

SAHRC embarks on a nationwide Right To Food Campaign

Commissioners share knowledge
with their Ghanaian counterparts



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National Information Officers' Forum:
Information is the Oxygen of Our
Democracy

SAHRC makes finding in the National Child
Protection Register complaint

SAHRC provides human rights recommen-
dations on DNA Bill to Parliament

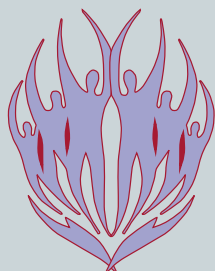
International Men's Day (IMD) is an annual international event celebrated on 19 November. Inaugurated in 1999 in Trinidad and Tobago, the day and its events find support from a variety of individuals and groups in Australia, the Caribbean, North America, Asia, Europe and Africa.

The objectives of celebrating an International Men's Day include focusing on men's and boys' health, improving gender relations, promoting gender equality, and highlighting positive male role models. It is an occasion to highlight discrimination against men and boys and to celebrate their achievements and contributions, in particular for their contributions to community, family, marriage, and child care. The broader and ultimate aim of the event is to promote basic humanitarian values.

International Men's Day is celebrated in over 60 countries, including Trinidad and Tobago, Jamaica, Australia, India, China, United States, Romania, Singapore, Malta, United Kingdom, South Africa, Tanzania, Zimbabwe, Botswana, Seychelles, Burundi, Hungary, Ireland, Isle of Man, Ghana, Canada, Denmark, Norway, Austria, Bosnia and Herzegovina, Ukraine, France, Italy, Pakistan, Cuba, Antigua and Barbuda, St. Kitts and Nevis, St. Lucia, Grenada and Cayman Islands, on 19 November, and global support for the celebration is broad.

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Private Bag X2700, Houghton
Johannesburg 2041
Tel: (011) 877 3600 • Fax: (011) 643 6472
www.sahrc.org.za / info@sahrc.org.za

Twitter : @SAHRCCommission
Facebook : SAhumanrightscommission
YouTube : SAHRC1



Editor in Chief: Kayum Ahmed, CEO

Editorial Team:

Siyasanga Giyose, Head of Strategic Support and Governance
Isaac Mangena, Head of Communications
Lindelwa Nonjaduka, Strategy & Performance Specialist
Wisani Baloyi, Communications Officer (Internal)
Alucia Sekgathume, Communications Officer (External)
Thandeka Ngalo, Communications Officer (External)
Zamile Mbanjwa, Admin Assistant
Kebotlhale Motseothata, Student

CONTRIBUTORS:

- Commissioner Pregs Govender, Deputy Chairperson
- Kayum Ahmed, CEO
- Naomi Webster, Head of Commissioners Programme
- Sebakhele Tshuma, International Human Rights Exchange Intern
- Kebotlhale Motseothata, Visiting Student
- Ziyanda Ngcobo, PAIA Intern
- Musawenkosi Mchunu, Internal Security Officer

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Editor's Note



Kayum Ahmed
CEO, Editor in Chief

I've been called many things during my (relatively) short but eventful life. In early October, while delivering a talk at the International Human Rights Exchange lecture series at Wits, a student referred to me as a 'human rights fundamentalist.'

My lecture focused on the following question: can human rights be construed as a mechanism to change the course of human nature? Reflecting on the research of Stephen P Marks, I attempted to argue that our evolutionary predisposition for self-preservation, has been eroded (to some extent) by the progressive recognition and acceptance of human rights norms and values. Behaviors common to human societies for millennia such as gender stereotyping, discrimination and violence, are consistently challenged through human rights principles. Consequently, human rights could be considered as a mechanism to reverse the course of human nature.

While the students at Wits were willing to accept my arguments in relation to gender and race, they

had significant difficulty in accepting my position on LGBTI rights. Approximately half of the class was unwilling to allow two gay men to adopt a child with some fearing that the child might become gay! I was deeply concerned about the position of these highly educated students who were studying towards a Masters degree in human rights. And when I challenged their beliefs, which were largely based on biblical and cultural interpretations, one of the students referred to me as a human rights fundamentalist.

I have of course been referred to as a fundamentalist before, largely because I look Middle Eastern and fit the profile for 'random' searches at U.S. airports. My random interrogations at airports stem largely from irrational fear and the unquestioning acceptance of security regulations. Similarly, the students at Wits based their arguments against gay rights on irrational, emotive arguments that made little sense.

When I probed some of these feelings further, some students admitted that gay marriage 'just felt wrong.' They suggested that the child would be better off living in an orphanage than being raised by a gay couple in a stable, committed relationship.

I of course reminded the students that about twenty years ago, black people were not allowed to marry whites and most South Africans were not allowed to vote. Not too long before that, women were not allowed to attend university, colonialism was an accepted principle at the United Nations and slavery was just another thriving business. Over time, we have come to recognize that these once 'accepted' practices and behaviors are unacceptable. They violate human rights.

Perhaps one day, we will also be able to look back upon this period in history and recognize that our once accepted denial of LGBTI rights, is unacceptable.

Pf

SAHRC embarks on the Right To Food campaign



People getting soup kitchen . Picture Mdantsane Way

The South African Human Rights Commission will embark on the Right to Food Campaign during November and December 2013.

The right to food is a human right recognised under national and international law, which protects the right of people to access food and feed themselves, either by producing their food or by purchasing it. The right to food is linked to one's right to life and dignity and requires that food be available, accessible and adequate for everyone without discrimination.

The right to food means that every home must have access to adequate food at all times. If a home or person does not enjoy this level of access, they are food insecure. Equally important is that the food must be shared within the family in such a way that every member of the household has access to adequate food. To produce their own food, people need seeds, water, skills and other resources. A person might also require access to capital. Under a rights based system such as ours, government must provide an enabling environment in which people can adequately produce or procure food for themselves and

their families. In order to purchase food, a person must have access to income. Part of such an enabling environment, in circumstances of food insecurity, is access to social security for those people and families who do not have income.

In South Africa, everyone should be able, without shame and unreasonable obstacles, to participate in everyday activities. This means that, amongst other things, they should be able to enjoy access to their basic needs in a dignified manner. There is no need more fundamental to living a dignified life than the right to food.

The South African Human Rights Commission (the Commission) is a constitutional body governed amongst others, by Section 184 of the Constitution, which clearly underlines the mandate, functions and powers of the Commission.

Section 184 (3) is specific in respect of the Commission's requirement to monitor and assess economic and social rights (ESR). In particular, Section 184(3) requires that:

Each year the Human Rights Com-

mission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights, concerning housing, health care, food, water, social security, education and the environment.

However, such monitoring and assessment is not only for the purposes of constitutional compliance but also to ensure the advancement of social and economic rights so that the poor and vulnerable in society may enjoy the full benefits of democracy. This will include the specific objectives of:

Determining the extent to which the organs of the state have respected, protected, promoted and fulfilled human rights;

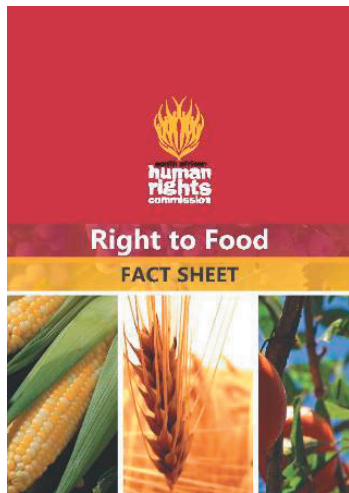
Determining the reasonableness of measures including legislation, by-laws, policies and programmes adopted by organs of the state to ensure the realisation of human rights in the country; and

Making recommendations that will ensure the protection, development and attainment of human rights. *Pf*

Provincial Right to Food-campaigns:

Eastern Cape 7 Nov
Mpumalanga 14 Nov
Free State 15 Nov
Northern Cape 20 Nov
Gauteng 21 Nov
KwaZulu-Natal 26 Nov
Limpopo 3 & 5 Dec
Western Cape 4 Dec
North West 12 Dec

What is the Right To Food?



