

The role of the SAHRC

The South African Human Rights Commission (SAHRC) is a national human rights institution mandated by South Africa's Constitution to protect, promote, and monitor human rights in the country. Furthermore, the SAHRC has a mandate to investigate, report, facilitate redress where applicable, carry out research, and educate on human rights.

The SAHRC was established in 1995, and is a chapter 9 institution. Chapter 9 institutions are mandated by South Africa's constitution and are mandated to guard constitutional democracy.

The aim of law enforcement officials in South Africa

The aim of law enforcement officials in South Africa is to enforce the law. With this responsibility, comes the inherent duty to do so lawfully and within their constitutional mandate.

With every right to protest, comes the inherent responsibility to do so peacefully and not to infringe on the rights of others.

The SAHRC's vision and mission

The SAHRC's vision is to transform society, restore dignity and secure rights for all. To this end the SAHRC, as the independent national human rights institution is created to support constitutional democracy through promoting, protecting and monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice.

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HUMAN RIGHTS IN COMMUNITY PROTESTS

Transforming society

Securing rights

Restoring dignity

What is the regulation of Gatherings Act, 1993?

In South Africa protests of more than 16 people are governed by Gatherings Act. This law regulates matters associated with gatherings that express any form of protest, contest or criticism in a public space.

What is a public space?

A public space is a street or road, a park, a public square, the steps or grounds of a building or other similar space.

Who can you protest against?

You can protest against an individual or institution. This can include a government minister, a police official, a private company or a government department.

What is a convenor?

This is the person who leads the gathering. The convenor is appointed by the person or organisation who is calling for the gathering.

When must notice be handed out to local authority?

Notice must be handed out to the responsible officer at least seven days before the planned gathering. Should this not be possible, then a notice can still be sent out but it must include a reason why it was not sent on time. If it is sent in less than 48 hours before the gathering then the officer can refuse the gathering without any reason. If the gathering still happens without

consent then it is illegal. Permission for a gathering can be declined if proper reasons are given.

What is the constitutional mandate of the police?

The South African Police Service (SAPS) has a responsibility to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property. Furthermore, the SAPS are mandated to uphold and enforce the law, create a safe and secure environment for all people in South Africa. The police also have to prevent anything that may threaten the safety or security of any community, investigate any crimes that threaten the safety or security of any community, ensure criminals are brought to justice and participate in efforts to address the causes of crime

What are the rights and responsibilities of the protestors?

Each protestor has the right and responsibility to:

- Freedom of religion, belief and opinion. This means that you have the right to think, believe and worship however you chose.
- Freedom of expression. Every person has the right to say, read and study whatever you want. Hate speech is not allowed.
- Assembly, demonstration, picket and petition. Everyone has the right to hold or participate in a demonstration, picket and present a petition. This must always be done peacefully.
- Labour relations. You have the right to join trade unions and go on strike. Every worker and/or employer has the right to organise and negotiate

to further their aims. This must be done legally and with no intimidation towards non-striking workers.

What is a dangerous weapon?

According to the Dangerous Weapons Act, 2013 a dangerous weapon means any object, other than a firearm, capable of causing death or inflicting serious bodily harm, if it were used for an unlawful purpose.

When is a dangerous weapon illegal?

In order to establish if dangerous weapons are to be used in the commitment of an unlawful event the following criteria are used:

- Time and place;
- Behaviour (threatening, intimidating, ect);
- How the dangerous weapon is displayed or carried;
- If it was used in the dealings of any crime (gangs, organised crime, etc.); and
- Any other relevant factors.

How does the dangerous weapons law affect protests?

According to the Dangerous Weapons Act, 2013, no gathering participant may have in their possession:

- any airgun, firearm, imitation firearm or any muzzle loading firearm, or any object which resembles a firearm and that is likely to be mistaken for a firearm; or
- any dangerous weapon.