these bookings realised that she was dealing with a same-sex couple she seemed “flustered” and informed them that “she doesn’t do gay weddings”.

She suggested the couple rather deal with the owner of the establishment, Matthew Stubbs.

Stubbs told the confused couple that while he didn’t “mind gay people” he could not host their wedding at his venue because it went against his religious beliefs.

Hydes has said the whole incident was “embarrassing and humiliating”. He explained that his biggest complaint was that the venue wasn’t upfront about its bigoted policy.

“They kind of pretend to be open to it but then they ambush you while

you are there filling out the forms and doing a tour. At least be honest about it. It’s very unprofessional for such a well-known venue,” he said.

The venue is becoming quite infamous for its anti-gay stance.

In April last year, the Commission for Gender Equality notified Oakfield Farm that it was investigating a complaint against it of unfair discrimination on the basis of sexual orientation.

In March last year, the chief executive of the South African Human Rights Commission, Kayum Ahmed, said that service providers were not allowed to discriminate against gay and lesbian people because this is a violation of the Constitution and the Promotion of Equality and Prevention of Unfair Discrimination Act.

### What they said on Facebook

**Penelope Grobler:** I would have thought the right to association comes in play here. They should find another venue that would have them

**Willem Schutte:** To the SAHRC - Please investigate this incident in an official capacity...

**Wilson Mbekezeli:** They have the right to refuse to do the wedding if its not a state venue!

### The Right to Equality

Everyone is equal before the law and has the right to equal protection and benefit of the law.

Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and

other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or

social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3), National legislation must be enacted to prevent or prohibit unfair discrimination. Source: <http://www.justice.gov.za>

# SAHRC visit Australia to learn best practices

**By Angela Kariuki**  
*Research Associate for Commissioner Love*

From the 2nd to the 6th of February 2015, Commissioners from the South African Human Rights Commission (SAHRC) undertook a study tour to Australia in line with their 2014/15 APP target where they met with the Australian Human Rights Commission (AHRC) and other NGOs and civil society organisations in their respective focus areas to exchange ideas and discuss mutual challenges.

Commissioner Love, Commissioner Mokate, Commissioner Malatji, and Deputy Chairperson Govender met with their Australian counterparts and the President of the AHRC, Professor Gillian Triggs, to learn from their experiences in protecting and enhancing the rights of all Australians.

“It has been fascinating to hear about their efforts to support constitutional democracy in South Africa, particularly in regards to children’s rights and education, age and disability, land rights and rural development, and the enforcement of South Africa’s freedom of information laws, the Promotion of Access to Information Act,” Professor Triggs said.

The week-long meetings and roundtables also included Australian and international NGOs working to promote the rights of children, older persons and people with disability, Indigenous Peoples rights, and extractive industries. The study tour revealed that there were a number



**SAHRC Commissioners with their Australian counterparts exchanging ideas and discussing mutual challenges**

of human rights issues relevant to both South Africa and Australia, including social justice and native title, land rights, racial discrimination, the rights of children and young people to access quality education, gender equality, the rights of older persons, and the rights of people with disability. The tour provided the SAHRC Commissioners with the opportunity to hear from AHRC Commissioners about human rights issues in Australia, particularly in the areas of age and disability discrimination, social justice and children’s rights. Later in the week, the SAHRC Commissioners met with other bodies working in their respective focus areas to exchange information and experiences. These bodies included Oxfam Australia (on extractives), the National Congress of Australia’s First Peoples (on Indigenous

Peoples rights and land issues), the Conservation, Forestry, Mining, and Energy Union (CFMEU) (on labour rights in the mining industry and on the Marikana matter), UNICEF Australia (on children’s rights), Vision Australia (on issues relating to rights of people with vision impairment), National Seniors Australia (older persons), and People with Disability Australia (people with disabilities).

Overall, the study tour was a valuable learning experience through which the Commissioners were able to reflect on similarities on the two NHRIs, acknowledge the differences relating to the way in which the organisations go about human rights protection, exchange experiences around complaints handling, and share good practice.



# We need a Human Rights Commission

by Sunday Standard Commentary  
09-02-2015

For a country that prides itself with the rule of law, democracy, and justice and among others, the doctrine of Separation of Powers, it is still somewhat strange that Botswana has not seen it fit to establish a Human Rights Commission. It certainly cannot be for a lack of resources.

In countries where they exist, Human Rights Commissions, or such similar organizations have proved handy in entrenching the democratic values and culture. In South Africa for example, the Human Rights Commission is entrenched in the Constitution of that country and it deals with those issues that would otherwise have to be referred to the Courts if it did not exist.

Detractors could argue that Botswana and South Africa have a totally different history. But it has more to do with the values than with where the countries are coming from. According to the blue print of the SA Human Rights Commission, the institution exists to “restore dignity and secure rights” for citizens.

