



Pfanelo

Celebrating 20 years of the SAHRC 02 October 1995 - October 2015

Transforming Society. Securing Rights. Restoring Dignity

The South African Human Rights Commission Newsletter



Volume 41

01 - 31 January 2016

SAHRC hosts hearing on rights of indigenous people



STOP STEALING OUR MINERALS!
WE DID NOT SURRENDER OUR
LAND....IT WAS STOLEN!

PROUDLY
KHOISAN!
It's OUR Time!
Our Land!

INVADERS IT IS TIME
FOR YOU TO GO BACK
TO WHERE YOU
CAME FROM!!

♂♀
FIRST
ABUSERS

HEL-
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WE ARE
FREE
STOP T
KILLING

SAHRC welcomes
textbooks judgment

International Disability Day
– SAHRC calls for employers
to do more

27 January

International Day of Commemoration in Memory of the Victims of the Holocaust (A/RES/60/7)

"The Holocaust and Human Dignity"

The theme for the Holocaust remembrance and education activities in 2016, including the Holocaust Memorial Ceremony, is "The Holocaust and Human Dignity". The theme links Holocaust remembrance with the founding principles of the United Nations and reaffirms faith in the dignity and worth of every person that is highlighted in the United Nations Charter, as well as the right to live free from discrimination and with equal protection under the law that is enshrined in the Universal Declaration of Human Rights. The Holocaust, which resulted in the destruction of nearly two thirds of European Jewry, remains one of the most painful reminders of the international community's failure to protect them.

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END OF YEAR MESSAGE OF APPRECIATION TO ALL STAFF

As we come to the end of the year, we would like to appreciate “Team SAHRC” for working tirelessly to shape, grow and support the Commission and its work.

Please accept this message as a token of our appreciation for all your good work.

We wish you and your loved ones a happy and safe holiday season.

CEO & COMMISSIONERS



Save the date

20 year Anniversary Celebration

14 -15 March, 2015

‘I’m Khoisan, not coloured’

Cape Town - The Western Cape Khoisan have called for a reclassification of their race and the dismantling of references to groupings according to race.

This emerged at the South African Human Rights Commission (SAHRC) investigative hearings into human rights violations in South African Khoisan communities, held in the Goodwood Civic Centre on Wednesday, 09 December 2015.

The commission was running its second leg of the hearings; the first was in Joburg last month; the final will be in the Northern Cape in April this year.

Cochoqua clan chief Tanya Kleinhans-Cedras, who gave a presentation on behalf of the Institute for the Restoration of the Aborigines of SA, said Aborigine people no longer wanted to be labelled as coloureds.

“When the apartheid government constructed the racist discrimination laws they were the architects of genocide. It would be within our classification code because the last three digits would indicate what classification race you are from. What I am saying is, I am not a coloured I am a Khoisan by birth. You classified me as such so it is incumbent upon you to (reclassify) me (as) to whom I really am.”

Paul Fredericks, an Aborigine veteran, agreed with Kleinhans-Cedras. He said reclassifying the Khoisan would show future generations the importance of their culture.



The Western Cape hearing on the rights of Indigenous communities attracted lots of people

“My heart bleeds for the future generation if we don’t do anything about it now. We are not coloureds. They need to know that and the government needs to make it official.”

Kleinhans-Cedras told the panel it was important to restructure and, even, dismantle the reference structure groups because they “fostered government ideas”.

She said the Khoisan was unable to engage in meaningful discussions with the Department for Rural Development and Land Reform regarding ancestral land because the reference structure groups complied and adhered to the department’s mandate.

“The fact that we are appointed and mandated by the department we have to comply by their mandate. The terms of reference is stated by the department. You are basically in a hybrid and it’s disturbing for all reference group peoples.”

Other issues touched on were basic services, land and constitutionality of the indigenous groups in South Africa.