What is the Right to Food?

The right to food is a human right recognised under national and international law, which protects the right of human beings to access food and feed themselves, either by producing their own food or by buying it. The right to food is linked to one's right to life and dignity. The right to food requires that food be available, accessible and adequate for everyone without discrimination at all times.

If a home or person does not enjoy this level of access, they are food insecure. Equally important is that the food must be shared within the family in such a way that every member of the household has access to adequate food. This division of food must also be done without discriminating unfairly on members of the household.

In South Africa, everyone should be able, without shame and unreasonable obstacles, to participate in everyday activities. This means that, amongst other things, they should be able to en-

joy access to their basic needs like food, in a dignified manner. To produce their own food, people need seeds, water, skills for production and other resources. A person might also require access to capital.

Government's Obligation

Section 27(1)(b) of the Constitution of the Republic of South Africa states that, "everyone has the right to have access to sufficient food and water." This obligation is extended in section 27(2), according to which "the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights." According to section 35(2)(e) of the Constitution prisoners and detainees also have a right to sufficient food, and section 28(1)(c) states that every child has the right to "basic nutrition, shelter, basic health care services and social services."

Limitation to the Right to Food

The right to food does not mean that individuals and groups have a right to be provided food. It means that one has the right to feed oneself in dignity, through economic and other activities. In other words, individuals and groups are responsible for undertaking activities that enable them to have access to food. Nonetheless, the state has an important role to play in supporting these efforts.

Links between the right to food and other human rights:

The right to health: nutrition is a component of both the right to health and the right to food. If women who are pregnant or breastfeeding are denied access to nutritious food, they and their babies may be affected by malnourishment even if they receive pre- and post-natal care.

The right to life: when people are not able to feed themselves, they face the risk of death by starvation, malnutrition or resulting illnesses.

The right to water: the right to food cannot be realized if people lack sustainable access to safe and clean drinking water for personal and domestic use.

The right to education: hunger and malnutrition impair the learning abilities of children and may force them to drop out of school and work instead, limiting and undermining their enjoyment of their right to education.

The right to work and to social security: employment and social security are often crucial means of obtaining food. On the other hand, minimum wages and social security benefits are often established taking into account the cost of basic food in the market.

The right to information: information is crucial for the right to food. It enables individuals to know about food and nutrition, markets and the allocation of resources. It strengthens people's participation and free consumer choice. Protecting and promoting the right to seek, receive and impart information thus facilitates the enjoyment of the right to food.

SAHRC discusses torture at Internal Seminar



Staff members watching a DVD on the effect of torture during an internal seminar

The prevention of torture was highlighted this month when the South African Human Rights Commission conducted an internal seminar on the issue. The seminar involved the showcasing of the documentary film, "Bleeding From The Whip." The documentary showed amateur footage of incidents of torture in Africa and provided insights from experts in Human Rights, including insight from Commissioner Titus of the SAHRC, who specialises in Law Enforcement and the Prevention of Torture.

The documentary film was conducted in collaboration with Influence Africa and The Network of African National Human Rights Institutions (NANHRI). The torture of persons, which can only be committed by persons in authority, is a horrific violation of a person's human rights and attack the person's dignity.

The film brought to light the major challenges that the continuance of torture has on the world, in particular South Africa. While the prevention of torture is undermined by countries, the impact on democratic governance, human rights and the rule of law is untold. The most well known legal instrument that criminalises torture is the United Nations (UN) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). A set of guidelines for the prohibition and prevention of torture is set out by CAT. South Africa is a signatory of CAT, as well as the Robben Island Guidelines (RIG).

Countries in Africa often do not have the appropriate legislative framework to criminalise torture. This can result in perpetrators being unpunished. South Africa, since the democracy started in 1994, and the constitution prohibited torture, has criminalised

torture by passing the Torture Act in July of 2013.

Internationally and nationally, the need to monitor and report on the status of prevention of torture is held by various treaties, some of which have been mentioned earlier. It is within this reporting that International treaties are attempting to improve the human rights situations regarding incidents of torture and the prevention of torture in various countries.

The movie however, only showcased one area of torture, that committed by police, but not other areas. For example, persons in position of authority like correctional officials and psychiatric institution personnel, may inflict torture on prisoners and patients respectively.

Pf

“Information is the Oxygen of Our Democracy”



SAHRC Deputy Chairperson, Pregs Govender addressing delegates at the National Information Officers' Forum

Deputy Chairperson, Pregs Govender, speaking at the 2013 NIOF in Pretoria

By Ziyanda Ngcobo (PAIA Intern)

In celebration of the international “Right to Know Day” which falls on the 28th of September yearly, the South African Human Rights Commission convened its annual National Information Officers Forum (NIOF). The conference was held on the 4th of October and brought together various stakeholders of the Promotion of Access to Information Act (PAIA). The conference was an opportunity for the various stakeholders of PAIA to engage on issues of access to information, challenges to implementation and crafting strategies to the identified challenges.

The main theme for the day was “Deconstructing the Bureaucracy of PAIA: Enabling the Voluntary and Proactive Disclosure of Information.” Part of this theme was discussing various ways of implementing initiatives that will promote transparency in government and the public service. The conference was opened by the Deputy Minister of Justice, John Jeffery, who spoke about the importance of an integrated approach towards

transparency in government. The Deputy Minister highlighted some of the positive developments in the legislative landscape in relation to PAIA, particularly, the newly passed Protection of Personal Information Bill, which establishes a new body to monitor compliance with PAIA in public and private entities. Speaking at the event, the Deputy Chairperson of the Commission, Pregs Govender, spoke about the linkage between access to information, government’s diminishing performance and inefficiency that has deepened the levels of poverty and inequality in South Africa with a negative impact on human rights. She lamented the fact that municipal non-compliance levels with PAIA, despite 13 years of existence of the law, still remain at over 90 percent.

During the morning session of the conference chaired by Gauteng Provincial Manager, Chantal Kisoon, the Chief Operations Officer (COO) of the Department of Justice and Constitutional Development reiterated the fact that responding to PAIA requests remains a critical aspect of their jobs, as all other tasks that they perform in their various

organisations. According to him, “people have a right of access to information and we have to give them that information to ensure accountability, to demonstrate that we are committed to constitutional development.”

In the afternoon session, most of the discussion focused on a presentation from the Deputy-Director General of the Department of Performance Monitoring and Evaluation (DPME) in the Presidency, Ismail Akhalwaya, on the performance assessment standard tools and the newly introduced PAIA standard. He referred to the National Development Plan (NDP) and some of its goals and stated that one of the major challenges highlighted by the audience is the fact that there is a lack of awareness on PAIA, and where there is awareness, implementation of PAIA is seen as an ad hoc duty to the immediate duties of public servants.

