



Fanelo

"It's Your Right"

Transforming Society. Securing Rights. Restoring Dignity

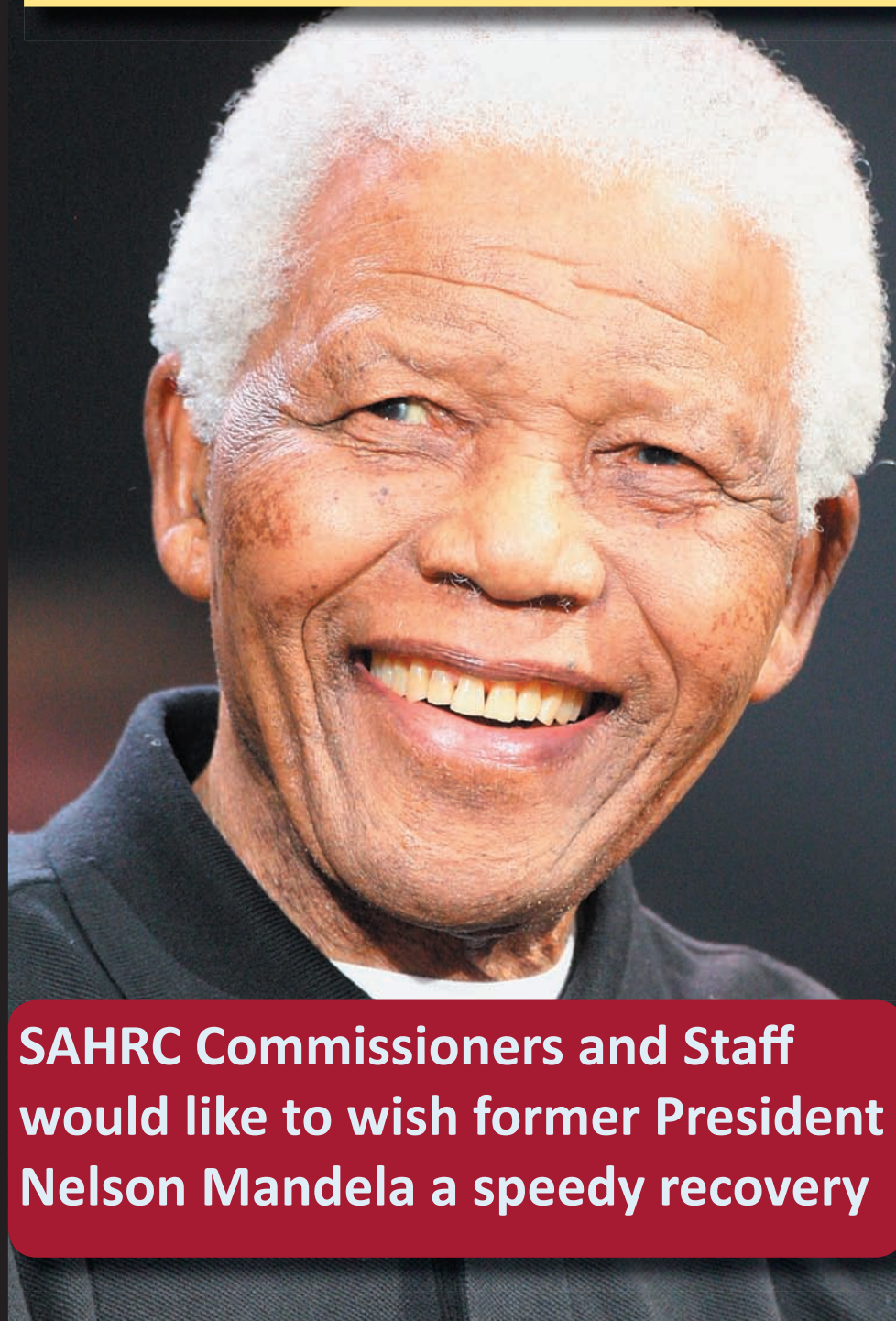
The South African Human Rights Commission Newsletter



Volume 10

01 - 31 July 2013

It's in your hands!



**SAHRC Commissioners and Staff
would like to wish former President
Nelson Mandela a speedy recovery**

Business and Transparency Conference



SAHRC gears up for Mandela day



SAHRC conducts sanitation inspection in Cape Town



Mandela Day, 18 July

What can I do on Mandela Day?

The overarching objective of Mandela Day is to inspire individuals to take action to help change the world for the better, and in doing so build a global movement for good. Ultimately, it seeks to empower communities everywhere. "Take Action; Inspire Change; Make Every Day a Mandela Day."

