

**The South African Human Rights Commission
Johannesburg Office**

Special Report

Findings

IN RE: UNIVERSITY OF PRETORIA

**Re : Allegations of racism and racial
discrimination**

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September 1999

BACKGROUND

Following upon allegations of violations of human rights relating to racism, lack of transformation and discrimination at the University of Pretoria, the South African Human Rights Commission visited the University campus on the 4 and 5 August 1998 to verify the reports and to receive submissions.

The Commission then submitted to the University a Memorandum setting out details of these submissions and invited the University to comment on them and to inform the Commission of the steps taken to address those complaints. A copy of that Memorandum dated 22 September 1998 is annexed hereto and marked "HRC1".

As appears from that memo, the complaints covered many areas and are summarised hereinafter.

In a letter dated 30 October 1998, the Principal of the University, Professor van Zyl submitted a detailed response to those allegations. That letter is also annexed hereto and marked "UP1"

THE COMPLAINTS AND RESPONSES

1. Administration

Students alleged that White administrative staff discriminated against black students in that white students were given preferential treatment.

The University's response to this was that because of staff shortages, three persons were servicing a large number of students and this caused problems. A Ms Lourens who was especially appointed by the Principal to investigate this, found that during the period of her observations she did not notice any racial prejudice, although she did notice that "service levels were not up to standard."

2. Faculty of Law

Black students alleged that they attended the English medium lectures and Whites the Afrikaans medium; discrimination takes the form of poor lecture facilities, allocation of junior staff members for courses taken by Black students, bad time table planning, frequent change of lecturers, poor study advice for Black

students, lecturers' poor command of the English language etc – all of which lead to poor results.

Professor van Zyl, replied to this. In addition, in response to specific allegations of racism made against Professor van Oosten, the Dean of the Faculty of Law replied to the Chairperson of the Commission, Dr Pityana. Professor van Oosten denied the allegations made by the students and demanded a withdrawal of the allegations and an apology. Those concerns were addressed by Dr Pityana in his reply to Professor van Oosten. (See letters dated 12th October 1998 and 10th November 1998 annexed hereto and marked "HRC2" and "HRC3" respectively).

The Principal in his letter invited the Commission to meet the University to discuss the matter.

3. Faculty of Engineering

Here, it was alleged that Mr Anton de Klerk, a lecturer in Geometric Drawings favoured white students to Black students in advice giving and assistance.

In support of a denial, the Principal put up reports from various lecturers. However, a lecturer Dr Du Plessis states that a group of Black students did feel discriminated regarding the presentation of Geometrical Drawings; and that there has been a disparity in marks between the "disgruntled" (presumably Black) students and the rest of the class, but discrimination was denied. The report further states that the allegations made against Mr de Klerk seem to be too vague to ascertain whether or not Mr de Klerk would be guilty of racism. The Principal did however undertake to monitor the problem.

4. Racial conflict at the residences

The students submitted that:

- a. recreational facilities are racially divided or discriminatory, e.g. in Boekenhout – the clubroom facilities are used predominantly by White students and Black students are sworn at when they try to use these facilities. They receive the same treatment when attempting to use the television room;
- b. one residence (Sonop) is exclusively for white students;

- c. in other residences, Blacks are allocated rooms in one wing and whites in another;
- d. Club facilities are better for white students than for Black students
- e. In the residence, Boekenhout, white students swear at Black students.
- f. The racial composition of house fathers and the allocation of rooms in the hostels reinforce racial stereotypes.
- g. Complaints lodged by Black students regarding racism are either not investigated at all or are investigated after a long period.

“There is still a long way to go with regard to sound race relations among students in residences,” conceded the Principal in his response. He stressed, however that since 1997 the situation has improved “considerably”. He stated that several racial incidents flared up in consequence of the majority of Black students not paying house fees which resulted in the paying students not taking kindly to the non payers.

A different method of collection of fees and a more representative residence committee, states the response, has solved that problem.