The Golden Key Awards Ceremony (GKA) was held on the same day after the NIOF in recognition of those who had upheld good practices in the implementation of PAIA. The winning criteria was based on the various departments and individuals who have made significant contributions within their respective institutions. The awards were given under the following categories:

- The openness and responsiveness award by institution;
- Deputy Information Officer of the year award;
- Requester award; and
- The best media usage /engagement with PAIA.

A new category was introduced to reward the best frontline staff on PAIA. This award went to Pumzile

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Sabeka of the Department of Environmental Affairs. The Deputy Information Officer of the Office of the Premier, KwaZulu-Natal, Mark Serfontein, was also recognised as best Deputy Information Officer. The openness and responsiveness award went to ESKOM and their National Deputy Information Officer, Eddie Laubscher. In a panel discussion, Mr. Laubscher had spoken earlier in the conference about the importance of using information technology by making information available in formats where they can be easily accessed through mobile phones because a growing number of the population had internet access via their cellphones.

Key to the discussions was the 'Open Data Initiative' that deals with the usage of proactive disclosure through the creation of web portals as well as 'open contracting' based on the idea that members of the public should be allowed to scrutinize government contracts. This was introduced by Gabriella Razanno, Head of Research at the Open Democracy Advice Centre, who spoke about various initiatives in South Africa, including the open government partnership to improve the responsiveness and openness of government.

The NIOF has a Coordinating Committee (CC) which comprises of Deputy Information Offices (DIOs) from various departments and tiers of government. The mandate of the Committee is to oversee the activities of the forum and ensure the establishment of Provincial Information Officers Forums.



The two year tenure of the 2011/2013 CC had reached its end and a new committee was elected.

The new Coordinating Committee:

- 1. Mr. Letshokgola Phineas (Department of Agriculture, Limpopo)
- 2. Mr. Kaiser Khoza (Department of Tourism, Free State)
- 3. Adv Nandipha Ntsaluba (Department of Defence)
- 4. Mr. Hein Spingies (National Research Foundation)
- 5. Adv. Ernest Chipu (City of Johannesburg)
- 6. Ms Trudy Moshodi (Department of Arts, Limpopo)
- 7. Ps Mandla Zembe (Stats SA)

Golden key Awards Winners



The openness and responsiveness award, **ESKOM**



Best Deputy Information Officer, Amanda Crooks (SAPS)

All members of the various government departments, parastatals, media, together with the management of the Commission, agreed that there needed to be more champions of PAIA in reaching our country's goals towards constitutional development and protection.

Pf

The Forum attracted various role players dealing with Access to Information.



Good governance conference calls for stronger sanctions against wrongdoing

The Office of the Public Protector held a Good Governance Conference from 21 - 22 October 2013. SAHRC Deputy Chairperson, Pregs Govender was the Programme Director.

South African oversight agencies resolved to approach the National Treasury to consider mechanisms that will result in the reduction of budgets for organs of state whose conduct occasion adverse findings from investigative institutions.

In resolutions that followed a high-level, two-day conference on good governance in Pretoria, delegates said the action, which seeks to strengthen sanctions against wrongdoing, should apply to all organs of state found to have engaged in wasteful and inefficient use of public funds, among other things.

Delegates consisted of Members of Parliament, national, provincial and local government officials, representatives from academia, civil society, the public sector, Chapter 9, 10 & 11 Institutions, the Diplomatic Corps and other spheres of society.

They encouraged organs of state to promptly respond and implement remedial actions as directed by oversight bodies.

The delegates pledged to consider a code of ethics for all people of South Africa, not limited to government officials. They declared their support for a national conference on ethics to be held in 2014 and encourage training in ethical leadership.



SAHRC Deputy Chair, Pregs Govender represented the Commission at the Good Governance Conference

The delegates pledged to lead by example to promote and ensure good governance in their spheres of influence. They further vowed to work closer together in the spirit of cooperative governance to strengthen the governance value chain.

They stressed the need for whistle-blowing and improved mechanisms to protect whistle-blowers, indicating that the current legal framework was not sufficient to fully protect whistle-blowers.

The delegates said they would continue lobbying for the increase of resources for oversight and good governance institutions, including for administrative support to be able to monitor and follow-up on the implementation of recommendations and findings.

“We commit ourselves to the efficient effective and economic use of scarce resources and effective performance management,” they

said.

The delegates committed to serving marginalised and disempowered people through the increase of accessibility and improved responsiveness.

They also committed themselves to localised anti-poverty initiatives and to be more active in rural areas to address poverty in the most vulnerable pockets of society, noting the different needs of communities.

The conference was one of the activities that are taking place this week as part of the annual National Good Governance Week. It was held under the theme: “Good Governance and Poverty: Two Sides of the Same Coin.”

The conference was addressed by several esteemed speakers, including Public Protector Adv. Thuli Madonsela, and Justice Minister Jeff Radebe.

Pf

South Africa: Violence in SA Schools in the Spotlight



Children's right to education is violated by violence in schools.
Picture. lightstalkers.org

By Rajaa Azzakani,
11 October 2013

The Portfolio Committee on Justice and Constitutional Development raised the issue of violence against children and by children in South African schools during a presentation by the South African Human Rights Commission (SAHRC) on its Annual Report on 11 October 2013.

Committee Member Professor Lindumusa Ndabandaba was the first to raise the issue of violence in the country's schools, which seems to be on the increase.

SAHRC Commissioner Ms Lindiwe Mokate agreed that there needs to be a more comprehensive system in place to address the problem. SAHRC only acts once a complaint is received, she said.

Another Committee Member, Mr Steve Swart, highlighted the issue

of gangsterism in schools that had led to the closure of schools in Manenberg, outside Cape Town, earlier this year. "What is the Commission doing to address systematic child-on-child violence?" he asked.

The Deputy Chairperson of the SAHRC, Commissioner Preggs Govender, said the issue came back to government and what programmes and resources it had in place to deal with such issues.

Meanwhile the SAHRC, once again, made a plea for an increase in its budget. Last year, the Committee recommended to Parliament that the SAHRC's budget be increased by R16 million. Parliament approved this but the Fiscal Committee could only find the money for an increase of just over R6 million.

The CEO of the SAHRC, Mr Kayum Ahmed, apologised to the Committee for the SAHRC's qualified

audit opinion. "I take full responsibility. This is by far the most humiliating event in my career. I am deeply ashamed." This is the first qualified audit Mr Ahmed has received in his three-year tenure.

The Auditor-General found that financial statements were materially misstated in payables reflected as R2,9 million, which was understated by over R444 000.

Mr Ahmed said that corrective measures had already been put in place and disciplinary action had been taken against the relevant officials. Mr Ahmed said he was confident the SAHRC would move away from a qualified audit report.

Committee Chairperson Mr Luwellyn Landers indicated that the Committee would inform the Fiscal Committee where it could find the funds to increase the SAHRC's budget. **Pf**

**This article first appeared on
All Africa.com**

SAHRC makes finding in the National Child Protection Register complaint

The South African Human Rights Commission has found that the Department of Social Development (DSD) has not fulfilled its obligation to comply with the Children's Act of 2005, in relation to the maintenance and population of the National Child Protection Register (CPR).

The Commission's investigation was in response to a complaint received last year. It included a consideration of the accuracy of the CPR as register over a specific period of time, and whether it reflected all the offenders convicted of committing crimes against or involving children. Such persons need to be recorded as being unsuitable to work with or have contact with children.

The Commission found that the failure to properly implement the CPR weakened the framework for the protection of children and resulted in a violation of section 28 of the Bill of Rights. Section 28 states that "every child has the right to be protected from...neglect, abuse or degradation".