Individuals and organisations are free to participate in Mandela Day as they wish. We do however urge everyone to adhere to the ethical framework of "service to one's fellow humans".

Nelson Mandela Centre of Memories

Quote

"If I had my time over I would do the same again. So would any man who dares call himself a man."
Nelson Mandela Centre of Memories

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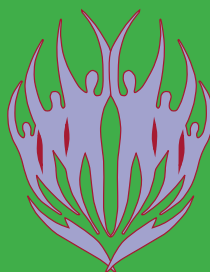
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Pfanelo is a publication of the South African Human Rights Commission
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Kayum Ahmed – CEO, Editor in Chief

Editor's note July 2013

As we move into the final months of our three year strategic plan (2011-2014), it is time that we begin to look ahead to the next three years at the Commission (2014-2017). Before doing so however, it is also imperative that we reflect on our achievements and failures over the current strategic planning period, and build on what we have learnt.

During the current strategic planning cycle, we have made some remarkable strides towards re-thinking and re-building the Commission starting off with the development of a new mission and vision for the institution, executing an ambitious restructuring agenda, and employing and training new and existing staff members as part of the back-to-basics programme. Approximately 20% of the Secretariat was replaced over the past two and a half years presenting both challenges and opportunities for growth and renewal.

For the first time, the Commission has an online leave application system, an electronic procurement management system, and a functional electronic case management system. The successful change management processes involved in implementing these three systems in the space of three years is worthy of celebration. These systems are not perfect of course, but they are significant improvements on what we had before.


And I guess this is my point: as long as we are able to progressively move towards improving the efficiency and effectiveness of the Commission as

part of our broader long-term strategic plan, I think we are doing well. We are certainly not there yet, and I'm not sure we will ever get to a point where we have sufficient resources, offices, staff and the materials we need to carry out our mandate. The question is whether we have been able to use what we have as effectively as possible.

Looking ahead, it is important that we not only focus on **what** we do and **how** we do things, but on **why** we do what we do. Our purpose as an institution must be at the forefront of our strategic planning process. It is our purpose that drives us to deliver on our vision of transforming society, securing rights and restoring dignity.

Consequently, I would like to encourage all members of the Secretariat, irrespective of your position or level, to contribute towards our new three year strategic plan. Consider what the Commission should look like in 2017 and what we should do to get to that point with the limited resources we have available. Think about your role in the organization, your purpose, and consider why you do what you do. Where would you like to be in 2017?

Feel free to submit your ideas to the Strategic Support and Governance Unit or to me directly. I am also happy to discuss your ideas and to help you think through your vision for the Commission. Your ideas will be shared with Commissioners, who will ultimately set the strategic direction for the organization.

I look forward to hearing from you and hope you share my excitement as we contemplate our future, and the future of our Commission. 

July Diary:

.....

Commissioners proposed provincial visits

* **Deputy Chair, Pregs Govender - Western Cape**
01 - 05 July 2013.

* **Commissioner Malatji - North West**
10 - 12 July 2013

* **Commissioner Mokate - Free State**
16 July 2013

Urgent measures needed to make business more transparent



SAHRC Deputy Chair, Pregs Govender; Minister in the Presidency responsible for National Planning and Deputy Minister of Justice Andries Nel at the Business and Transparency Conference

The South African Human Rights Commission hosted a business transparency conference on Thursday 27 June 2013 to promote and encourage compliance with the Promotion of Access to Information Act as well as other statutory frameworks.

The keynote speaker at the conference, Minister in the Presidency for National Planning, Trevor Manuel, painted a bleak picture on how some of the un-transparent actions by the business sector impact on the rights of consumers. He further lamented the amount of borrowing and emphasized on the need to reduce it. "In Marikana most employees had garnishee orders in place and never saw their salaries. One microlender had been charging interest of 30% a month," he said.

SAHRC Deputy Chair Pregs Govender said there was a need for proper compliance and transparency in the business sector. She said the conference was aiming at best practice and, through engagement on issues related to corruption, ensuring business enjoyed the benefits of transparency. "The role and responsibility of financial and business institutions in the financial crisis highlighted the need for compliance with human rights obligations such as transparency and accountability," she said.

Analysts seem to concur with Mr Manuel and Commissioner Govender's sentiments.

Imara SP Reid Research Head, Stephen Meintjes agreed, but said there were other factors as well. "Yes, we believe it's a significant factor but we must understand that unsecured lending took place in other sectors as well. But it is undoubtedly a factor," he said.

South Africa has seen sharp growth in unsecured lending over the past five years, raising concern about a credit bubble consumers' ability to repay their loans. Figures from the National Credit Regulator show the total amount of unsecured lending has grown fourfold from R7bn to R29bn.