5. Specific incidents of racism

These related to traditional practices (initiation), it being alleged that victims were not protected by the authorities or the SRC. The residence named Sonop, where racial incidents associated with initiation and racism generally were most rife.

The University answered the above by stating:

- a. First year students are informed that residence traditions are not compulsory, while initiation practices are not permitted, but a “welcoming programme is in place – which is monitored;
- b. Sonop is a residence privately run by the Dutch Reformed Church, but it is allowed to take part in the University student activities. The University is represented in the Sonop Council. There have been discussions between that Council and the University about racism and about management of the residence;

- c. Sonop residents are selected on strict merit and is open to all but unfortunately “relatively few” Black students qualify for admission; there was a decision taken that the group of first-year students for 1999 will include “a minimum of 10% high merit persons of other races”.
- d. Sonop has undertake to market itself amongst students from other race groups;
- e. The management of Sonop is not aware of the allegations of the high incidence of human rights violations at the residence. There is one admitted case of a violation of human rights which resulted in strict action by management;
- f. Karee, another residence, consisting of all Black students- is usually allocated to late registrations and many Black students register late, because of financial problems.

6. Allocation of bursaries

The students contended that white students receive financial assistance more readily and more easily than do Black students. Further, the tendency is for Black students to be given loans rather than outright bursaries.

The University states that the policy is to provide opportunities for educationally disadvantaged (Black) students who are needy and good performers. In the reply, various types of bursaries are set out together with the requirements for each.

As a general comment, the Principal concludes his reply by making submissions on transformation and the efforts made by the University to achieve same.

VISIT BY THE COMMISSION TO THE PRINCIPAL

The above exchange of correspondence was followed by a delegation from the Commission visiting Professor van Zyl, as suggested by him in his letter dated 30 October 1998. At that meeting the various issues, as headlined above were discussed. The undertakings given in his aforesaid letter, with special emphasis on residences – were reiterated by him.

MONITORING THE OBSERVANCE : INSPECTION OF RESIDENCES

As part of its mandate to monitor the observance of human rights, the Commission through the kind co-operation of Dr Diedericks, the Marketing Manager of the University and other officials, visited the residences. Such a visit took place on the 11 May 1999, and was undertaken by two Commissioners, and the Legal Department of the Commission.

In the “walk through” inspection the Commission met with members of the House Committees of six residences.

The observations made by the Commission and comments made by students, as set out hereunder, are compared with the earlier responses of the principal, and the shortcomings, where applicable are highlighted, with the intention that the University will address them appropriately.

Table of statistics - Residences

Residence	Population	Blacks	Whites	
Narine	200	21%	79%	
Sonop	148	.68%	99.32%	
Klaradyn	368	38%	62%	
Turksdorp	268	84.4%	15.6%	
Boekenhout	274	25%	75%	
Karee	58	100%	Nil	

Narine

This residence has a total population of 200, with Blacks making up 21% of that. The house Committee has 7 Executives (1 Black). There are 8 Representatives, 4 of whom are Blacks.

The House Mother is responsible for allocation of rooms to first year students. Second and subsequent year students choose their own. A number of places are reserved for first year Black students.

There is no case of a room being shared by a Black and White student.

The House Mother reported that initiation is not compulsory and takes the form of dance competitions; first year students wear name tags until 1st April. The students enjoy the dance sessions. No one is forced to participate in the initiation programme.

The House Mother reported further that students are integrating with each other and functions have been held to assist in that regard.

There have been no racial incidents at this residence.

Sonop

The University is not involved in the allocation of rooms in this residence as it is owned by the Dutch Reformed Church, which does not receive any subsidy from the university. The University however, has control over its other activities, for example sports and Sonop, features in the University's calendar as one of the residences.

There are 148 students in this hostel. The first years number 37, of whom only one is Black. The admission criteria (academic performance) is such that most of the applicants from the Black community do not meet them. Hence the only Black student at this residence was recruited from Cradock. Three other Black students were "deferred" to other residences. The decision – referred to above – that 10% of first year students for 1999 will be from other races, was not adhered to.