Those are the things that we value most as Botswana. That blueprint further adds that the Commission protects and promotes everyone’s human rights without fear or favour. These are very fundamental functions that cannot be left to the exigencies of the state and the politicians running it. It therefore cannot be fairly argued that Botswana does not need a Human Rights Commission. Given the strong ad-

herence to the values surrounding human rights, it is important that we consider establishing a human rights commission.

Establishing such a commission would go a long way in helping us regain the trust among our allies many of who have been shocked at recent revelations of extra judicial killings killed by our security agencies. A Human Rights Commission, if established by a statute of parliament and also benchmarked against similar institutions around the world would inspire confidence among the population that indeed their government and its agencies have nothing to fear much less hide.

**“Botswana is currently grappling with issues of human rights in as far as they apply to minorities.”**

Botswana is currently grappling with issues of human rights in as far as they apply to minorities. The same applies to children’s rights as well as women’s rights. As we speak there is currently an ongoing court case surrounding the registration of an organisation representing gays and lesbians. The case pits Botswana Government against this organisation that represents the rights of a minority among our people. These, we think are fundamental issues on which the

Human Rights Commission would deliberate, and ultimately advise

both the government and nation. There is also the long running battle between government on one hand and Basarwa in the Central Kalahari Game Reserve on the other. It has not escaped our attention that Basarwa, having approached the courts where they won, still feel helpless because for them such victory was hollow since, notwithstanding victory it did not deliver what they had prayed from the courts.

The end result of it all has been for some of their representatives to approach the United Nations. This was after a loss of faith in the country’s systems. This has had a damaging effect on Botswana’s international reputation. In fact some people from outside have gone as far as to say what Botswana Government is doing against Basarwa amounts to ethnic cleansing.

The less charitable have equated government behavior to genocide. We do not subscribe to such emotive generalizations. But still such gross generalizations are helpful in at least demonstrating that even Government would be better served by the existence of a Human Rights Commission because such matters would invariably go before such a commission.

As everywhere across the world, there are growing incidents of human rights violations in Botswana. Some such violations are perpetrated either by the state or in the name of the state. This means that the state cannot be trusted to provide redress and recourse for the aggrieved in an impartial and fair way that would inspire trust to them.

# Business and Human Rights as a Commission Focus Area

**Yuri Ramkisson**

**Senior Researcher: Economic and Social Rights**

In the past, states have often neglected to enforce human rights obligations as a trade off in favour of economic growth, believing that economic growth can solve those problems associated with poverty and inequality. With the recent global economic crisis, however, and increased focus on human rights violations around the world, governments are changing their business as usual position. The private sector too, increasingly recognises that profit is not the sole purpose of business in favour of broader stakeholder interests (the triple bottom line).

While profit maximisation remains core, there is increasing recognition that it cannot be prioritised with human rights on the periphery;

Business operations have many positive and negative impacts of communities and countries. Some of the positive impacts include the provision of employment opportunities and the investment in and development of local communities. However, companies also compete with these communities for the use of resources, some of which are quite scarce. Often, business operations affect communities in a negative way, with a lack of investment or development, and severe social and environmental impacts.

In cases where communities are relocated to make way for business activities, additional rights may be affected, such as the right to education.

To illustrate this point, the SAHRC has over the past 6 years, or so, received numerous complaints around, what were essentially, business-related. There were complaints about a lack of services, environmental pollution, water pollution, and so on. The majority of the complaints were around mining, agriculture and the failure of companies to deliver on outsourced contracts.

Communities are often not aware of the link between human rights and business and are not sure who should be held accountable in these cases.

Often, municipalities and other spheres of government are accused of not realising rights, and indeed, government must be held accountable for a lack of regulation and enforcement. But private companies should not be allowed to operate in areas, where they benefit greatly from the resources of that community, but do not invest in development or neglect their human rights responsibilities. This is becoming clearer both locally and globally, and companies, together with governments, are being held to account.

The role of private companies was thrown into sharp relief in 2012 in Marikana, where 34 miners were killed following days of protest relating to the lack of service delivery and wage issues. It is clearly immoral and detrimental to operate in an environment, where its gains are generally so immense, while local communities and countries as a whole see none of the benefits of

such operations. The provision of services can only benefit humanity in the long run, as it not only assists with poverty alleviation at a local and national level, but lead to a more stable economy, which is an optimal environment for the corporation to operate under.

So for these reasons, the SAHRC decided that it was important to begin to address the issues of business and human rights, looking particularly at business operations in different regions or provinces in the country. The Commission hosted a meeting of business and human rights experts in early 2014, followed by various national and provincial roundtable discussions between August and December 2014. Having attended many of these meetings, it is clear that greater regulation around the mining, agriculture and petrochemical sectors is required. Further, engagement with communities is required to ensure that there is awareness of rights and of the fact that private companies can be held accountable for a violation of rights.

In the coming months, the Research Unit at the Commission will be documenting the state of business and human rights in the country, with a particular focus on the complaints received by the Commission.

It is hoped that such a report will provide a benchmark for future robust action in relation to government regulation of business and businesses own actions.