The annual growth rate has moderated since peaking at 67% in the first quarter of 2011.

The Reserve Bank said in its financial stability report in March that the banking sector's total gross unsecured credit exposure rose to R441bn in the fourth quarter, from R398bn in the previous quarter.

It was against this background that

Mr Manuel said microlenders had also become a huge problem for the country.

A senior analyst from Avior Research said: "It is possible, there are a lot of loan sharks out there who put the miners under pressure."

The gathering brought together a number of businesspeople, academics and members of government to discuss the role and relevance of transparency in the business sector.

Discussions in the conference included the roles of transparency in economic development, corporate social responsibility in promoting proactive disclosure of information, and business business ethics to address corruption in the private sector, as well as whistle blowing, and the balance between the right to privacy and the right of access to information.

Did you know?

* The Competition Commission is currently investigating over R29 billion worth of projects in the construction sector alone for bid-rigging abuse of public tenders by 21 companies.

* Competition Commission that fifteen construction companies have agreed to pay fines that collectively total R1.46 billion for collusive tendering.

* According to Global Financial Integrity, South Africa has suffered an illegal outflow of over R185 billion due to corruption in both the public and private sectors since 1994.

* In 2011, the former Special Investigating Unit (SIU) reported to the Parliament of South Africa that between R25 billion and R30 billion of government's annual procurement budget alone was lost to corruption.

... opening address

scientific research about climate change, the health impacts of tobacco, asbestos and the pollution of air, land and water by industry (including mining companies and agribusiness). However, there is growing recognition of the benefits of transparency, regulation and accountability to good business practice. Today's sessions on Business and Development; Corporate Secrecy, Information and Power, as well as that on Corporate Social Responsibility, will expand on benefits and best practice.

The bottom line is vitally important to business. SA's Government uses tens of billions of public funds to contract private companies every year.

The Commission's hearings on water and sanitation revealed that many contracted companies do not provide or maintain the services for which they have received taxpayer money. Communities are important stakeholders whose trust is essential, yet levels of frustration have reached boiling point in many parts of our country. The Government departments that contract out a wide variety of services have a responsibility to regulate the minimum norms needed to meet human rights standards. Corruption has to have consequences for both corrupter and corruptee.

I want to conclude by paying tribute to Nelson Rolihlahla Mandela, who inspires all of us. This year's Mandela Day focuses on Madiba's words, 'It's in your hands': It is possible to recognise the dignity that our Constitution says is 'inherent' to every single one of us and to realise dignity as a substantive right in the Bill of Rights. There is the promise of our full humanity. I thank you and look forward to listening to and learning from you.

Pf

Data Protection and Access to Information: Two Sides of the Same Coin?



By Fola Adeleke
Head of PAIA

When Rudolf Elmer, a former bank executive of a private bank at the Cayman Islands handed two CDs containing the data of over 2000 clients of the bank to Mr. Assange, the WikiLeaks founder at a news conference, this news became an instant sensation across the world. Mr. Elmer claims the data reveals criminal activities including tax evasion by prominent personalities. Despite the public interest element that this upcoming revelation would have, the question of the privacy rights of the individuals whose data will be exposed and the duty of confidentiality that the bank owes towards the clients was unanswered and remains relevant for every country: does access to public interest information trump the privacy of individuals?

The right to privacy has become one of the most important human rights of the modern age and is widely recognised today around the world. In South Africa, the right to privacy is protected by both the common law and

the Constitution. The Constitutional Court has emphasised the interdependency between the common law and constitutional right to privacy. There is currently no South African legislation dealing specifically with the protection of the right to privacy and it is a welcome development that the Protection of Personal Information Bill is now in the final stages of passage into law.

Not too long ago, South Africa's Parliament also passed a ground breaking access to information law that extends beyond disclosures by public bodies to private bodies as well, despite the lack of global consensus about what disclosure standards should apply to the private sector and particularly whether extending the application of the right to information to the private sector is the best and most effective way of fostering transparency within the private sector. There is still no consensus on this question. There is, however, a clear and direct link between access to information and protection of privacy with significant implications for the business sector in South Africa.

The protection of these rights and the implications for the private sector are some of the issues to be discussed at a business and transparency conference being hosted by the South African Human Rights Commission on 27 June 2013, with a key note address by the Minister of the National Planning Commission, Trevor Manuel.

The Promotion of Access to Information Act (PAIA) of South Africa entered an unfamiliar territory by providing for an individual right of access to information in private hands, where that information relates to the exercise or protection of rights. In ef- >>>

>>> Two Sides of the Same Coin?