Many of the White students at this residence – so the delegation was informed – were not comfortable with the Black student's presence at first, but soon began to accept him.

The House Committee is wholly White.

Most of the students here are bursary holders.

The Commission's delegation was informed that the Board accepted the policy of integration, but because of "hardened tradition" implementation was the difficult part. According to the House Father, affirmative action is not applied in the selection process, although the university has an affirmative action policy. Sonop does not feel bound by that policy, although it follows the university's orientation programme.

Klaradyn

This residence houses female students consisting of 38 Blacks and 324 Whites. The House Father and Mother are both White. The House Committee consists of White and Black students. The Committee reported that there are no problems in this residence. There is racial integration in the activities of the residence.

There is no racial integration in the room occupation. Blacks are sharing room with other Blacks. The University allocates rooms for first year students and others choose their own rooms.

Turksdorp

This is a residence for postgraduates. There is a House Father, who is White and there is no House Committee. The student population here is 268. 84.4% of them are Black and 15.6% are White.

Prior to 1996, this residence had more white students than Blacks. Over the last few years, the ratio became reversed for no apparent reason. One Black student said that the influx of Black students was not the reason for the drop in the intake of White students.

Because this is a residence mainly for post graduates, the students do not participate in recreational activities.

Boekenhout

The population in this residence is 274, 25% of which is Black. Of the 17 members constituting the House Committee, 4 are Black and 13 are White. The Representative Committee consists of 3 Blacks and 3 White students.

This residence has many recreational facilities. Some Black students alleged that they are not allowed the use of these facilities. A further allegation was that one recent racial incident took place when a White student called a Black student a “Kaffir”; the incident was reported to the authorities but no steps were taken against the culprit. The Commission was told that such inaction is common place. There was another incident when a Black student attempted to assault a White student and there was no investigations.

The meeting with the House Committee members left the Commission in no doubt that there are racial tensions at this residence. Thus it is that “B” Block is presumed to be for White students only. Those White students then choose other Whites to fill rooms that become vacant. For the past three years, no Blacks occupied rooms in that Block – which has become known as “Volkstaat”, and in terms of language, only Afrikaans is permitted. If a Black student is found walking in the Block, he has to explain his presence! Recently some twelve students were expelled for

forcing other students to participate in initiation programmes. There were expectations from the Black students who sit on the Representative and House Committees that the rooms occupied by the 12 White students would be taken now by Black students. That did not happen, even though there is a large number of Black students on the waiting list. One White Committee member stated that they are working on the problem.

The room allocation procedure is that students in a particular corridor (wing or block) choose who is to occupy a vacated room and Blacks do not apply for such rooms because they feel uncomfortable and unwelcome.

Black students complained that during cultural week the programme did not cater for African students even if they paid the house fees. (Note that this contradicts what Professor van Zyl stated in his report – namely the way in which house fees are collected ensured that the interest of all students were catered for).

Because of the problems outlined above, Black students are prone to staying away from this residence.

Karee

Situated a little away from the other residences, is the one with all Black students, and known as Karee. It houses 58 students, who do not feel as if they are part of the University; they are made to feel separate- e.g. for the Rag event, the Committee regards them as “outsiders” and allocates a small budget for them. Similarly, academic performance of students at Karee is not considered seriously. Thus even if a student fails often the University will accept him/her for the subsequent year.

Students at this residence do not socialise with students from other residences except for being part of a common soccer league.

It has a Black house father.

Some students stated that rather than face “White domination” at the other residences, they prefer to stay at Karee and avoid racial slurs. One Black student reported that when he was at one of the other residences, he was assaulted in 1997 by a White student. The Dean of Students and security officer, to whom this was reported, did nothing.

There were some complaints about the co-ordination of bus transport and lecture times. According to the university the bus service is outsourced to the City Council of Pretoria whose service has not been efficient. This has recently improved.

Apart from a TV room, there are no recreational facilities or a cafeteria.