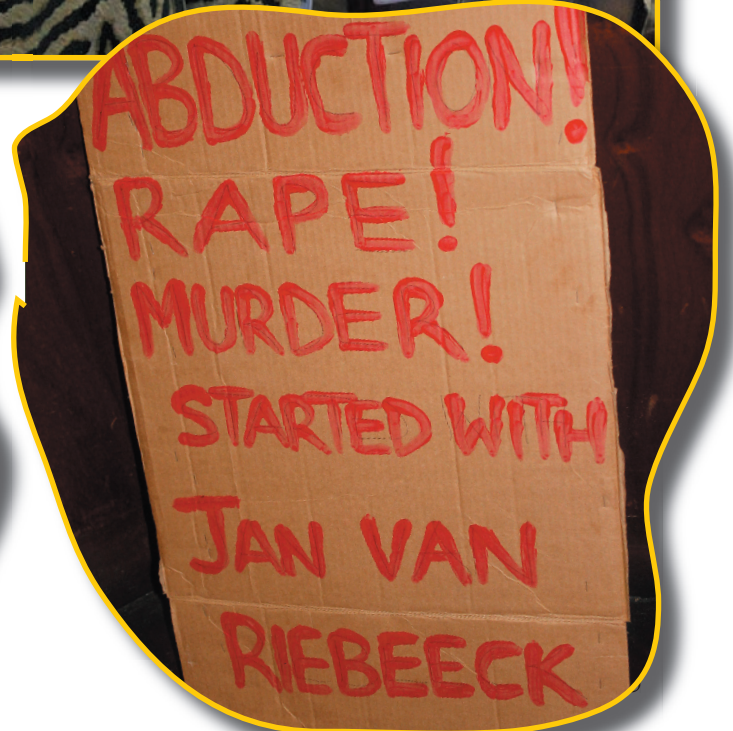
Danny Titus, Commissioner and Chairperson of the hearing, said the commission had received numerous complaints and wanted to deal with them in a public hearing forum rather than individually.

“The Khoisan want to be acknowledged and that their land was taken away. They cannot become part of a democratic South Africa if their voices are not heard. What we saw was that people are grounding their claims in firm historical evidence. People do not suck this out of their thumbs; there is sound evidence.”

The SAHRC will have to compile a report with recommendations for the government and civilians.

Source: IOL

The hearing in pics



International Disability Day – SAHRC calls for employers to do more

3rd December 2015

As the world marks the International Disability Day, the South African Human Rights Commission calls on all the employers, both in private sector and government, to do more to recruit, retain and up-skill persons living with disabilities in South Africa.

The theme of this year's International Day of Persons with Disabilities, "Inclusion matters: access and empowerment for all abilities" could not have been more appropriate, as it reflects the need to include, empower and realise that persons living with disabilities have different abilities.

According to the United Nations, an estimated one billion people living with disabilities worldwide face many barriers to inclusion in many key aspects of society. As a result, people living with disabili-



ties do not enjoy access to society on an equal basis with others. Their challenges include but not

limited to transportation, employment, education as well as participation – economic, social and political. In South Africa Census reports 2011, the percentage of persons living with disabilities is at 7.5% and that over 80% of persons with disabilities are out of work. South African employers continue to fall short of national and international targets for the employment of persons with disabilities.

As we celebrate the International Disability Day, it is imperative that persons living with disabilities are allowed to be "able to fulfil their role in society and participate on an equal basis with others. It is important to focus on the ability and not on the disability of an individual."

SAHRC welcomes Supreme Court judgment on the delivery of textbooks in Limpopo

2nd December 2015

Attention: Editors and Reporters

The South African Human Rights Commission (Commission) welcomes the judgment handed down by the Supreme Court of Appeal

(SCA) on 2 December 2015 in the case of Minister of Basic Education and others vs Basic Education for All and others, and congratulates Section 27 in leading the process of initiating proceedings in this matter.

Dismissing the appeal by the De-

partment of Basic Education and the Limpopo Provincial Department of Basic Education (DBE) the SCA held that "the law is clear...The DBE is obliged to provide a textbook to every learner to ensure compliance with s 29(1)(a) of the Constitution. We must guard against those who are most vulnerable. In this case we are dealing with the rural poor

The Commission views this judgment as a victory for the learners in public schools

and with children. They are deserving of Constitutional protection.”

In 2012, the High Court had in its judgment declared that: (a) the appellants’ failure to have delivered prescribed textbooks before the commencement of the teaching was a violation of learners’ rights to basic education, equality and dignity, and (b) ordered the Department of Basic Education to provide every learner with prescribed textbooks before the commencement of the academic year.

The Commission participated in both the High Court and the SCA proceedings. The Commission’s participation was motivated by its constitutional and statutory mandate to promote the respect, protection and monitoring of human rights in South Africa. The Commission had earlier investigated and convened hearings on the procurement and delivery of textbooks nationally.

The judgment reaffirms that the state has an obligation to realise the right to basic education and as such, textbooks are indispensable and play an important role in the realisation of the right. Furthermore, that the rights to basic education and equality are individual rights to which every learner is entitled. Education is a vehicle for



the fulfilment of the right to equality. The judgment further confirms that the right to basic education is not subject to progressive realisation but should receive immediate attention.