Recently hosted Business and Transparency Conference provided much needed space to debate some of the shortfalls within the sector

fect, the Act starts from an assumption that any information in private hands with a demonstrable and sufficient connection to the exercise or protection of any rights legitimately belongs in the public domain. It does this by providing a right to request such information and places a burden on a private entity to justify why the requested information should not be disclosed.

The Protection of Personal Information Bill currently before Parliament establishes the Office of the Information Protection Regulator to regulate matters relating to access to information in terms of PAIA and data protection in terms of the Bill. There is a great deal of common ground between the right of access to information and the right to privacy. Both involve imposing duties and obligations on those who are holding either personal or official information. Both are heavily concerned with transparency and access. Both have a wide horizontal impact affecting virtually every aspect of public, commercial and private life. Both access to information and data protection are very much concerned with social, cultural and democratic values. We live in the century of information and a common ground

Corporations must begin to recognize that trust is a precious commodity, and transparency, as well as the protection of data of third parties, can strengthen and build both reputation and brand.

exists in the fact that both laws giving effect to these rights, recognise that there are competing public interests, which can be very controversial at times.

Despite the similarities, there are tensions between access to information and data protection. Data protection is fundamentally concerned with confidentiality and access to information is much more about openness and transparency. It will be difficult for any organisation to be protective of information and to be open at the same time, and it can sometimes be difficult to strike the right balance between two apparently competing cultural approaches.

A new look at the relationship between access to information law,

right to privacy and the corporate legal identity is taking shape. Corporations must begin to recognize that trust is a precious commodity, and transparency, as well as the protection of data of third parties, can strengthen and build both reputation and brand.

In balancing the rights of access to information and the right to privacy in corporate institutions, it is important that the nuances of these rights are understood for implementation. The Business and Transparency Conference, which brings together various experts, will be useful in understanding these dynamics.

Background information on the Business and Transparency Conference is available on www.sahrc.org.za

Meet the PAIA team



Clockwise: Jerry Mokadikwa, Amanda Mfuphi, Fola Adeleke, Lindiwe Dlamini and Nokwanda Molefe



SAHRC gears up for Mandela Day

By Neo Nhlapo
Administrative Secretary
Research

One cannot independently think of Mandela Day without thinking about 'the man behind the event' – the legendary icon himself. What I want to draw everybody's attention to is the key thing that I realised Tata possessed that made him endure 27 gruelling years in prison, carrying within him the vision of a new South Africa – that quality is that of love, which for me is what this day epitomises. Love for our fellow man, love for our city (ies), love for our country.

The Mandela Day event that I had the privilege of attending on 20 July last year in Atteridgeville, not only highlighted to me the obvious scourge of poverty gripping our society and the tangible things that people need but the fact that people need love and to be seen as people that they are; everything else that we should do follows from this great act. You see when we love our neighbours as ourselves, we can exercise kindness, honour others above ourselves, instead of being self-seeking, we can be compassionate, caring and giving.

I reckon that there is a Mandela in every one of us; this sometimes is overshadowed by the fact that people miss the bigger picture and look for praise. We therefore don't need to wait for the Commission or others to do something, we all can do something, be it volunteering, picking up trash, visiting the sickly, loving and being there for others in their times of need – there is always something we can do. We ultimately can create the type of South Africa that Tata envisaged by one act of kindness at a time that can create a ripple effect that will effect the changes we want to see.

Our society is ripe with opportunities to love, what is key is for us to love not only in word or by intentions, but in action and in truth.

Pf

2012 Mandela Day In Pictures

The SAHRC team visited Atteridgeville, Hamanskraal and Vosloorus doing their 67 minutes to advance the realisation of the less fortunate.



Supply Chain Manager Kenny Seretse offloading furniture at a special school in Atteridgeville.



Staff members were up to the task in Vosloorus.



Mandela Day also worked as an opportunity for staff members to interact beyond usual Commission work.

Pf

Free State Office outlines racism complaints and strategy to alleviate it

By Buang Jones
Acting Provincial Manager
Free State

Racism is a very touchy subject for some people, as discriminatory practices were a commonplace in South Africa prior to the new Constitutional dispensation. Racism still remains a challenge to South Africa and a social problem that the country continues to grapple with, nineteen years into our Constitutional democracy.

Various racist incidents emanating from the Free State Province have elicited widespread national interest, including media coverage and public condemnation, and the Commission has been at the forefront of dealing with such incidents.

The demeaning act, such as the University of the Free State Reitz saga, where white students allegedly fed junior black staff, and were depicted engaging in appalling acts, was a manifestation of a nation that has not obliterated the legacy of apartheid.