## Chairperson Mushwana assess the state of Equality in Mpumalanga

The South African Human Rights Commission recently conducted a three day provincial visit in Mpumalanga from 16 - 18 February 2015.

The overall aim of the provincial visit was to promote the work of the Commission, particularly, work in the area of Equality and Socio-economic rights and also to assess the state of equality courts in the province.

The first day of the provincial visit started at the Piet Retief Equality court where the SAHRC met with the court magistrate to assess the functions of the court. Chairperson Lawrence Mushwana indicated that "we (SAHRC) are here to assess the functionality of the court and to also assess the challenges that the court is currently facing, as there are concerns that equality courts are not utilized in the province."

In response, the Piet Retief magistrate Susana Kushe indicated that the court has experienced major challenges in that they receive a lot of cases that are not in their district area. "We would get cases that are from outside our district," she said.

"Another challenge is that the court has only recorded about four equality cases in the past year (2014) of which most of them were hate speech," she added.

SAHRC Chairperson Mushwana indicated that the major challenge could be lack of outreach programmes as people may not be



**No Privacy: The Hadebe family forced to live in community hall for more than a year after being evicted in a farm where they lived for two generations**

aware that they can come directly to the equality court without first approaching the police stations which is always the case.

The South African Human Rights Commission proceeded with the visit to Emtombe Community Hall to meet with the Department of Rural Development and Land Affairs and the Hadebe family, that had been forcefully evicted from their farm and living in the community hall, for the past two years.

Some of the issues were represented on behalf of the family by their legal representative, Sydwell Mket-su who advised that. "the alternative farm that was provided to the Hadebe family by the department is not appropriate for farming and the family does not agree to utilize it."

The department was given an opportunity to provide the Hadebe

family with resolutions that the family would agree with. The resolutions were drafted and presented by the SAHRC and the department is/was given until 09 March 2015 to produce a report with two possible places where the family would be relocated to.

The second day of the provincial visit focused on assessing the state and the functionality of the Barberton Equality Court. Magistrate JG Liebenberg indicated that "the Barberton Equality Court handles about 20 - 50 cases in a year which most them are on hate speech, racism and witchcraft," he said.

"We work closely with the police to make it easier to identify which cases are for the equality court and which one are for the criminal court," he said.

"One of the challenges that our court is currently facing is the inaccessibility of the court for people



with disabilities. The bathrooms are not accessible for people living with disabilities and nothing has been done as yet," said the magistrate.

The last day of the provincial visit was to the Mbombela Equality court where Magistrate MJ Ngobeni indicated that "people are scared to come forward and report cases and they seek assurance that they will be protected after reporting equality cases. People such as farm workers are often the ones experiencing racism in farms but are scared to lose their jobs after reporting.

"Another challenge is lack of public awareness as most people are not aware and may not understand the definition of equality," she added.

The Mbombela Magistrates court has a record of only 1 equality case that had been recorded in 2013 and concluded in 2014. The case was



**Adv Mushwana with stakeholders during provincial visit**

brought to the court by the SAHRC Mpumalanga provincial office. She further stated that the cases that are reported are from the city centre and most likely from people that have access to information as opposed to those in rural areas as they are scared of being exposed

and fear vulnerable to attacks," said the magistrate.

The provincial visit concluded with a visit to the Siyafisa Disabled group, a Centre under Mpumalanga Association of People with disabilities.

## The South African Human Rights Commission opens doors for all in the Free State Province

The South African Human Rights Commission officially opened its Free State provincial office on the 19th February 2015. The office is based in Westdene, Bloemfontein.

The opening comes at a time when the SAHRC is celebrating 20 years of existence together with other chapter 9 institutions. In his speech, The acting SAHRC Free State provincial manager, Mr Buang Jones said that "It is time to reflect on the human rights achievements that we have made in the past 20 years since the dawn of democracy, even though there is still a lot of work that needs to be done, especially in communi-



**Adv Mushwana with Commissioners Malatji and Ameerma opening the office together with Mangaung, Deputy Mayor Connie Rampai**

ties.”

Jones said the opening will increase the working relations with members of the province, popularise and make people aware of where the SAHRC offices are located in order to lodge complaints.

During the opening, the SAHRC Chairperson, Advocate Lawrence Mushwana said that the purpose of officially launching the Free State provincial office is to bring our services closer to the people and for communities to know where we are located. “It will make it easier for us to tackle human rights violations in the province,” he said. “Visibility of the Human Rights Commission in communities is a major challenge as some people, especially in rural areas still today don’t know what we do as a Commission,” said the Chairperson.

The SAHRC plans to conduct more community outreach interventions in rural areas to reach out, inform and educate members of the communities about their rights. “20 years on and people still don’t know their rights, the poor and vulnerable are the ones exposed to a lot of human rights violations including racism, poor service delivery, proper housing and lack of access to water and sanitation,” said the Chairperson.

SAHRC Commissioner Ameerma, the Commissioner responsible for access to justice and housing indicated that according to our complaints handling system, the Free State province is thus far the province that is most affected and has the highest statistics of racism in the country.