The CPR, was created by law, and calls for the names of persons who are found unsuitable to work with or have contact with children, to be added to Part B of the CPR, to ensure children are protected from such persons.

The unsuitability finding usually results after conviction in criminal proceedings in relation to offences involving children. This includes crimes such as murder, attempted murder, rape, indecent assault or assault with intent to do grievous bodily harm with regard to a child; which are highly prevalent in South Africa.

Once a person's name is recorded in the register, such persons are prevented from working with or around children. In this way the CPR provides a useful means through which employers are able to vet potential employees, by checking their names against entries on the register.

Three departments were included in the Commission's investigation. They were: the Department of Social

Development as the primary implementer of the Children's Act, the Department of Women, Children and Persons with Disabilities (DWCPD) as the oversight department on all matters relating to children, as well as the Department of Justice and Constitutional Development (DOJ).

Notably, the Commission also recorded that court officials had not been sufficiently trained and capacitated to carry out functions necessary to enable DSD to update the register fully.

The Commission noted that the DSD itself had experienced severe resource constraints which impacted on its ability to fully maintain and implement the register.

The Commission recommended that both the DSD and DOJCD provide it with reports. The DSD is to provide it with an updated CPR and an audit report detailing challenges and needs to ensure that the CPR obligations are properly met before the end of the year.

The Department of Women, Children and Persons with Disabilities was requested to increase its monitoring of the CPR.

The Department of Justice and Constitutional Development was requested to develop a comprehensive programme for training and sustained awareness of all relevant Court officials regarding their duties under the Act to facilitate and support the accurate, timely updating of the CPR and to report on interim measures it would put in place to ensure findings were made and submitted to the DSD.

The Commission trusts that these recommendations will contribute to strengthening protection of the rights of our children. **Pf**

The Commission found that the failure to properly implement the CPR weakened the framework for the protection of children and resulted in a violation of section 28 of the Bill of Rights. Section 28 states that "every child has the right to be protected from...neglect, abuse or degradation".

SAHRC finds against Wilgehof Primary School teacher for crude racist remarks, orders probe into racism in the Free State public schools

The South African Human Rights Commission (Commission) has found that the conduct of Wilgehof Primary School teacher, Mr Lenard Mac Kay and his crude racist remarks perpetrated against black learners amount to racism and hate speech as defined in the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA).

The finding follows a complaint that was lodged by Mr Craig Thiem, a parent who alleged that his two minor children who attend Wilgehof Primary School in Bloemfontein had repeatedly complained to him about Mr Mac Kay's racist attitude towards black learners.

Furthermore, in the complaint it was stated that Mr Mc Kay displayed a full sized Apartheid Flag in front of his classroom since May 2012, and had a poster in the class that depicted black people as having monkey-like noises and primate brains who could only make confusing noise.

The complainant also alleged that the teacher often refers to black children using the 'K'-word in front of others in class. In addition the teacher walked around the class room with a mirror which he will put in front of a black child's face and asked "what do you see?" When the black child said, "I do not know, sir," the teacher would respond by saying "a baboon... you see a baboon!"

The school is attended by predominantly black learners and run by a majority of white teachers.

Mr Thiem further furnished the Commission with evidence of in-

timidation by the School Principal and his close associates to withdraw the complaint lodged with the Commission. His child was also assaulted by Mr Mac Kay and laid a criminal complaint with the SAPS.

During the investigation by the Commission, 81% of the children attending Wilgehof Primary School reported that when they experience bullying and racism at school, they reported this to their parents instead of teachers because their teachers did not see racism as an important issue.

Also, the questionnaires sent by the Commission to teachers about racism at the school were only filled by the six black teachers who confirmed that racism does occur frequently at the school. The 26 white teachers elected not to complete the questionnaire. The Commission views this as further credence to allegations of structural and institutional racism made by black teachers at the school.

Majority of learners confirmed that allegations of name-calling, bullying, demeaning remarks, racial utterances and racial discrimination were indeed correct. The old South African Flag had been in the class for more than a year. Pupils also said that Mr Mac Kay also used abusive language towards them and on occasion, administered corporal punishment.

Findings

On the basis of evidence gleaned from the investigation and analysis conducted, the Commission found that:

Mr Mac Kay's act of hate speech constitute clear violation of both the right to equality and the right to human dignity of the learners;

Mr Mac Kay's conduct of administering corporal punishment is clear violation of the South African Schools Act, constitutes a violation of the right of the learners not to be treated or punished in a cruel, inhuman or degrading way as stated in section 12 of the Constitution.

Mr Mac Kay's conduct of exposing learners to a learning environment that was harmful such as corporal punishment and harmful behaviours including display of racist imagery and the old South African flag is a violation of both the right to education and the rights of the child. Such display therefore exceeds the limits of rightful free expression and borders on racism.

Recommendations

Mr Mac Kay should be subjected to a disciplinary process in terms of the Employment of Educators Act 76 of 1998

The South African Council of Educators is urged to consider approaching the court to declare Mr Mac Kay in terms of the National Child Protection register as a person not suitable to work with children, in terms of the Children's Act, 38 of 2005.

The Free State Provincial Department of Education to assess the prevalence of racism in public schools in the province. The Department is required to furnish the Commission with a report within a period of twelve months on the

Wilgehof Primary teacher finding

outcomes of this assessment.

The Provincial Department is required to ensure that education in all public schools is provided in a way that is consistent with human rights, including equal respect for every child, and free from all forms of violence.

In addition, the department is urged to develop proven interventions to foster a rights-based approach to education environment in all public schools in the Province.

The Provincial Department should probe the conduct of the School Principal and review his competence to lead the school and other allegations of impropriety and misappropriation of school funds;

The School Governing Body is ordered to provide the Commission with a policy on dealing with racism within twelve months of this finding.

The Respondents have a right to appeal against the findings within 45 days.

The Commission will continue to use its constitutional mandate to make sure that children are protected from all form of violation of their rights.

Mr Mac Kay should be subjected to a disciplinary process in terms of the Employment of Educators Act 76 of 1998 **Pf**

SAHRC provides human rights recommendations on DNA Bill to Parliament's Committee on Security and Constitutional Development

The South African Human Rights Commission presented a submission to Parliament's Select Committee on Security and Constitutional Development after it received a request from the Committee to present a human rights perspective to the Criminal Law (Forensic Procedures) Amendment Bill also known as the 'DNA' Bill. Earlier this year, the Commission provided a submission on the original draft of the Bill to the Portfolio Committee on Police.

The Bill seeks to establish a national DNA database and will regulate the collection and retention of DNA samples. Commissioner Danny Titus led the SAHRC delegation and noted the inclusion of several of the initial SAHRC recommendations in the re-drafted version of the Bill. The SAHRC's second submission provides a number of recommendations to the Committee to strengthen the Bill, specifically proposing the inclusion of provisions relating to children and persons with disabilities.

The SAHRC also took concern with the composition of the National Forensic Oversight and Ethics Board which will act as a complaints-handling body and monitor the implementation of the Bill. The draft legislation provides for the Commission to serve as a permanent member of the Board. However, the SAHRC reiterated that this infringes on the independence of the Commission as a Chapter 9 constitutional body and may result in conflict of interest should complaints be lodged with the SAHRC against the Oversight and Ethics Board.

In discussions on the submission, members mentioned the successes and failures of comparative jurisdictions which have relied on advanced DNA evidence and questioned whether international human rights norms and standards have applicability in South Africa.