More recently the attention of the Commission was drawn to media reports about racism in Free State Schools. The unique part about one of these complaints is that it was lodged by a white parent of a pupil

at a former model C school with predominantly black African learners. This rare occurrence signifies that racism does affect all South Africans, and is a severe affront to human dignity and to the foundational values espoused in the Constitution of the Republic of South Africa. These founding provisions envisage the creation of a united, non-racial, non-sexist and prosperous society.

Various racist incidents emanating from the Free State Province have elicited widespread national interest...

The Free State Provincial Office has once again been presented with a distinct honour to assist in proper socialisation and character formation of our society through this investigation.

Racism at schools can be dealt with in numerous ways:

- by ensuring that it is a permanent policy of the school to combat racism;
- setting up a system to

monitor racist incidents and devise long-term policies to counter them;

- encouraging schools to adopt a code of conduct against racism and racial discrimination;
- ensuring that human rights education is an integral part of the school curriculum;
- removing any racist material from textbooks that encourages stereotypes, intolerance or prejudice towards another group;
- ensuring that the Department of Education/ School Inspectorates regularly include monitoring of racism and racial discrimination in their work. **Pf**

Did you know?

Majority of equality complaints are related to racism.

The Free State Office is situated at:

50 East Burger Street, 1st Floor TAB Building, Bloemfontein

Tel: 051 447 1133

Fax: 051 447 1128

Monthly Highlights

The SAHRC was involved with various activities during the month of June. *Pfanelo* highlights these activities in pictures:

1. Deputy Chair, Pregs Govender hosted students from Mount Madonna School, USA.
2. Commissioner Titus hosted Training on Torture.
3. The Disability Indaba provided a platform for the sector to voice their frustrations regarding access to food.
4. Commissioner Malatji hosted Hearing on the Right to Food.
5. Deputy Chair, Pregs Govender was interviewed by Cutting Edge on sanitation in the Western Cape.
6. CEO, Kayum Ahmed was interviewed by ENews on sanitation in the Western Cape.



SAHRC conducts site inspection in Gugulethu over sanitation crisis



On Friday 07 June 2013, the South African Human Rights Commission (SAHRC) conducted a site inspection of some of the areas in Cape Town affected by the current sanitation crisis, most notably, Gugulethu's informal settlements of Kanna, Barcelona and Europe. The Commission is deeply concerned about the state of sanitation in these areas and believes that the current crisis poses a significant health risk, particularly to vulnerable communities.

The SAHRC observed that there were no proper sanitation facilities in some of the areas and community members reported that there had been no waste collection services since 2 April 2013 due to a strike by the City's service provider, Sannicare. This has resulted in accumulation of waste, which needs urgent attention and intervention.

The Commission has therefore decided to take immediate steps to address the current crisis by firstly,

engaging with the Mayor's office, following her request for a meeting to clarify the City of Cape Town's position on the eradication of the bucket system. The Commission will also engage with national, provincial and local government as well as the Public Protector and civil society organizations to intervene in this matter.

In a statement released by the Mayor on 6 June 2013, she publicly called on the SAHRC to assist the City in educating residents about the benefits of portable flush toilets (PFTs) and to further assist in eradicating the small number of bucket toilets still in circulation. It must be noted that the Commission is an independent body established in terms of the Constitution with a specific mandate to monitor, protect and promote the attainment of human rights. Having received complaints from communities arising from Government service delivery choices, it would be inap-

propriate and contrary to its legal mandate to participate or endorse government programmes which are the subject of a complaint.

It must be noted that the Commission has received complaints from communities regarding the proposed alternatives ie PFTs. They argue that these alternatives pose similar challenges as the current bucket system and may continue to pose health risks and violate the dignity of users.

The Commission is investigating a number of complaints relating to water and sanitation against municipalities across the country.

In the Western Cape, thousands of residents in various informal settlements across the province have no proper access to water and sanitation. It is important to note that despite the progress made by the Western Cape in providing adequate water and sanitation to communities, there remain a high number of households, mostly in rural areas and townships, that continue to use the bucket system or remain without access to adequate sanitation services.

The Commission wishes to emphasize that the eradication of the bucket system must be looked at nationally and not only at a provincial level. National Government has a Constitutional responsibility to provide water and sanitation services to its citizens. Our Constitution mandates the Commission to monitor government's promotion, protection and monitoring of human rights and to ensure that the Constitutional imperative towards

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Some of the sanitation areas inspected by the Western Cape Office



...Sanitation inspection

the progressive realization of the right to access to basic services across the country is realised. The framework for cooperative governance contained in the Constitution compels the various spheres of government to work together to fulfill their Constitutional obligations to communities and the Commission calls upon all parties to work towards addressing this crisis.

