

June 2016

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COMMISSIONER'S PROGRAMME

Chairperson's Mpumalanga Provincial Visit

The Chairperson of the Commission, **Advocate Lourence Mushwana** conducted a 4-day provincial visit to Mpumalanga from 20th to 24th June 2016.



Meeting with members of the Sizanani community

Mpumalanga is one of the provinces that have been allocated to **Commissioner Mushwana**.

The aim of the provincial visit was to promote the work of the Commission, particularly in the area of socio-economic rights in the province, and to assess the state of service delivery and accessibility of healthcare services in the province.

The visit was also intended to strengthen relations between the SAHRC and the Provincial Legislature as well as addressing challenges faced by the Provincial Office in its relations with Municipalities and Provincial Government Departments.



The Chairperson met with the following stakeholders in Mpumalanga:

- Sizanani Informal Settlement in KwaBuqwa
- eMalahleni Municipality and the eMalahleni Municipal manager
- Families affected by the Lily Mine disaster
- Congress of South African Trade Unions
- Community members affected by the strike at Umbabha Farm Estate
- Residents of Arthurstone
- The Amashangana Tribal Authority
- Deputy Speaker of the provincial legislature, Hon. Dube
- Thaba Chewu Municipality
- Komatipoort community members affected by blocked ID documents.



Meeting with a family affected by the disaster at the Lily Mine.

HUMAN RIGHTS DAYS

International Day of the African Child / Youth Day

June 16 is recognised as the International Day of the African Child. The day marks the uprising that began in Soweto in June 1976 when school children rose up in defiance of the apartheid State's attempts to make Afrikaans a medium of instruction in black schools. The day marked a watershed in the struggle for equality and freedom in South Africa; not least because it was an uprising lead by school children that changed the history of South Africa.

In 1991 the Organisation of African Unity officially recognised the day as the Day of the African Child. This day honours the learners who took part in the Soweto Uprising and raises awareness of children's rights to education.

World Refugee Day

The 20th June 2016 marks the 16th anniversary of world refugee day, a day that has been set aside to reflect on the plight of refugees and

asylum seekers around the world. For this year's commemoration of World Refugee Day, the Secretary General of the United Nations has called on everyone to "recall our common humanity, celebrate tolerance and diversity and open our hearts to refugees everywhere."

On World Refugee Day, the Commission called upon the Government to comply with its obligations in terms of the Constitution and the Refugee Act of 1998, to deal with the backlog in the processing of refugee applications and to extend the provision of basic services to all asylum seekers and refugees in the country. The Commission also called upon the people of South Africa to embrace the spirit of Ubuntu and to extend a hand of friendship and ample empathy to all who find themselves in the shores of South Africa because of their displacement from their countries of birth.

[To read more click here.](#)

HEARINGS

National Hearing on the Impact of Protest-Related Actions on the Right to Access a Basic Education in South Africa

The SAHRC held a *National Hearing on the Impact of Protest-Related Actions on the Right to Access a Basic Education* in South Africa from the **13th – 15th June 2016**.

The panelists were **Commissioner Lindiwe Mokate** (Chairperson), **Prof Anne Skelton**, **Commissioner Danny Titus**, **Mr Vasu Gounden** and **Dr Chris Madiba**.

In April 2016, more than 50 000 learners were affected during demarcation protests that erupted in the Vuwani District. More than twenty schools were burnt in the protest action that followed the Limpopo High Court ruling confirming the incorporation of Vuwani into the Malamulele district.



Panelists, left to right: Prof Anne Skelton, Commissioner Lindiwe Mokate (Chairperson), Commissioner Danny Titus,

Mr Vasu Gounden

The Hearings were intended to highlight and explore the impact of protest on education and to consider ways of protecting the right to basic education following demonstrations.

The Commission, through its provincial offices, observed and monitored the ongoing protests in the country. And was particularly concerned about whether adequate protections were in place to protect and secure the rights of children to access education.

Key stakeholders from the Department of Education, COGTA, SAPS, school principals, community leaders and civil society attended the Hearings to assist the Commission to identify policy, regulating, and programmatic interventions to secure children's education during periods of conflict.

A report on the Hearings is forthcoming.



Learner **Ntsako Mhlanga** giving submission to the panel of Commissioners at the *National Hearing on the Impact of Protest-Related Actions on the Right to Access a Basic Education in South Africa* from the **13th – 15th June 2016**.

UPDATE ON SAHRC CASES

Matthew Theunissen apologises for racist remarks

The South African Human Rights Commission concluded its investigation into a hate speech complaint against Western Cape resident, Matthew Theunissen in June 2016.

The Commission instituted an own initiative investigation after reports of a racist rant on Facebook by Theunissen in May 2016. The post was a reaction to the announcement by the Minister of Sports that certain national sporting codes will be suspended from participating internationally due to a failure to meet some transformations targets.