"There comes a time in human rights protection and monitoring, where countries have to sit together and look at how best to protect human rights through drawing on best practice and examples from one another," Commissioner Titus told the Committee. He further clarified the role of South Africa's international obligations and reminded members of the constitutional imperative that, 'international law must be considered when interpreting human rights'.

Commissioner Titus recognised the advancements of DNA evidence in the fight against crime and requested parliamentarians to be 'mindful of human rights' in their further considerations on the Bill.

The Select Committee welcomed the inputs by the Commission and acknowledged that further discussion on the issue is required.

Commissioner Titus recognised the advancements of DNA evidence in the fight against crime and requested parliamentarians to be 'mindful of human rights' in their further considerations on the Bill. **Pf**

Commissioners Programme reviews its strategic direction



By Naomi Webster
Head of Commissioners Programme

True or False? Any statement that was False, must be supported by a correct statement, and where a colleague's answer was incorrect, the penalty was simple; take off a piece of clothing or reveal a secret that no one would know.

This was how the Commissioners Programme started the first part of its Strategic Review and Planning Session on 18 October 2013. The Ice-breaker was intended to remind colleagues of the context of the work they support as part of the Commissioners Programme within the South African Human Rights Commission.

All the statements related to work undertaken by Commissioners and included statements such as "the abbreviation of ICC stands for the International Committee of Commissions" which for most SAHRC staff know to be the International Coordinating Committee for National Institutions for the Promotion and Protection of Human Rights (ICC). Besides learning about work of different Commissioners, new staff members such as Gabby Coutinho (Research Associate of Commissioner Titus) and Hellen Makwana (Braille Specialist – Commissioner Malatji); were introduced to some of the colleagues who make

up the Secretariat Support to Commissioners.



Ready to provide support to the work of Commissioners. Commissioners Programme looks energetic after a refreshing Strategic Planning session

Using the conference facilities of the Commission on Gender Equality, the Commissioners Programme staff spent the day reflecting on work undertaken by each Commissioner's Unit, followed by a session that considered an analysis of the work; using the SWOT Analysis methodology

(Strength, Weakness, Opportunity and Threats), and ended with discussion on 2014/ 2015 proposals for the SAHRC.

The interactive sessions allowed all Programme staff to make presentations during the workshop and for most staff, they were able to overcome their shyness and in some cases, to demonstrate their theatrical flare (as demonstrated by Harriette Buga).

The SWOT analysis highlighted keen insight of colleagues who possess a wealth of knowledge; not only about the Focus areas, but knowl-

edge about national issues that have direct impact on human rights; such as the ongoing service delivery protests that place ordinary citizen in a compromising position; or how the question of land and access to housing makes people want to illegally occupy houses; thus resulting in situa-

tions such as Lenasia (a township in Gauteng).

Programme staff agreed that a key weakness within the Commissioners Programme was the under-utilization of staff capacity. Colleagues wanted opportunities to develop their skills; especially through training but also through attendance with Commissioners at external meetings or conferences.

Everyone recognized the value work that the SAHRC does, but in some instances, communities in rural areas did not know about the SAHRC. This presented an opportunity for the Commissioners Programme to consider proposals for 2014/ 2015.

2014/2015 was highlighted as the year for improved work especially focusing on community outreach programmes. One activity that colleagues hoped would be achieved was utilization of mass media such as television and radio advertisements. In addition, colleagues wanted to see every public service point such as clinics, hospitals, police stations and schools, to have a poster of the SAHRC. Colleagues believed that this would ensure that every person in South Africa is more informed about human rights. Other areas identified for 2014/2015 included target interventions for youth – making human rights more accessible – for school learners as well as other youth.

The workshop generated numerous proposals for 2014; including proposals on organizational efficiency. One proposal included improved direct communication with Commissioners through Workshops held with Commissioners Programme staff and Commissioners.

As the session drew to an end, a reflection shared by all colleagues was an appreciation for the consultative nature that the 2014/2015 planning process has enabled for all voices to be heard so that “everyone has invested in the plan”. **Pf**

Human Rights education needs to be intensified to mitigate social ills



By: Kebotlhale Motseothata,
Visiting student

I am fortunate to have entered the doors and walked on the grounds of the Human Rights Commission. A privilege most of my peers may never receive. It is in this regard that I raise my concerns about the youth's lack of awareness about the commission. We are in an era where we are exposed to various kinds of information, but we do not have adequate information on institutions such as the HRC.

Our country is in social turmoil. We are at a point where so many things are happening and most of our citizens are whirled in a wind of confusion. We are changing and are losing our essence of humanity in the process. There is too much injustice, exploitation, abuse and torment. Little children are being murdered, young girls, mainly from rural areas are human trafficked into prostitution, many employees are being mistreated in their workplaces and racial conflicts seem to be escalating. Many of our citizens are not aware of action steps that may be taken to remedy some of these issues.

It is a great concern that an institution as vital as the Human Rights Commission remains unknown to many who need it. It saddens me that many will remain silent about the violation of their rights and have no knowledge of the existence of civil servants who are waiting and willing to assist them. That amongst other instances, an average young South African will be bullied on a social network to a point where they might commit suicide or engage in harmful activities. That their birth right and human dignity might never be protected.

It is my dream to see everyone in our country know of this institution and other Chapter 9 institutions created to support our democracy. That my peers will not ask what the Human Rights Commission is and where it is located whenever I mention it. It is important for young people to know and understand that their fundamental rights are protected and that they may visit the institution and learn more about it. I wish the constitution was a bible of citizen consciousness. One to be recited and studied by all citizens. That they will understand it and use it to better themselves, their communities and our country as a whole. There is hope for South Africa and its democracy. We will progress and be better, but more of our people need information first. More of our people need to be educated about the existence of organisations that protect our basic human rights. **Pf**

“WOMEN – GUARDIANS OF SEED, LIFE AND EARTH”

-Pregs Govender, Deputy Chairperson



By Pregs Govender, SAHRC Deputy Chairperson

On International Rural Women’s Day this week, over 250 rural women from across our country marched to Parliament. Their pamphlets and green t-shirts (over colourful traditional clothes) were imprinted with an image of a joyous woman. Hands encircling the earth, fingertips enfolding Africa, she proclaims: “Women – guardians of seed, life and earth”.

The women gathered in the mountains of Ceres this week to launch the Rural Women’s Assembly (RWA), a self-organised alliance of national rural women’s movements and peasant unions and federations in Southern Africa. They came to the city to honour slave ancestors, to plant trees and demand their rights to land, decent employment, housing, safety, clean water and transport to proper schools for their children. They demanded that companies stop polluting the land, air,

water, plant and animal life, with tragic effect on climate change and human beings.

They invited the Human Rights Commission, to share our work on getting government to be accountable to poor communities on water and sanitation. They wanted us to listen to their experience and the obstacles to enjoying their human rights. They gave the Commission a copy of their memorandum to Parliament and submitted written complaints to our legal officers. An Afrikaans speaker from De Doorns, expressed widespread frustration. “We are tired of marching to Parliament and giving them our memorandums. Why have they not come back to us on our memorandums from our three other marches?”

The women’s memorandum demands the ‘scrapping of the Traditional Courts Bill’. While they were standing outside Parliament, National Council of Provinces (NCOP) Justice Committee members met inside Parliament on the Traditional Courts Bill. They decided to send the Bill back to the Provinces. Yet most provincial mandates, including from predominantly rural provinces such as the Eastern Cape and Limpopo, reject the Bill. The provincial legislatures have heard what rural women have said. Women want parliamentarians to hear their voices instead of pandering to those they think are most important in the upcoming election.