The right to dignity and access to basic services are fundamental human rights guaranteed by our Constitution. The Commission will continue to fight for the rights of poor and marginalized communities and is prepared to take all necessary measures within its power to ensure that these rights are protected.

Pf

Did you know?

The Commission conducted hearings on water and sanitation from September - December 2012 across all provinces.

The Commission commemorated the 2013 Human Rights Day by hosting a National Hearing on Water and Sanitation.

The Commission is investigating about 50 water and sanitation related complaints in the Western Cape.

77 783 homes in the City currently have "inadequate" access, 29 058 homes have no access, and 48 509 homes use "bucket latrines" (*CoCT, Water Services Development Plan, 2013; Stats SA, Census 2011*).

Approximately 11 % of households still have to be provided with sanitation services - *Report on the Status of sanitation services in South Africa, by the Department of Water Affairs*.

SAHRC investigates challenges faced by older persons

By Alucia Sekgathume
Communications Officer

The South African Human Rights Commission (SAHRC) undertook on 11 June 2012 at the SAHRC Braam-park Head Office in Braamfontein focusing into challenges that are violating the rights of older persons in institutionalized care centers.

The investigation was pumped by growing concerns that older persons continue to lack access to adequate health and basic education, suffer from gender discrimination and abuse, and are threatened with economic isolation with no prospect of securing employment.

The SAHRC Commissioner Malatji whose strategic focus area is disability and older persons in the Commission emphasized that "There is an outcry that people who violate the rights of older persons success rates are very low, it is through collaborative efforts that the rights of older persons are protected," he said.

Commissioner Malatji stressed that there are many cases that have been reported to the Commission as well as the Department of Social Development, which holds the central mandate for the welfare of older persons in the country which maximizes concerns that have been reported in the media. It is reported that older persons between ages of 80 and 90 residing in institutionalized care facilities such as places of retirement, frail care centers and in old age homes are often the ones vulnerable to be abused by those responsible for taking care of them. Older persons have also become largely responsible for their family members, which is further exacer-



The hearing provided commissioner Malatji with a clear perspective on the challenges faced by older persons in institutional care


bated by the impact of HIV/AIDS and the deaths and orphans resulting from the disease.

Various Government departments in attendance including social development responsible for three homes in the country highlighted that every old person has the right to dignity and they will continue as a department to work together with the Commission to fight for the rights of older persons whom are mostly affected by poverty and ensure that each one of them receives social grant.

Department of National Health in their report addressed the challenges and problems relating to primary healthcare facilities. The department said they will ensure that primary healthcare is provided in all care centres to better with quality services and will ensure that older persons are seen by doctors to better their health conditions.

Whereas the South African Police Services said that the abuse of the elderly is usually persuaded by vulnerable teenagers whom are exposed to witchcraft, substance and alcohol abuse and those elders having staying alone exposes them to such abuse. The SAPS is looking at getting a mechanism that will protect these elderly people.

All departments were given until end June to submit supplementary submissions in response to the panel discussions and queries that were asked during the hearing. The submissions will be presented as a way forward on what has to be done to resolve the crisis/problem.

In closing SAHRC Chairperson Lawrence Mushwana indicated that the Commission is not functional without government departments and it is important that we take this matter serious as elderly people are maltreated and we tend to be turning a blind eye. 

In the seat with Gregory Paulse, Chief Audit Executive



It's Greg's birthday on 28 July. He was born in Lichtenburg, North West many many years ago



Tell us about Greg in a nutshell?

I am the eldest of four children and have two younger sisters and a brother. I am married and have been blessed with two beautiful children.

I'm a loving, caring and compassionate person. I love to have fun and have a good sense of humor.

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

I was born in Lichtenburg in the North West. Growing up was not easy but Gods favor was always upon my life because He sustained us as a family and in particular me through tough times.

Educational background?

I completed Matric in Klerksdorp and my Bachelors degree at the North West University (previously known as Potchefstroom University for Christian Higher Education). I have also attained

the following professional qualifications: Certified Internal Auditor (CIA) and Certified Information Systems Auditor (CISA) through the Institute of Internal Auditors (IIA) and Information Systems Audit and Control Association (ISACA), respectively.

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

I am the Chief Audit Executive of the Commission responsible for leading and directing the Internal Audit Department. Our role is to assist the Commission to accomplish its objectives by examining and evaluating the adequacy and effectiveness of the Commission's governance, risk management, and internal control processes and advise management on the areas for improvement.