This includes racism cases such as the Reitz four and Wilgehof incidents and the SAHRC has success-

fully resolved a lot of these issues, he said.

Commissioner further indicated that lack of access to water and sanitation, lack of access to housing, and other service delivery issues are some of the critical challenges that continue to affect the poor and vulnerable in the province.

In a keynote address, Mangaung Municipality’s Deputy Mayor, Ms Connie Rampai said “as local government we are ready to work together with the South African Human Rights Commission to promote human rights in the province”.

In the evening of the opening, a gala dinner was hosted and brought the spotlight on the Commission’s

achievements in the past 20 years. The purpose of the dinner was to strengthen stakeholder relations with the University of Free State (Faculty of Law) and the Department of Education. Both these institutions share similar objectives of ensuring greater access to human rights education in schools and rural communities. Judge President Honourable Mahube Molemela, as a keynote speaker during the gala dinner, reflected on where we as a country are in terms of human rights and indicated that it is also our responsibility to assist in tackling human rights violations when we come across them.



Children also participated in the opening by rendering a musical item





# The right to housing is more than bricks and mortar



***The right to housing is more than bricks and mortar but includes people living in dignity, security and peace – The Access to Housing, Local Governance and Service Delivery Challenges hearing from the perspective of Commissioner Ameermeia***

The country experiences an average of 5 violent protests a day. This is according to the latest statistics from South African Institute of Race Relations. A recent study titled “Civil Strife Against Local Governance: The dynamics of Service Delivery Protests in Contemporary South Africa” found that there had been a spike in “service delivery protests” from about 10 in 2004 to 134 in 2014. The Social Change Research Unit of the University of Johannesburg identified that the top five grievances raised during these “service delivery protests” were about water and sanitation, housing, electricity, basic service delivery in general and inadequate responsiveness from and accountability of local governments. It must

be noted that the term “service delivery” is broad encompassing a large number of services of which Local Government is responsible for providing to the public. In fact, in terms of the Service Charter of the Public Service Coordinating Bargaining Council, services provided by the State include, inter alia, basic and higher education; health services; human settlements; social welfare; water and sanitation; waste removal; environmental management and protection; energy; economic development; safety and security; land reform and rural land development; and transport. The South African Human Rights Commission (hereinafter referred to as “the Commission”) decided to convene three day national investigative hearing on Access to Housing, Local Governance and Service Delivery Challenges. The hearing was held from the 23rd of February,

until the 25th of February. It is important to point out that the hearing did not purport to tackle all the issues pertaining to “service delivery” as it is broadly known but rather the focus was mainly on access to housing, water and sanitation that is basic to service delivery. The rationale for focusing on water and sanitation was premised on the findings of the 2012 Water and Sanitation report that the Commission held as part of its National hearing on Water and Sanitation. This culminated in the publication of a report titled, “Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa: 2014”.

During the Water and Sanitation hearing, a number of challenges faced by local government in delivering basic municipal services were identified. These included, inter



*“Transforming Society, Securing Rights, Restoring Dignity”*



## Access to housing continues to affect the poor

alia:

- a systemic failures in governance and budgeting, particularly in the implementation of and spending on projects;
- a lack of co-operative governance between Departments jointly responsible for municipal services;
- a lack of capacity and skill (both in the sense of having the adequate knowledge as well as a high vacancy rate in municipalities);
- a lack of transparency in hiring external contractors and in holding contractors accountable for the quality of services delivered;
- a lack of an understanding and/or implementation of a human rights based approach to service delivery in respect of transparency and public participation;
- and a lack of monitoring and evaluation of projects implemented by Local Government,
- as well as a lack of monitoring and evaluation of the utilisation of funds allocated to Local Government.

It is imperative to note that although these challenges were raised in the context of the right of water and sanitation, but in light of the indivisibility, interdependence and interrelatedness of human rights, these challenges apply to other human rights in general, and the right of access to adequate housing in particular as every house ultimately is built within the jurisdiction of a particular municipality.

The purpose of this Hearing was to draw on the challenges and experiences identified during the 2012 water and sanitation hearings, and highlighting these challenges in relation to the right of access to housing. Issues that the hearing sought to tackle included inter alia, urbanisation, apartheid spatial geography,

town planning, the upgrading of informal settlements, evictions, the role of the “red ants” and the role of the South African Police Services in responding to service delivery protests. The hearing also focused on the role of co-operative governance amongst the three spheres of government, namely, national, provincial and local government, in providing basic municipal services, and in particular the right of access to adequate housing.

During the course of the three days, written and oral presentations were made by different stakeholders. The presentations were made in response to a number of written questions that had been posed to the stakeholders invited prior to the hearing. The first day was dedicated to the government departments, namely Department of Human Settlements, and the Department of Co-operative Governance and Traditional Affairs (COGTA). The three provincial governments and their metros, viz. Gauteng, Western Cape and KwaZulu Natal, City of Johannesburg, City of Cape Town and eThekweni Municipality also made presentations. The South African Local Government Association and the Board of Sheriffs also made submissions. On the second and third day, the Commission heard submissions from social movements, public interest organisations and non-governmental organisations.