In the dialogue, women spoke about traditional leaders undermin-



Women march to Parliament to demand their constitutional rights

Guardians of seed

ing their rights. An isiZulu speaker from KwaZulu-Natal asked “who appoints these leaders and gives them so much power over us and our access to land, water, housing...?” In the hall, the women roared that they are powerful but those in positions do not respect their power.

Rural women spend hours collecting water. They see wealthy agri business, mining companies, tourist companies and other big business using, wasting, polluting and even stealing over 80% of South Africa’s water. In the face of this, they chal-

lenged. They questioned economic growth that does not recognise and value their contribution as subsistence farmers. The economists who set government’s budget priorities provide for little, if any state support for their work. Yet they work to provide sufficient nutrition to keep many families and communities alive. The United Nations Special Rapporteur on Food recognises that it is small scale farming that will enable food security across the world.

The women spoke of saving and re-

panies who believe that they can patent life itself. Monsanto claims it controls over 50% of SA’s maize market in the only country that has allowed its staple food to be genetically modified. Wealthy countries and communities buy organic food for themselves and their families. They are guided by studies of GM food on animals that raise worrying results, including damage to internal organs.

Such policy choices raise worrying questions about those who shape government policy in their interests. Many in Government and Parliament talk of women as ‘weak and vulnerable’ and in need of paternal ‘protection’, including from traditional leaders.

Their analysis resonates with Apartheid’s infamous Kwa-Zulu code that reduced African women to ‘minors’ subordinate to men. This dominant paradigm underpins Stats SA’s data on those who continue to carry the violent burden of unemployment and poverty. They remain Black women in SA’s former Apartheid homelands, townships and informal settlements. A Ministry with limited power and resources, with responsibility for everyone but able-bodied men cannot change this reality.

Our Constitution frames women as equal rights-holders. SA’s Parliament must recognise and respect the power of rural women leaders who gathered in the mountains of Ceres. They travelled to the City to try to speak to them and deserve responses from all relevant Ministers.

This is part of Pregs Govender’s speech, the SAHRC Deputy Chairperson, delivered at the RWA meeting in Cape Town.

Pf



Deputy Chair, Pregs Govender listens to women voicing their frustrations over lack of progress in attaining their constitutional rights.

lenge Government’s image of the dripping tap in a poor community. The question is when will Government target behaviour change of the powerfully wealthy?

As the world commemorated Food Day, the women in Ceres celebrated their contribution to food production and demanded food sover-

using seeds and indigenous herbs and the importance of protecting South Africa’s biodiversity. They rejected the control of South Africa’s food systems by Monsanto, Syngenta and Pioneer Hi-Bred, three of the world’s largest genetic modification (GM) corporations. Patenting seed demands that farmers buy new seed every year from com-

Bids farewell: *International students bid farewell to productive time well spent at the Commission . The student visited the Commission as part of their International Exchange Programme.*



Sebakhele Tshuma,
International Human Rights Exchange Intern

The South African Human Rights Commission (SAHRC) emerges as an institution that permitted us to observe and witness the world from a human rights spectacle. It stands out as a unique human rights organization that has taught us all there is to know on how one engages with human rights, how one promotes and protects human rights and how a culture of human rights can be nurtured. It is through the Commission that we, having learnt about human rights theoretically, were given an opportunity for application. It was indeed through the Commission that we were granted the opportunity to flex our ideas on human rights practically.

I have been interning at the External Communications Unit and I have learnt everything there is to learn about in as far as the Communications office is concerned. It is my belief that the experience I have had in the Commission will propel me to move mountains in as far as human rights issues are concerned. I have been doing media monitoring which emerges as one of the key strategies employed by the Commission to trace human rights violations. As a human rights student I had to keep up with the events transpiring worldwide and through media monitoring I kept up with current news happening in South Africa and beyond it which I believe is a trait one has to have especially when working in the sphere of human rights. My communication skills have been enhanced and I have

grasped all the attributes a communications officer has to have as the office itself is more of a glue that keeps both the internal and external environment together. Furthermore, my designing skills have been elevated as I was taken through the designation of the Commission's Newsletter. I strongly believe therefore that the designing experience I had in the Commission will open an array of opportunities for me in the future. In addition, my writing skills have been concretized due to the fact that I have also been partaking in the writing of articles that were featured in the Commission's Newsletter. The work I have been doing there is complementary to the program I am doing, which is Media and Society Studies. I believe that communication, designing and writing skills are innermost attributes one has to possess to be an awesome media practitioner. The Commission stands out as the very institution that has offered me the exploration of this first hand experience.

Dineo Thaelo and Azra Fredericks, who were interning at the Chief Operational Office (COO) applauded the fact that they have learnt more than they really looked forward to at the institution. They commend the Commission for a job well done in its investigation on human rights violations. As the two were given research to conduct, they strongly believe that their researching skills have been enhanced, with Dineo adding that her being in the third year and conducting research, the Commission's research work spruced up her researching skills.

Ziyanda Ngcobo, who was at the PAIA Unit embraces the fact that her research skills have been heightened. She also believes, as research is part of learning, she has gained extra ounces in researching, which will see her through her academic progress. Apart from the enhancement of re-

search skills.

Alisha Maghoo, who has been interning in the Legal department highlights that she has also gained knowledge on the compilation of reports as this was part of her chores in the department.

Zereth Kirigeya was interning at Commissioner Malatjie's office where she dealt with elderly and disabled persons rights. Apart from reinforcing her research skills, she lauds the Commission for granting her the opportunity to attend an Indaba meeting where she really experienced the direct engagement of human rights that the Commission had with people.

Donovan Pantz who was at the Children rights and Education Unit indicates also that his research skills have been consolidated as he was carrying research on racism, violence and corporal punishment in schools.

Tapiwa Gozhore who dealt with complaints reviewing at the Gauteng Province Office said he is grateful for the work he had been doing at the Commission as it added to the knowledge he had as a law student.

Victoria Do Santos who was interning at the Strategic Support and Governance Unit had this to say, 'the SSG Unit was amazing, I developed skills in areas such as performance monitoring and evaluation, which may be useful to my work in any company in the future'.

On behalf of all the interns, I would like to extend our gratitude to the Commission for granting us the opportunity to explore the sphere of human rights and we all feel privileged to have been part of a well reputable organization in our expedition to learn more on how human rights are promoted and protected, the advocacy methods and strategies employed to engage with human rights.

Pf

Rights Abroad

SAHRC's work continues in the area of international solidarity



Adv Mushwana engaging with international stakeholders

Chairperson Lawrence Mushwana, in his capacity as ICC Chairperson, participated at the 8th Arab-European Human Rights Dialogue, which was held in Copenhagen, Denmark, from 25-27 September 2013.

The meeting provided an opportunity for national human rights institutions to discuss the impact of transition on the promotion and protection of human rights and especially on the national institutions tasked to do so—for instance the impact of the Arab Spring. As you know the Arab Spring started in December 2010 when citizens in Arab countries such as Tunisia, Egypt, Libya, Yemen and Syria, undertook protest actions that resulted in change of political leadership. The Chairperson provided the Opening Address to the

conference, thus setting the tone for conference deliberations. This was particularly important as he was able to reflect on some of our country's historical past that gave birth to our current human rights context. Through his engagement, conference delegates from Arab and Europe, were able to learn more about South Africa and its history.