The Commission notes that the SCA’s overwhelmingly approved the submissions proffered by the Commission and Basic Education for All (BEFA), which put across similar arguments. Delivering its judgment, the SCA bemoaned the DBE’s planning and preparedness to implement a new curriculum.

The SCA confirmed the order granted by the Judge Kollapen in the High Court in 2012 wherein the judge had noted that the failure to provide textbooks to some learners in Limpopo affected learners adversely. Judge Kollapen had further noted that the failure to deliver books was a violation of the learners’ rights to, amongst others, ba-

sic education, equality and dignity. The SCA also noted the DBE’s non-compliance with the orders High Court order.

The Commission welcomes the SCA’s forward looking judgment in respect of section 29(1)(a) of the Constitution. The Commission views this judgment as a victory for the learners in public schools, in particular those in poor and rural communities. The judgment is an affirmation that literacy, and education in general, is a basic human right and a means to the realisation of other rights.

The Commission urges the DBE to comply with the order of the SCA by ensuring that each and every learner is provided with the necessary materials in order for them to realise their right to a basic education.

SAHRC against SA's "NO" vote at the UN in Rights defender resolution, seeks answers from Govt

The South African Human Rights Commission (SAHRC) wrote to the Minister of International Relations and Cooperation Ms. Maite Nkoana-Mashabane on 01 December 2015 requesting information in order to understand why South Africa voted No to an important United Nations General Assembly resolution that reiterates the need for human rights defenders to be protected.

On 25 November 2015, in the 3rd Committee of the UN General Assembly, South Africa voted against this UN General Assembly Resolution on human rights defenders. South Africa was one of 14 states that chose to vote No on the resolution. The other states include: China, Russia, Syria, Burundi, Kenya, Myanmar, Nigeria, Saudi Arabia, Zimbabwe, North Korea, Iran, Pakistan and Sudan. There were 117 states voting in favour and 40 abstentions.

At an international level, shock has been expressed that South Africa would choose to be associated with these countries in relation to a resolution on human rights defenders. Some of these countries have been harshly criticised over their human rights track record and still have far to go in ensuring that human rights are protected, respected and fulfilled. Given South Africa's apartheid past, struggle for democracy and commitment to human rights, it is difficult to understand the No vote.

The SAHRC believes by joining the

international community and participating in UN processes, South Africa is provided with an opportunity to demonstrate leadership on important human rights issues. It also provides an opportunity for South Africa to influence the promotion and protection of human rights in other countries. The current No vote appears to do the opposite.

Human rights defenders across the globe have been the targets of attacks, targets and reprisals resulting in serious human rights violations. By voting No, the SAHRC believes South Africa is undermining the important contribution that these defenders make in advocating not only for civil and political rights but also for the achievement of sustainable development and the realization of economic, social and cultural rights. It is thus unclear as to why South Africa as a country that is committed to human rights would vote against this important resolution.

The Resolution does not create any new rights or obligations upon States, but merely reiterates the importance of upholding and respecting the human rights of these defenders who at times can be particularly vulnerable to attacks. It is precisely this vulnerability that calls for their recognition and for States which are committed to human rights to publicly demonstrate that the important contributions that human rights defenders make to the promotion and protection of human rights will be respected and protected.

SNIPPETS

ANC's attacks on Madonsela despicable - Cope

Johannesburg - The attacks levelled at Public Protector Thuli Madonsela by the African National Congress are "despicable", the Congress of the People said.

"The time has arrived for all of us to stand boldly with our Public Protector. She is doing a stupendous job, as an independent constitutional agent, fighting the abuse of power," spokesperson Dennis Bloem said in a statement.

"The ruling party, on the other hand, is acting despicably in personally attacking Advocate Thuli Madonsela. No South African should tolerate the vicious character assassination that is taking place."

Madonsela is an upright South African doing her duty without fear or favour, and is trying her best, with her team, to protect South Africa from the ruling party, who we should all be afraid of, he said.

Funds

The ANC's chief whip's office said Madonsela's statement that Parliament was deliberately withholding funds from her office was baseless.

"We are taken aback by Advocate Madonsela's allegation that Parliament is deliberately withholding funds to increase her budget to punish her for her investigation

SNIPPETS

into Nkandla security upgrades,” spokesperson Moloto Mothapo said in a statement.