It is premature to comment on the findings now, given the fact that the Commission is in the process of considering all the submissions made with a view to drafting a report that will be made public and tabled in Parliament. However, the government’s perspective was that it was concerned about the spike in service delivery protests and was putting measures in place to deal with some of the challenges that

often spark these service delivery protests. For instance, COGTA highlighted that it had devised a strategy called the “Back to Basics” which was based on the recent review of all 278 municipalities. These municipalities were clustered into three tiers, namely the top group, middle group and the bottom group. We were informed that of great concern are the bottom tier municipalities which are dysfunctional. To ensure that all municipalities perform optimally, we were told that the Back to Basics strategy sets out indicators to measure whether municipalities are delivering basic services. It was highlighted that the government should consider people as part of the solution to the challenges and not part of the problem. It was said that “government must not think for us, but must think with us”.

Albert Einstein once commented that “we cannot solve today’s problems with the same level of thinking that created the problems in the first place”. As a country we have a widely acclaimed Constitution with an expansive Bill of Rights but we are to date one of the most unequal societies in the world. This fact alone must be a clarion call to all of us to think solutions with human rights centric biased approach, as all development, after all, is about a better life for all without distinction of race or class. Our challenges must therefore spur us on not only to work harder, but to work smarter too and collectively, to find sustainable and lasting solutions.

**Advocate Mohamed Shafie Ameer-mia. Commissioner: South African Human Rights Commission**  
**Focus Areas: Access to Housing and Access to Justice**

# In the Seat



## with Nthabiseng Kwaza

### Admin Officer, GP Office



*Tell us about Nthabiseng in a nutshell?*

Nthabiseng is very strict, a perfectionist, hates to start something only to fail halfway through. I would rather not start at all. Hates to speak without facts, with the fear of sounding stupid. Glossophobic, fear of public speaking.... hahahaha...I know most of you would think this is a lie...it should have been under things you didn't know about me.

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

I hail from a small town called Zastron in the Free State. An only child to my parents. Growing up I was never spoilt as people would always perceive as an only child you get spoilt. I remember how my mom responded to me when I wanted a BMX bicycle, she said, "I won't buy you because I cannot af-

ford to, but because I do not want you to get everything you want all the time" I was hurt but I got over it and never had a pleasure of owning one. However I paid 20c to ride on my friend's brother's bike. Before I came to stay with my parents when I was 8yrs old, I was being raised by my great grandmother who spoilt me rotten as I was the only female great grandchild at the time. This was in the Eastern Cape, kwaNdugunya, eTyinindini in Sterkspruit. I had a great childhood there and that is where I learnt everything about the rural life. It's a place I still go home to when I need my sanity restored. That is my mother's home town and where my isiXhosa originates comes from. I never had to herd, but I fetched water from the river. The whole part of our village is owned by the Skwatsha clan, ooMzizi, ooThukela, ooMpofana, ooMlamba'uwelwa uwelwa ziinkonjane zodwa ngoba zona zibhabha phezu....so we are one big family. Kids don't get lost, as each household is home.

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

I am an Admin Officer in the GP office and my day gets exciting everyday as we deal with various complainants coming for different issues and we get to sit around and discuss these. To see people's matters being resolved through the Commission's intervention gives me greater joy. I often sit in during these consultations and its very rewarding when you see people who come very distressed leaving feel-

ing very hopeful. I enjoy the company of my colleagues, we are like a family in GP, we love to laugh.... a lot.

*Day outside office?*

Outside the office I am a wife to the most loving man and a mother to 4 beautiful kids and my sister in law. I love hanging out with my kids. My sister in law and my eldest daughter are almost the same age and are teenagers. I spend a lot of time with them and we talk about everything. They are my best friends. I am a family orientated person and I make it a point that we spend a lot of time as a family. We play games a lot as a family. My husband and I like to host, so much that it has transferred to our younger daughter who would take out every toy or treats in the fridge when we have visitors with kids of the age. Just recently her sister had a 16th birthday and she said her role will be to serve guests. And that she did.

*What motivates and inspires you?*

My inspiration comes from my mother, she is a farmer and has no employees. She runs the place all by herself. She wakes up at 05h00 everyday to feed her animals. She is the one that knows how many cows, sheep etc are there. In winter when it snows, she would be making shelter for her animals to keep them warm, my dad will assist only when it's time for them to sell so he can count the profit (lol).



*"I often tell my husband that I want to be a stay at home mom. If only I had a luxury to be that, that is exactly what I would be."*

### Favourite activities?

I love cleaning and organizing my house. I love decorating. I used to re-arrange furniture at home all by myself, those heavy wall units (can you imagine?). I used to enjoy painting my bedroom, exploring with different colours. My parents thought I was a tom boy at some stage. I must have been 16.