Prior to this meeting, the ICC Chairperson spent a busy week in Geneva from 17-24 September 2013. Part of his activities included:


- attending the 24th session of the Human Rights Council;
- a meeting with the High Commissioner for Human Rights, Navi Pillay; and
- addressing the gathering of the

African Union ambassadors based in Geneva.

Chairperson Mushwana also attended to ICC governance issues through various meetings with the ICC Geneva-based staff.

Chairperson also attended the 18th annual meeting of the Asia Pacific Forum of NHRIs held in Doha, Qatar from 1-3 October 2013.

For this month, the Chairperson's international work centred on building solidarity with other national human rights institutions; particularly those that are in transition.

Copies of the Chairperson's presentations are available on the web site www.sahrc.org.za. 

Human Rights Snippets: Africa Edition



THE HAGUE — Kenyan Deputy President William Ruto must attend all sessions of his trial at the International Criminal Court unless specifically excused, appeals judges ruled on Friday, putting the court at odds with Kenya and the African Union (AU).

The AU resolved recently at its meeting that seating African presidents should be exempted from the humiliation of the taken to the ICC.

Ruto, accused along with Kenyan President Uhuru Kenyatta of orchestrating a wave of violence after a 2007 election, had hoped judges would uphold an earlier decision to let him stay away from large parts of his trial.

They say at least one of them must be in Kenya at all times to ensure the country is properly governed. Kenya is both East Africa's largest economy and an ally of the West against radical Islam in the region, especially neighboring Somalia.

"The absence of the accused can only take place in exceptional circumstances and must not become the rule," ICC president Sang-Hyun Song said, overturning a decision that had promised to defuse growing tension between the court and Kenya and its allies in Africa.

Africa News Round Up

by The Independent Newspaper

In the **Democratic Republic of**

Congo, talks to end a two-year insurgency in eastern Congo stalled on Monday after the government rejected a call for amnesty for M23 rebel leaders as the United Nations expressed concern at a military buildup by the group around the provincial capital Goma, Reuters reports.

Congolese President Joseph Kabila's government and the M23 rebels had agreed on two-thirds of a draft deal during recent talks in neighboring Uganda, U.N. special envoy to the Great Lakes region, Mary Robinson, told the U.N. Security Council.

"However, the parties found it difficult to agree on certain contentious and difficult issues that had remained problematic throughout the talks, namely the amnesty, disarmament and integration of M23," Robinson told the 15-member council.

"They have agreed to reconvene soon in order to overcome their differences," she said via video link from Addis Ababa.

During closed-door Security Council consultations after her public briefing, several diplomats said Robinson told them that Rwandan President Paul Kagame had conveyed a personal message to the M23 delegation to encourage them to reach a compromise.

In Mozambique, former rebel group Renamo says it has annulled a 1992 peace deal that ended a

16-year civil war after clashes with government forces, Aljazeera reports.

A Defence Ministry spokesman said government forces had attacked a Renamo base in Sathundjira, near Gorongosa in central Mozambique, on Monday.

The operation comes after Renamo mounted attacks on police positions in the same area.

The fighting has damaged the decades old peace-deal between the Mozambique Liberation Front, also known as Frelimo, which has lead government since independence in 1975, and the Renamo movement, which is now an official opposition group.

A Renamo spokesman said the aim of the attack on its base was to kill its leader.

Karl Sousa, a Mozambican journalist, told Al Jazeera that the whereabouts of Dhlakama were not known.

He said though the rebels lacked the capacity to engage government troops, they could resort to carrying out attacks against civilians.

Tensions between Renamo and the Frelimo-led government started escalating last year, after the group's leader Dhlakama set up camp in the Gorongosa mountains to re-train former guerrilla fighters. **Pf**

In the seat with



Musawenkosi "Musa" Mchunu, Internal Security Officer



Tell us about Musa in a nutshell ?

My name is Musawenkosi Siyabonga Mchunu coming from a family of ten. I am a third born from my late mother Jenet Ngubo with father George Mchunu. Their first born (Vusumuzi) died while still young we never saw him. I was born together with the other two (Mantombi and Bonginhlanhla) meaning our parents were blessed with triplets.

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

I was born in Port Shepstone southern KwaZulu - Natal (KZN) and moved to Greytown eMsinga in the KZN Midlands where I grew up. It was not easy growing up in a rural village because one had to herd goats and cattle even in my early age before I started schooling. It was nice I guess we did not know any better. I started my first year

of school in 1986 at an older age of 9 because my family thought the schools were far, so they thought I had to grow a little bit to be able to walk that long distance to school. Sometimes we had to miss school during heavy rains because the rivers were full. I grew up listening to the radio and that's where I got to soccer matches and I became in love with my team Kaizer Chiefs. As a young boy I played soccer and like many of my peers I had a dream of one day donning Kaizer Chiefs black and gold jersey. But obviously I only became a fan because no professional teams came to scout talent in rural areas.

As boys we played a lot of soccer at school. And after school while herding cattle we did the Zulu dance called Isicathamiya, as well as stick fighting of which we enjoyed the most and I was good.

I am blessed with two sons Samkelo 5 and a 14 months Siyanda from their lovely mother Nomfundo Ntuli.

Educational background

As I mentioned above I started my first year in 1986 and I did matric in 1997, which I failed. Unfortunately things were starting to get hard at home. Our single mother was struggling to feed us all and take us to school. So I took a tough decision to leave school and look for a job. I came to Joburg to look for a job in 1999 and I started as a painter. While doing painting I trained part time as a Security Officer and got

my first job in 2001. I studied further until I obtained Grade A certificate in Security Management.

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

I am an Internal Security officer at the Human Rights Commission, the position held since 2007. It comes with challenges to be a Security because you have to be updated with regard to how safe is your building, the place around, the staff as well as all the belongings of the Commission. So we really need cooperation with all the stakeholders (staff, service providers as well as the Landlord of the building).

Sometimes I would be called by a staff member (for example legal services) when a Complainant is threatening our staff member, so it's a challenge cooling down somebody you don't even know. One day I remember this person calling me (STUPID) because I had to intervene. But that did not bother me.

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

I enjoy every moment of my time at the Commission, coming in the morning waiting for the call to come down and escort our visitors to the relevant offices as well as our service providers. It's always a great feeling knowing



with Musa Mchunu

that people are expecting your good service. I am a hard worker and always try my best with the help of my colleagues to make sure that we keep our Commission safe and an enjoyable place to be all the time.

I also help new staff members with access cards and keys.

Day outside office?

As a soccer fanatic I love to go and watch the game at the stadium or at least on TV. I enjoy going to the Mall and do shopping. Sometimes I go to family meetings (Society) which happen every month. That is where I meet most of my family members.

What motivates you and what inspires Musa

I always get motivated when I see people who started as security officers making it to a greater level in life. Even though one has to work hard to reach a certain standard, I am always positive that one day I will make it. I also get inspired a lot when someone tells me that I did a good job and to keep it up.

Favourite activities?

Well my favourite sport has always been soccer since I was a young boy, growing up in former Zululand. We did a lot of Zulu dance and that's how we celebrate life. We normally do the dancing when there is a ceremony and I think I am the best. Where do you see Musa in 10 years time?

I want to see myself in business even though I have not put my

mind into which business. Maybe a soccer team. But definitely not to be a taxi owner.

Anything interesting that people don't know about you.