Good governance, risk management and internal controls are key to the success and sustainability of any organization. I am very passionate about this and am excited to be able to advise management on governance, risk management and internal controls and through that, contribute to the achievement of the Commissions strategic objectives.

My mission is to change the perception from Internal Audit being perceived as "Policemen" to being regarded as "Business

Partners" striving to assist management to improve the Internal Control environment and achieve their objectives.

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

Having a check-in moment with staff on a daily basis and engaging with them on a more personal level; attending meetings; determine the progress on audits being performed; dealing with queries from staff and management; perform quality reviews on work performed by the Internal Auditors; finalise and issue audit reports; and attend to any admin related duties.

Day outside office?

Relaxing and spending time with my family;

Visiting friends or family;

Having a braai or preparing "potjiekos", when it is my turn to cook, especially on Saturdays;

Attending church activities.

What motivates you and what inspires you?

I'm motivated by being compassionate and being able to make a positive difference in someone else's life.

I am inspired by perseverance, dedication and achievement of goals in the midst of challenges experienced.

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Favourite activities?

Spending quality time with my family.

Listening to different genres of

music. I also enjoy playing musical instruments and have learned the basics of playing drums, guitar, and piano.

Having a braai and having fun with friend and family.

I'm a seasonal sport lover. Just don't have the time to watch each and every game during a league season.

My favorite teams are Orlando

Pirates, Manchester United and the Blue Bulls.

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

When you meet with me the first time you may think that I'm an introvert but when you get to know me on a personal level you would realize that I'm actually an extrovert who loves to socialize with people and have fun. **Pf**

How internal Audit impacts on your work



Internal Audit team: Rakesh Kamrajh, Internal Auditor; Minnesh Rampersadh, Senior Internal Auditor; Patricia Cekiso, Admin Secretary, and Gregory Pause, Chief Audit Executive

The mission of Internal Audit is to provide independent, objective assurance and consulting services designed to add value and improve the SAHRC's operations and to help accomplish objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The Internal Audit unit's formal scope of work is to determine whether the organisation's network of risk man-

agement, control and governance processes as designed and represented by management, is adequate and functioning in a manner to ensure the achievement of its objectives.

Internal Audit evaluates and improves the overall adequacy and effectiveness of:

Governance

The internal audit activity assesses and makes appropriate recommendations for improving the governance process in its accomplishment of the following objectives:

- Promoting appropriate ethics and values within the organization;
- Ensuring effective organization performance management and accountability;
- Communicating risk and control information to appropriate areas of the organization; and
- Coordinating the activities of and communicating information among the executive authority, internal and external auditors and management.

Risk Management

The internal audit activity evaluates the effectiveness and contributes to the improvement of risk management processes. Determining whether risk management processes are effective is a judgment resulting from the internal auditor's assessment that:

- Organizational objectives support and align with the organization's mission;
- Significant risks are identified and assessed;
- Appropriate risk responses are selected that align risks with the organization's risk appetite; and
- Relevant risk information is captured and communicated in a timely manner across the organization, enabling staff, management, and the Commissioners to carry out their responsibilities. **Pf**

More information on Internal Audit is available on www.sahrc.org.za

Welcome to KZN

Pfanelo profiles the Kwazulu-Natal Provincial Office



Kwazulu Natal Office staff members with Deputy Chair Pregs Govender after a successful Water and Sanitation hearing.

The sticky issue of School Fees at Public Schools..

**By Pavershree Padayachee,
Senior Legal Officer,
KaZulu-Natal Office**

A number of complaints dealt with by the KZN Office pertain specifically to the exclusion of learners from school, as a result of the non-payment of school fees. In many such instances, learners were often instructed by the school to either stay at home, whilst others had been threatened with exclusion from writing tests and examinations or having their report/ transfer cards withheld.

During most of our investigations into such matters, we found that

many of the parents/guardians of learners, were either unable to afford the school fees set by the school or they had not been made aware that they could apply for an exemption from payment of school fees, despite clearly qualifying for it.

The Department of Basic Education, through its processes, has divided schools into 5 categories or what is often referred to as the 'Quintile Ranking' of a school and has further declared a number of schools falling within Quintile 1 and 2, as 'No Fee' schools. Whilst there is much debate and concerns that have been raised from various sectors

regarding the application of the quintile ranking system and the criteria adopted in determining a 'No fee' school, many 'Fee-charging' schools still cater to learners who come from very poor socio-economic conditions and thus simply cannot afford to pay the fees.