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

I love animals, I cried when my dog died and I get angry when I get home and my dogs are not fed. I check on them daily. I am a ballroom dancer, I have a collection of trophies won at competitions before I became a mother, which became my life. I love children, my mother thought I would make a great Social Worker one day. I used to be a beauty queen before I acquired this sixteen pack ..lol... I love numbers.

### My favourite quotation

"Do unto others as you would have



them do unto you" from my Sunday school days I would sing this to everyone who would hurt my feelings.

"It takes two to tango" probably from being a ballroom dancer that I am.

### What does being a mother mean to you.

Being a mother means that God has trusted me with the lives of these little people and mine is to protect, love, cherish and keep them safe at all times. A job that I take very seriously. I often tell my husband that I

want to be a stay at home mom. If only I had a luxury to be that, that is exactly what I would be.

### Tell us about your passion for events organizing

My mother loves to decorate, and I once told her that she shouldn't have been a teacher, but rather an interior decorator. I guess that's where my passion started from. I love to see an idea develop into a reality. If I have a picture of it in my head, no one can change my mind no matter how discouraging they may sound. I'm stubborn like that.

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

My chillout place is my bedroom. I love to relax and listen to the sound of the birds outside my bedroom window...I guess that's my sanctuary. I feel at peace. Maybe it's because I grew up in the rural areas listening to the sound of the birds and rivers flowing.

**Being a mother means that God has trusted me with the lives of these little people and mine is to protect, love, cherish and keep them safe at all times.**



## Q & A with SAHRC Chairperson, Adv Mushwana

The South African Human Rights Commission (SAHRC) is celebrating its 20th anniversary this year amid growing challenges of racism, limited access to justice, as well as lack of decent housing, access to water and sanitation and other service delivery issues which continue to affect the poor and vulnerable. The Weekly's Martin Makoni asked the SAHRC Chairperson Lawrence Mushwana why these issues have remained a concern in society and what could be done to ensure that people have a better understanding of their rights and how to seek recourse if aggrieved. Makoni also sought the views of Mushwana, who is the former public protector, on the latest developments in the national parliament and the implications for the country's nascent democracy. Excerpts:

It's 20 years since the end of apartheid and the birth of democratic South Africa but we still continue to see growing number of cases of racially motivated crimes and other forms of racial discrimination. Why?

It is an ideal situation that after more than 20 years of democracy one would have thought that, there would be co-existence but that has not happened. The first thing that you would need to look at is come 1994, democracy was ushered in. But that democracy did not move people from where they lived and therefore their means did not change much. And even if you look at the levels of poverty, it is concentrated mainly in those areas which were formerly homelands. You find that even the spread of inequality is more concentrated in those areas. Poor schools, you find

more of them in the homelands and children from these areas are expected to compete with children from former Model C schools. So, as a commission it has not been easy for us to move with the necessary speed to ensure that there is integration. Given our limited resources, all we can do is to persuade government to ensure it speeds up integration initiatives.



What do you think continues to feed racism in South Africa?

I think some of the reasons that perpetuate racism in our country could be that racism has been institutionalised. This comes from the apartheid era. It has not been very easy to completely eradicate it. The main feature and nature of the racism we are beginning to see is that it happens through the children. Just like in service delivery protests, you find that it is children who are at the forefront. When you look at looting during xenophobic attacks, it's the children in front. This tells you there is a problem in our society. It tells you the nature of our homes because when you look at children committing race related crimes as we have seen in our schools, it tells you something about the families or the homes

they come from. A child who comes from a home or family where they don't practise racism cannot just learn in one day when he or she goes to school. So it means there are still some families who believe in racism. As a commission we need to find ways of dealing with the problem of racism. As you can see, they are children and you can't really punish some of them. You want a future out of them.

Why children are behaving in a racial manner?

Clearly there is somewhere where children are getting some influence of some sort. A child cannot wake up one day and see a black person in the manner that we have seen lately. Somebody is teaching them. What we need to do at this point is to teach people to speak out because racism is happening in many areas where we don't see and most of the victims do not report this form of abuse. A typical situation is what happened at Wilgehof Primary School in Bloemfontein where parents of the black learners who were being racially abused did not speak up. What we need now is to get people to speak up. Racism is a very serious thing and it cannot end in a day but we cannot just sit on our laurels and hope that it will just end by itself. It really requires active participation to fight it.

Are you able to do anything to ensure that the recommendations are implemented?

Chapter 9 institutions were never meant to be a court of law, in other words to be binding in the sense that when you have recommended

it becomes law. The intention is to make the procedure and processes easier, much more accessible and quicker. If they (Chapter 9 institutions) were to be courts of law where their decisions were binding, then you were going to have appeals and other processes. But where the government does not take those recommendations seriously we are not going to just sit and do nothing saying it is because the government is not implementing our recommendations. One thing that we can do politically is to take matters to parliament. For instance, if a minister does not implement our recommendation, our next step is to go to parliament and table the report so that it can be debated. We can also work with civic organisations which can launch campaigns. That's the power of Chapter 9 institutions.