Well as a father I enjoy every moment with my boys especially my elder son-Samkelo who I call mfowethu (brother) and he calls me that too. It is a nice feeling to be a father to somebody and knowing your responsibilities as a man to look after your family and protect them and ensure they grow to get better education than mine. **Pf**

Did you know that Musa:

- * Is a triplet - has a sister Mantombi and brother Bonginhlanhla).
- * Was born on 09 June 1977 in Port Shepstone southern KwaZulu Natal
- * Is good in isiCathamiya (Zulu traditional dance)
- * A staunch IFP supporter with no portfolio

My right to live

A poem by Mbalenhle Xulu posted on SAHRC Facebook Page, SAhumanrightscommission

Before I am a woman
Before I am a man
Before I am gay
Before I have sickness in my body
Before I have no wealth
Before I don't fit in your class
I am a human being
And I'm allowed to live normally
Just like you and everyone else

I may not look the way you expect
Or live according to certain standards
I may be even too regular
I may be illiterate
But I still am a human being
And allowed to live normally
Just like you or anyone else

What I possess doesn't define who I really am
Nor does my health condition
I am not defined by my sexuality
Nor by the position I hold
All that defines me is a very simple term
I am a human being

Am I to live by the standards you set out for me
Doesn't it matter what I think
Do I need to be someone to be able to air my views
Who I choose to be is who I like to be
And like everyone else I am allowed to live normally

As young as I am
Even though I cannot speak for myself
Defenceless. minor
Unable to defend myself
But I also have rights
Because I am human and allowed to live normally like everyone else

It's my right to live
To be respected
To be accepted
To choose the kind of life I want to live
To become who I want to be without fear
And I expect you to respect that

Pf

SAHRC share experiences with Ghana Human Rights Commission



SAHRC Chair, Adv Mushwana; Commissioner Mokate; and Commissioner Malatji sharing knowledge with their Ghanaian counterparts.

“We are an institution created to enhance good governance, democracy, integrity, peace and social development. We strive to provide excellent service delivery through enhancing the capacity of our staff by benchmarking with cognate institutions globally.” Those were the words illuminated by Deputy Director, Mr. Isaac Annan of Ghana during the study visit at the SAHRC.

The SAHRC yet again facilitated an enlightening study tour and this time for the Commission on Human Rights and Administrative Justice (CHRAJ) originating from Ghana. The delegation came to visit our shores on 06 October 2013 and departed on 13 October 2013.

The study tour comprised of the following delegation:

1. Mr. Joseph Whittal, Deputy Commissioner (Leader & Head of Delegation)
2. Mr. Isaac Annan, Deputy Director (Legal)
3. Ms Elizabeth Kufuor, Deputy Director (Investigations)

The aim of the visit was to provide a forum for information sharing and exchange of experiences between CHRAJ and SAHRC and also grant the delegation the prospect to learn about aspects of human rights that CHRAJ can adopt, take advantage of and take home, particularly in the areas of:

- SAHRC’s organizational structure
- Investigation processes and procedures for complaints (individual and systemic)
- Investigation Report writing
- Enforcement of recommendations/decisions, particularly complaints hinging on economic, social and cultural rights; and
- Compliance monitoring mechanism.

In essence, the exchange of experiences was to enhancing best practices through fostering South-South co-operation between CHRAJ and SAHRC and also to benchmark with some of the chapter 9 institutions.

The Public Protector was one of the chapter nine institutions that allowed the delegation an opportunity to share and exchange experiences with. CEO, Themba Mthethwa and Advo-

cate Kevin Malunga collectively took the delegation on how the Public Protector deal with anti corruption, investigation and adjudication processes, procedures, the Public Protector Act, complaints process, good governance and integrity processes, just to mention a few.

Prof. Michelo Hansungule from the Center for Human Rights at the Pretoria University elaborated to the delegation on how the University conducts research, training and generally how the Institution operates.

Lastly, the SAHRC senior managers, such as Pandelis Gregoriou (Head of Legal Services Unit); Karam Singh (Head of Research Unit); Fola Adeleke (PAIA Specialist); Chantal Kisoon (Manager GP Office); Naomi Webster (Head of the Commissioners Programme) and Siyasanga Giyose (Head of Strategic Support and Governance); respectively took the delegation through investigation report writing, research reports, access to information reporting, complaints handling processes and procedures, introduction to the work of Commissioners and strategic planning and performance monitoring processes.

“We are so appreciative to the Commissioners and the SAHRC staff for such a wonderful reception, the warmth, the friendliness and readiness to share everything with us. We wish to thank the SAHRC for making our week stay in South Africa so memorable, thanks for arranging all those visits to places of historical interest interspersed with visits to other relevant institution. Our sincere gratitude to Chairperson Mushwana and his fellow Commissioners; the CEO; the COO and the rest of the Secretariat and not least our good friends the drivers without whom we would not have seen all those sights and sounds, said Joseph Whittal. **Pf**

Snippets

The South African Human Rights Commission says it will investigate the South African Airways’ cadet pilot programme on allegations of racism.

Solidarity has asked that SAA be instructed to stop the discriminatory practices and open the programme to people of all races and sexes. (Roger Sedres)

The trade union Solidarity said on Tuesday that the South African Human Rights Commission (SAHRC) will investigate the cadet pilot programme of South African Airways (SAA). M&G, 08 October

‘SAHRC Report a Victory for Children’

The SAHRC’s finding that the DSD is failing to register child offenders is a victory for children, the DA said on Wednesday.

“The SA Human Rights Commission’s (SAHRC) report is a victory for our children, which now must result in action,” Democratic Alliance spokesman Mike Waters said in a statement.

SAHRC spokesman Isaac Mangena said on Wednesday the report followed an investigation prompted by a complaint last year. MSN News, 17 October 2013

The Department of Social Development, the department of women, children and people with disabilities, and the justice department were included in the investigation.

The complaint had included a consideration of the accuracy of the Child Protection Register (CPR) over a specific period of time, and whether it reflected all the offenders convicted of committing crimes against or involving children, he said.



Nolele Mbala - 01 November (Head Office)

Eric Mokonyama - 02 November (Mpumalanga)

Bokankatla Malatji - 04 November (Head Office)

Masego Phetlu - 04 November (Free State)

Melanie Dugmore - 08 November (Western Cape)

Buang Jones - 09 November (Free State)

Pandelis Gregoriou - 11 November (Head Office)

Alice Price - 23 November (Head Office)

Proposed Internal Seminars Schedule

- * 29 November 2013, Dr Karam Singh: Research
- * 6 December 2013, Chairperson, Adv Mushwana: HIV and AIDS and Human Rights
- * 31 January 2014, Eastern Cape: Staff awareness on the provincial work (Complaints and education, etc.)
- * 28 February 2014, Pandelis Gregoriou: Legal cases
- * 28 March 2014, Joyce Tlou: Advocacy Strategy of the Commission

Human Rights Calendar Days

- 11 November – International Day of Science and Peace
- 16 November – International Day for Tolerance
- 20 November – Universal Children's day
- 25 November – International Day for the Elimination of violence against Women

Events Calendar

Province:	Event	Date
Eastern Cape	Right to Food	7 November
Mpumalanga	Right to Food	14 November
Free State	Right to Food	19 November
Western Cape	Right to Food	20 November
Northern Cape	Right to Food	20 November
Gauteng	Right to Food	21 November
KwaZulu_Natal	Right to Food	26 November
North West	Right to Food	12 December
SAHRC	Strategic Planning Review	18 - 20 November

Pfanelo welcomes the following employees

Zolile Moyo - Internal Auditor
Nomvula Legweng - HR Administrator
Lucky Zulu - HR Manager