Matt Theunissen

9 mins • 

So no more sporting events for South Africa.. I've never been more proud than to say our government are a bunch of ~~knoffers~~.. yes I said it so go ~~fuck~~ yourselves you bla ~~stinking niggers~~

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As part of the settlement, beyond the unconditional apology, which the Commission deemed acceptable and sincere, Theunissen has to undertake 3 – 6 months of community service in a disadvantaged area of Cape Town Metropole.

He will also have to do on anti-racism, diversity, transformation, and tolerance to understand the hurt caused by his post. In addition, he will have to undergo anger management therapy. [To read more click here.](#)

Arthurstone judgement signals successful intervention of the Commission in the enforcement of the Right to Housing

In June 2016 the High Court in Pretoria found in favour approximately 150 residents who were evicted from a piece of communal land known as the Arthurstone Farm in Bushbuckridge, Mpumalanga Province.

They were evicted and homes demolished at the behest of their traditional council, the Amashangana Tribal Authority.

The residents approached the Commission for assistance and contended that the eviction order was erroneously granted and that their eviction was arbitrary. After conducting an investigation and having exhausted available alternative dispute resolution remedies, the Commission instructed a firm of attorneys to approach the High Court for appropriate relief.

The eviction and demolition of homes had a devastating effect on the evicted women, children and older persons. They were traumatised by the loss of their homes, rendered destitute and caused serious hardships as well as socio-economic challenges.

The High Court declared the eviction and demolition of the homes unlawful and ordered the Amashangana Tribal Authority to construct temporary dwellings equivalent to those destroyed on a piece of land in the vicinity of the Arthurstone Farm pending the construction of permanent habitable dwellings at a site to be agreed to between the parties.

The High Court authorised the Commission to monitor compliance and to approach the Court in the event of non-compliance with the court order.

[To read more click here.](#)





Top: Shirley Mlombo, Advocate Lourence Mushwana (SAHRC Chairperson) and Mpumalanga Provincial Manager, Eric Mokonyama deliberate after meeting with stakeholders on the Arthurstone judgement.

Bottom: Members of the Arthurstone community make their presentations to the SAHRC delegation.

SAHRC PEOPLE

Faraaz Mahomed, wins The Commonwealth Short Story Prize

Senior Equality Researcher, **Faraaz Mahomed** recently won the Commonwealth Africa Regional short story award for the *The Pigeon*. The Commonwealth Short Story Prize aims to provide platforms for new and emerging voices with no publishing infrastructures to share their stories with international audience.

“I have always been interested in writing, but most of the writing I do at the Commission is academic.

Writing fiction is something I would like to do more of, particularly as the Commonwealth Prize has opened up numerous opportunities.”

Faraaz Mohamed



Is there anything interesting that people might not know about you?

I am the most neurotic person I know, but I usually work through it by running 10kms a day. I hope to run a marathon one day.

[Click here to read *The Pigeon*.](#)

*** Faraaz Mahomed left the Human Rights Commission in June 2016 to read for a doctorate at Harvard. The Commission wishes him every success.**

SAHRC IN THE MEDIA

This is a small selection of media coverage of the Commission for June 2016. (Click on images to read the articles.)

SAHRC reminds government of its obligations on World Refugee Day

TMG Digital | 20 June, 2016 07:13



A Zimbabwean man sits behind razor wire surrounding a tented refugee centre in Primrose near Johannesburg, April 22, 2015. A wave of anti-immigrant violence has so far claimed seven lives in trouble spots in Durban and Johannesburg, to where the government announced the deployment of defence forces on Tuesday.

Image by: REUTERS/Mike Hutchings

Published in Times Live on 20 June 2016

National / Education

Hearings start on the effect protests have on access to basic education

BY STAFF WRITER JUNE 13 2016, 10:46

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Mphagane Junior Primary School in Vuwani was set alight. Pictures:
TREVOR SAMSON

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- Protests show up IEC, demarcation board
- Mobile classrooms for torched Vuwani schools
- Motshekga condemns violent protests in Vuwani, Limpopo
- Almost two dozen schools affected by Limpopo violence

Malamulele residents urged to respect children's rights to education

Thursday 22 January 2015 20:28

SABC



TAGS:

The SA Human Rights Commission (SAHRC) has called on Malamulele residents in Limpopo to respect children's right to education.

Residents, demanding their own municipality, have brought Malamulele to a standstill and are barring pupils from attending school.

The SAHRC says preventing children from attending school is punishable by law.

SAHRC chairperson Lawrence Mushwana says, "The most thing that we are concerned about as the Human Rights Commission is the interruption of the learning of our children, in particular forcefully taking them out of school because

Statements

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COSATU: COSATU Mpumalanga happy with the Human Rights Commission's decision to investigate the Lily Mine disaster and the seven month strike at Umbhaba Estate

STATEMENT

Published 21 Jun 2016

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