How far is the process regarding enacting legislation criminalising racism?

We are expecting a new legislation within the department of justice which will criminalise it (racism) in the sense that if it is found that the offence you committed is based on racism, it will make the punishment much higher. But as a commission, we come from a belief that punishment itself will not help build society. We believe in mediation where we can mediate. Mediated settlement tends to last much longer than where you punish people because then you also tend to create more hatred. You cause someone to have a criminal record at a very young age. When these children grow up, they will not be able to find employment. For instance, we mediated in a case at the University of Pretoria where we brought together both parties and they are friends now.

Doesn't the fact that you don't really

have any powers to ensure your recommendations are implemented make you basically toothless?

Toothless, is the view of those who feel that a person must be punished harshly. But looking at what we have done, I don't think so. After we issued a report on water and sanitation, government did not take long to appoint a minister of water and sanitation. So, there are instances where because of our influence, things have changed. We are not adversaries to government, we complement. We tell government where it's going wrong. Leave the punishment to the courts and the police.

It seems the SAHRC is more about reacting to situations instead of being more proactive.

Each one of our branches has an advocacy office. That is where you have people who go from village to village teaching people about their rights and how they can approach different challenges. But our reach across the country is limited because of the available resources. Ideally we would have wanted to reach every part of the country and with other civil society organisations but there are very few of them in the rural communities. Most of them are concentrated in urban centres. We would like to revisit the strategy and see how we can improve. Unfortunately, we don't find you (the media) in the rural areas that much. It would be ideal to have you helping us to carry the message to the people but I am sure media houses normally want to go where they find more news value. That is how the poor usually fall by the wayside in terms of access to information. We however believe that by strengthening our provincial offices we can make some headway.

Mobile phone signal was jammed

during the unfortunate events in parliament last week when President Jacob Zuma presented his state of the nation address (SONA) was interrupted. Your comments please on the jamming of communication?

We witnessed and observed with great astonishment and disappointment the chaotic events that occurred during the SONA. The disabling of access to the internet in parliament was and remains a serious violation of the right to receive or impart information or ideas to and from members of the public and indeed the freedom of the press and other media as encapsulated in our constitution. We commend the presiding officers for having commitment to an urgent investigation into this serious transgression and as a commission we will closely monitor developments in this regard and make recommendations to respective parties where appropriate.

The opposition has taken a very radical approach to debate; a development which some critics say has also in some cases appeared to undermine the dignity of parliament itself. How do you find the new tactics of the opposition and what do you think needs to be done?

Well, you can't define how to oppose. You see people are fighting for the support of their people. You cannot define how they must speak. Remember, you have to balance freedom of expression and hate speech. Everybody can say what they want to say as long as it does not tamper with the rights of other people. So you cannot really define how somebody must oppose you. Somebody will oppose you for as long as he or she has identified a weakness in you. It's the physical harm that becomes problematic. – Ends////

# Wars over cultures being fought in South Africa

2015-03-05 14:17:54 | Thoko Mkhwanazi-Xaluva

Apartheid was not only about denying people their right to vote and their dignity.

Its other plan, successfully implemented, was to undermine the cultures, religions and languages of the indigenous people.

African religion was relegated to a non-scientific, nonsensical religion inferior to Western ones, especially Christianity.

Part of achieving freedom was understood to mean that we would embrace what had been denigrated by apartheid: our cultural, religious and linguistic rights.

The birth in 2002 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission), a Chapter Nine institution, gave hope to many cultural, religious and linguistic communities that their rights would be respected, protected and promoted.

What I have observed as chair of the commission in the past 12 months is that there are serious cultural wars being fought in SA.

In the current South African context the cultural wars are the struggles between conflicting value systems defined by those with power over those who are considered to be powerless. In essence, the powerful determine what is acceptable or not for cultural communities.

The powerful decide what is in the best interests of these cultural communities and their children. They choose what is to be embraced and what is to be discarded, what is to be respected or disrespected.

What has brought me to this con-

clusion?

The Freedom Charter says all people shall have an equal right to use their own languages and to develop their own folk culture and customs. It adds that the aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace.

The constitution guarantees the cultural, religious and linguistic rights of all communities, but these may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

These two commitments, the Freedom Charter and the constitution, should have been enough to protect cultural communities, but they are not. Instead, there is the emergence of "abolitionists" who are bent on denigrating many African cultural practices.

The most stark example of these cultural wars is demonstrated in the statement issued by the ANC Women's League on February 24 after its national policy conference in December resolved that the cultural practice of ukuthwala (arranged marriage) constitutes an injustice to women and girls and must be abolished.

It also argues that the custom of virginity testing of young girls exposes the girl to rape, incest, abuse and sexual violence and must also be abolished.