FINDINGS AND RECOMMENDATIONS

FINDINGS

Human rights, Racism, Racial Discrimination and Affirmative Action

From the correspondence, the meetings, the inspection and the questioning of students, the Commission arrives at the following findings:

Racism and racial discrimination in various forms exist at some of the residences, in particular at Karee, Sonop and Boekenhout, which in our opinion, is compounded by the lack of understanding of racism and/or racial discrimination and their manifestations on the part of both students and management of the university. The manner in which rooms are allocated at these residences and the racial composition of House Fathers at these residences, does not assist racial integration, e.g. White people are appointed as House Mothers and Fathers at predominantly Black residences.

Sonop

The university undertook to adopt a more “proactive strategy” in terms of which persons from other races and with high merit will be “actively recruited”. A target of 10% intake of such persons was approved for 1999 and this was to be achieved through marketing and recruitment campaigns by the House Committee for which the necessary funding was made available.

The recruitment campaign managed to attract only one Black student who, according to the Chairperson of the House Committee, Mr Michael Prinsloo had to be physically recruited from Cradock in the Eastern Cape. In his own words, Professor De Beer, the House Father of Sonop, stated that affirmative action is not applied in the recruitment of Black students because Sonop is a “very competitive residence” and any student who does not meet

the admission requirements, will not be accepted into the residence, irrespective of their race. While the Commission does not have any difficulty with this statement, the university should be mindful of the fact that with the demise of apartheid, new forms of racism and racial discrimination, which are more subtle and covert, are beginning to emerge.

These usually take the form of policies or rules which *ex facie*, appear to be fair and neutral but are actually discriminatory in operation. The application of academic merit as a sole criterion for selection at Sonop (which hitherto has been an exclusively White residence) without taking into consideration the disparities that exist between Black and White students and the context in which these disparities occurred, undoubtedly has a disparate impact on Black students and may amount to indirect discrimination against them. By using this criterion, Sonop exercises complete control over who gets admitted into that residence. This may explain why the marketing and recruitment campaign has managed to attract only one Black student and has resulted in the university failing to reach a 10% intake target it set for itself for 1999.

Boekenhout

During the meeting with the House Committee, the Commission delegates could sense racial tension between the Black and the White members of the House Committee who presented different views of the existence of racism in the residence. The manner in which the rooms are allocated according to corridors which seemingly are racially divided, does not assist the process of integration. In addition, the fact that application for rooms are made to members of a corridor, reinforces the racial division in the residence and delays the process of integration.

Karee

Compared to the other residences, Karee is very poorly resourced. Despite the explanation given by the Vice-Chancellor in his report namely, that this residence is a transitional residence for Black students who do not have any accommodation, it is for all intents and purposes, a permanent residence for those getting in there. Yet the university does not seem to have improved (apart from a recent TV room) or integrated it as a fully fledged university residence. The existence of this residence in its present form definitely creates

the perception of racial discrimination against the Blacks that reside there.

Narine, Klaradyn and Turksdorp

No incidents or allegations of racism or racial discrimination were found at these residences.

RECOMMENDATIONS

1. RESIDENCES

1.1 Racial Composition of House Fathers/Mothers

In all residences visited by the Commission, House Fathers/Mothers are appointed according to the racial composition of the residence. For example, the House Fathers/Mothers of the predominantly White residences are all White while the House Father of the predominantly Black residence, Karee, is Black. This practice reinforces the racial stereotyping and division of the residences and should be reconsidered in future appointments, having regard to the need to integrate and transform.

1.2. Allocation of Rooms in residences

According to the current policy of the university, the allocation of rooms in residences is decentralised and allocation is done by members of the House Committees or students groups. While the Commission appreciates the advantages of House Committees doing the selection, such a policy denies the university administration the opportunity to exercise control on the allocation of rooms. The university should either reconsider this policy or monitor its implementation or set certain acceptable standards. The situation such as the one which obtains in Boekenhout where allocation of rooms is left to members of a corridor whose allocation policy is based on racial identity of a student cannot be allowed to continue.