Very often, schools do not inform parents/guardians of their right to apply for an exemption from the payment of school fees, despite there being regulations issued by the Department that specify how this must be determined. It would be important to note that there are four types of

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exemptions viz. Automatic; Full; Partial and Conditional. Interestingly, we have found that in terms of learners who would fall under the category ‘Automatic’ exemption, ie. Child Support Grant beneficiaries and learners in Foster Care; Orphans in an Orphanage and child headed households; learners placed in youth care centres or in the care of a family member- many schools did not take the criteria into account and regularly demanded that payment of school fees are made, regardless of them meeting the said criteria.

Parents/ guardians who do not apply for the school fee exemption are liable to pay the school fees. In the event that the School Governing Body (SGB) can show that one has not paid the relevant school fee and further does not qualify for an exemption, then SGB would be able to consider legal proceedings against the parent/guardian. Through our community outreach programmes, complaints handling and engagements with various relevant stakeholders, we have found that there is still much work that needs to be done around informing communities about the issue of school fees and in particular how to go about making an application for an exemption for the payment of school fees. **Pf**

Did you Know?

KZN Provincial Office address is:
1st Floor, 136 Margaret Mncandi Street, Durban

Tel: 031 304 7323
Fax: 031 304 7323

How to tackle teenage pregnancy

By Kathleen Boyce
Data Capturer
KaZulu-Natal Office

As a young adult, growing up in a small community in the Marianridge area, just outside Durban, I was confronted like many youngsters in any other community, with a number of competing challenges and opportunities on a daily basis. It was not an easy journey- with lots of day to day challenges and choices that needed to be faced and overcome.

Adolescence is a very sensitive period in the developmental process of one’s life and exposure to the so-called ‘wrong’ things could have a major effect on the decisions one makes.

One’s state of mind, grappling with the transition of life from childhood to a stage where one develops a positive sense of self and begins to question one’s existing moral values, can be a very trying and difficult time. To a large extent, the community and society one lives in plays a very vital role in this critical stage of a young adult’s development.

One of the soaring social problems that my community currently faces, like most others, is the issue of teenage pregnancy. I looked at what could be the possible root causes for this behaviour of both young girls and boys that leads to teenage parenting.

Within my community, some of the issues I found were as fol-

lows:

- That the environment in which adolescents grew up played an important role in developing one’s identity as an individual, and that the relationships formed within this environment affected one’s social development for the better or the worse.
- That being part of a *certain* group meant meeting the standards of your peers within the group and exposing oneself to some form of risk eg. engaging in illicit sexual behaviour; engaging in drug/alcohol abuse; violent/criminal acts.
- That some girls considered teenage pregnancy as a “Generational curse,” and that it was okay to become a mother at an early age, as their own mothers had also had them at a young age. Sadly so, many adults within the community also believe in this concept.

I found it difficult to pinpoint exactly who is then responsible for the high levels of teenage pregnancies within my community. Is it the teenager; their family; peer pressure; the school or Church?

To me, it is the responsibility of the entire community to educate its children, to instill good morals and values and to ensure that we develop young responsible adults. **Pf**

Happy Birthdays

Hlengiwe Mkhize – 26 July (HO)

Nomawethu Mhlophe – 03 July (EC)

Walter Nene – 09 July (HO)

Hilda Pule – 14 July (HO)

Aubrey Mdazana – 30 July (EC)

Gregory Pause – 28 July (HO)

Alufheli Nefhale – 18 July (MP)

Lindiwe Dlamini - 20 July (HO)

Alucia Sekgathume - 19 July (HO)

Mpho Boikanyo - 16 July (NW)

What's New

Pfanelo would like to congratulate Commissioner Titus on his appointment as one of the Pan South African Language Board Linguistic Human Rights Tribunal Commissioner.



Proposed Internal Seminars Schedule

- * 26 July 2013, Northern Cape: World Population Day (Nelson Mandela Day)
- * 30 August 2013, Commissioners Programme: (Exploring a Vision for Chapter 9 House)
 - * 25 October 2013, Fola Adeleke: PAIA
 - * 29 November 2013, Dr Karam Singh: Research
- * 6 December 2013, Chairperson, Adv Mushwana: HIV and AIDS and Human Rights

Human Rights Calendar Days

06 July - International Day of Co-operatives
11 July - World Population day
18 July - Nelson Mandela Day

A warm welcome to our new employees

Charmaine Leso, Legal Officer - Free State
Tshegofatso Mokete, Research Associate - Access to Information & Basic Rights
Faraz Mohamed, Researcher - Equality
Querida Saal, Economic and Social Rights Researcher
Zakithi Mthembu Research Associate PAIA
Allan Tumbo - Research Intern