This is a total misrepresentation of what ukuthwala stands for. The CRL Rights Commission, the National House of Traditional Leaders and the Congress of Traditional Leaders of SA have repeatedly explained that ukuthwala happens only among consenting adults who both want to get married and whose lobola negotiations have broken down.

The league insists on its own definition of ukuthwala to push forward its agenda to abolish cultural practices.

It is unfortunate that the league is warring against the only cultural practice that empowers young women to marry for love.

The most sensible thing for the women's league to do would be to ensure that the criminal justice system deals speedily with the paedophiles and rapists who prey on children and women and then hide behind culture.

The league's justification for the abolishing of the custom of virginity testing is misinformed. Abolitionists erroneously assume that the Reed Dance, driven by iSilo samaZulu (the king), promotes rape, incest, abuse and sexual violence against the girl child.

This is the height of the cultural war against cultural communities and young people who are only trying to do the right thing by delaying their sexual debut.

We need to be bold enough to interrogate who is setting the agenda on culture.

As we move beyond 20 years of freedom we must all begin to fully inform ourselves about cultural practices before we express our opinions on such issues.

We must also condemn and abolish those cultural practices that are inconsistent with the Bill of Rights, but protect those that are of benefit to the nation.

Thoko Mkhwanazi-Xaluva is chairwoman of the CRL Rights Commission.



# SNIPPETS

## Condolences

### Minister Collins Chabane

1060 - 2015



**Source: EWN**

President Jacob Zuma declares Official Funeral for late Minister for Public Service and Administration Collins Chabane.

Chabane, who tragically passed on in a road collision with his two bodyguards on the N1 highway near Polokwane, Limpopo, on Sunday, will be laid to rest on Saturday, at Xikundzu village in Malamulele, Limpopo Province.

The Official Funeral Category 1 is reserved for serving ministers, Speaker of the National Assembly, Chief Justice of the Republic of South Africa, Chairperson of the National Council of Provinces (NCOP) and Premiers of Provinces.

The President has ordered that the National Flag be flown at half-mast at all flag posts in the Republic on Saturday, the day of the funeral.

Chabane was born on the 15th of April 1960 at Xikundu Village, Limpopo Province. He joined the ANC underground activities at an early

age of 17 and went to exile in May 1980.

Chabane served as Minister in the Presidency responsible for Performance Monitoring and Evaluation during the fourth administration.

He was able to develop and build the new Department of Performance Monitoring and Evaluation within a short space of time, and was able to make the monitoring and evaluation function a crucial part of government work and a distinct feature of President Zuma's fourth administration.

Chabane also led the planning of the international funeral of former president Nelson Mandela.

A veteran of the liberation struggle, Mr Chabane was also a long serving member of the ANC National Executive Committee. **Source: SABC**

## Will Arresting 'Witch-doctors' Stop Albino Killings in Tanzania?

In what appears to be another desperate attempt to bring an end to the killing of people living with albinism, the government of Tanzania has reportedly arrested and detained over 200 'witch doctors and traditional healers' in the country. Those arrested were "healers and soothsayers" who were operating without licence. What were found in their possession included "lizard

skin, warthog teeth, ostrich eggs, monkey tails, bird claws, mule tails and lion skin".

I must commend the government of Tanzania for its commitment to tackling this vicious practice and hope that its effort pays off and leads to the eradication of albino killings in the country, and in East Africa as a whole.

Incidentally, this is not the first time that the Tanzanian government has taken action against witchdoctors and traditional healers. Still the practice of albino murders and witch killing continues? So what is wrong with state intervention in this matter? What is missing in the state response so far to the problem?

First of all, we need to ask: How will the mass arrest of 'traditional healers' lead to the eradication of this murderous behaviour? If state action has not been effective in the past, why would it yield positive and lasting results this time?

No doubt, some traditional medicine men have been linked to this harmful practice in the past. They ask people to bring the body parts of albinos for ritual sacrifice. But there is nothing in the latest report indicating that those arrested were implicated in any albino killing. So why were they arrested? Why were they detained? Are they going to be prosecuted and jailed for being "witch doctors or traditional healers or soothsayers"? Are the materials found in their possession going to be used to prosecute them? Will they count as evidence? Evidence for what?

## New Appointments

*Pfanelo* would like to congratulate the following colleagues on their appointments

Mr Sandile Mdunusana – Paralegal Officer (HO)  
Mrs Lesego Ditheo – Admin officer (FS)  
Ms Motswapo Mogokong – Records Intern (HO)  
Denzel van Zyl – Legal Consultant (GP)

## Happy Birthday

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

Victor Mavhidula (LMP) & Loyiso Mpondo (MP) – 03rd

Kisha Candasamy (GHO) – 05th

Theledi Komana (LMP), Bafana Malunga (GP), Sebongile Mutlwane (GP) & Rakesh kamrajh – 07th

Peter Makaneta (HO) – 15th

Thembi Madalane (LMP) & Kenny Seretse (HO) – 21st

Corelia Mabotho (HO) & Mantsibile Mojapelo (HO) – 25th