1.3. Sonop

As stated above, the emphasis on academic merit in the allocation of rooms at Sonop without taking into consideration the circumstances of previously disadvantaged students places Black students who do not meet this criterion at a disadvantage. The Constitution of the Republic of South Africa provides in section 9(2) for the adoption of measures designed to protect or advance persons disadvantaged by unfair discrimination. The university in keeping with this, has adopted an affirmative action policy which, according to the House Father of Sonop, Professor De Beer is not taken into consideration in assessing applications for this residence.

The method of selection should be more flexible. Students have already been screened for admission for tuition. Should they again be screened for accommodation purposes?

Since Sonop is not owned by the university and does not want to adopt some of the policies of the university, such as affirmative action, it is recommended that the university, as a public institution bound by the constitution, policies and ethos of the country should sever ties with this residence and allow it to operate independently and not impede the university's attempts to transform. The continued association of the university with this residence may tarnish the image that the university wants to develop and portray to the outside world.

1.4. Karee

Despite the early intentions, this residence has become a fully fledged permanent residence of the university but is not treated as such by the university. It is therefore recommended that facilities at this residence be improved and that it be transformed and fully integrated as part of the community of university residences.

1.5. Boekenhout

It is recommended that this university should investigate the allegations of racism and racial violence at this residence and submit a report to the Commission.

- 1.6. A more proactive and perhaps regulatory role by administration/management is required in the allocation of rooms and residences, with particular reference to the above residences. We believe that this is possible, as the University is, we were informed, involved at Board level in the development of policy on residences.

2. BURSARIES

- 2.1. Similarly, where the university has a discretion in the award of bursaries, greater attention needs to be given to the Constitutional directive contained in Section 9(2), which provides:

“..... other measures designed to protect or advance persons disadvantaged by unfair discrimination may be taken.”

Bursars need to be greatly persuaded by public relation exercises, to expand the scope of bursaries so as to include residence fees and thus increase the intake of Black students.

Management has to monitor and audit the granting of student loan bursaries as compared to outright bursaries with reference to race.

3. OTHER AREAS

- 3.1 Persons in managerial positions for example house fathers, mothers and bursary selection committees require to be exposed to human rights issues and the Bill of Rights. In this connection the university may consider utilising the services of Professor Christoff Heyns and his Centre for Human Rights at the University.
- 3.2. Service and the administration centres need to be beefed up to avoid any perception of discrimination, and thus avoid

such observations as “service levels were not up to standard”.

- 3.3. Special attention needs to be given to optional bridging classes in subjects such as Geometrical Drawings. This will necessarily involve wide consultations with parties concerned and proper programmes.
- 3.4. The monitoring exercises to which reference has been made by the principal, needs to be increased and made known to the parties. These will cover all areas but in particular those in which concerns are expressed in this report.
- 3.5. Certain complaints areas were not investigated by this Commission. Given the declaration by the university to transform and the efforts made to achieve same, the management is requested to report specifically on the following areas of complaint.
 - 3.5.1 Junior lecturers are allocated to lecture in courses taken by Black students.
 - 3.5.2 There is poor timetable planning for courses in which there are mostly Black students.
 - 3.5.3 The language of instruction in many courses in which there are Black students is Afrikaans, even where students on admission understood that lectures would be in English.
 - 3.5.4 Black students are given poor student counselling.

4. GENERAL

- 4.1 It is recommended that this report be tabled and discussed at the University's Council meeting for further action.
- 4.2 The Council of the University is required to submit its report/response to the South African Human Rights Commission, on how it intends to deal with these recommendations.

- 4.3 The report/response referred to in 4.2 above, be submitted as soon as possible, but not later than 15 December 1999.
- 4.4 This report and finding should be published for general information.

In conclusion, it is necessary to note the high degree of co-operation and assistance received from the university authorities including the principal, the Marketing Manager, Mr R.E. Moraka, Ms Vicky Mogotsi and the SRC. For that we are grateful.

DATED at JOHANNESBURG this day of SEPTEMBER 1999

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