He said Parliament’s Justice and Constitutional Services Portfolio Committee had decided that Parliament should first look at the cases various Chapter Nine institutions are dealing with, before entertaining requests for budget increases.

This is to make sure there is no duplication in their work.

Both the ANC and SACP said Madonsela had been wrong to describe the upgrades to President Jacob Zuma’s Nkandla as luxurious, or serving to beautify or add comfort to the site. An entirely different picture had emerged during the Nkandla ad hoc committee’s visit to the site on July 22.

“All committee members were shocked during the visit to discover that the features previously described as luxury, opulent, comfortable and secure at Nkandla were in fact shoddy workmanship [and] poor quality. The standard as well as the scope of the features were grossly misrepresented,” Mothapo said.

He called on Madonsela to let the committee finish its work before commenting on it.

Madonsela said she had hoped the committee would call her to question her about her report on Nkandla, titled “Secure in Comfort”. On Thursday, the ANC used its majority on the committee to vote against such a proposal.

Political and moral bankruptcy

Bloem said when the ruling party resorts to calling Madonsela names, it reflects the ANC’s political and moral bankruptcy as a party.

“The ANC and SACP have no defence against her findings. Unable to play the ball, leaders in the ANC alliance are playing the person in as foul a manner as they can. South Africa must not allow such foul play against the Public Protector,” he said.

Cope president Mosiuoa Lekota, senior party leaders, religious leaders and community leaders will hold a public demonstration on Tuesday at the Public Protector House in Pretoria in support of Madonsela.

“Cope extends an open invitation to all law-abiding citizens to join in this noble campaign of defending our constitution and our chapter nine institutions,” Bloem said. Source: News24

2015 marks a significant landmark in terms of Human Rights and Gender Equality

South Africans on 21 March will be observing and celebrating human rights day looking back at the gains and challenges that have been achieved in the past 20 years in terms of human rights and gender equality. 2015 also heralds a significant landmark in terms of human rights and gender equality. South Africa will be reporting before the CEDAW (Convention on Elimina-

tion of All Forms of Abuse against Women) Committee on the gains and challenges on the attainment of gender equality. Equally 2015 has been declared by AU (African Union) as a “Decade of African Women.

The SADC Protocol on Gender and Development also sets up measurable goals towards the attainment of gender equality. This year will also a shift from the Millennium Development Goals (MDGs) with the adoption of the Sustainable Development Goals (SDGs). The SDGs have specific, measurable, achievable, relevant, and time-bound goals that will go a long way in ensuring that gender equality is realised and that the world is a better place for all.

The Commission for Gender Equality (CGE), during the human rights month, will be embarking in various activities to create awareness to women and girls on their rights. We will also be creating platforms for women to “speak out” on the violation of their rights, hence also asking men to play a significant role in ensuring that they work together with women in curbing gender based violence. “It is critical important for society to note that women rights are human rights and to insist on respect for and access to them”, Said Thoko Mpumlwana, the Acting Chairperson of the Commission for Gender Equality. It is the Commission’s wish that many people benefit from our human rights campaign run together with various media platforms and in collaborations with other Chapter 9 Institutions in ensuring that rights-based issues with regard to gender equality are realised. Source: CGE.org.

In the Seat

with Mahlatse Ngobeni
Admin Officer, Limpopo

I'm inspired by people who don't have anything, but push for a better life.

Tell us about you in a nutshell?

I was born in 1985 on 19 September, at Tshamahansi just outside Mokopane, Limpopo Province. I am the second daughter of Mr Jim Ngobeni and the late Mrs Rebecca Ngobeni I have two siblings elder sister and younger brother.

I attended my primary school at Chumana Primary School and also attended my High School at Somavhugha High. And in 2004 I enrolled for my BA degree in Social Sciences at the University of Limpopo and completed in 2006.

Employment History:

- In 2007 I joined the Limpopo Premier's Office as an Intern for Marketing and Communications and I also worked as a PA to the CEO.
- In 2009 I worked at the ETDP SETA as an Administrator, until 2010.
- In 2011 I joined the South African Human Rights Commission as an acting Provincial Administrator where I was later appointed a Provincial Admin Officer.

With this background it should be noted that it is very difficult to work and cope with all different ethnic groups where people are still thinking and take decisions along tribal lines. One of my objectives is to assist in building social cohesion and true reconciliation in the province. With the background of knowing most of the languages spoken, I can easily assist those who cannot

present themselves in English. As an Admin Officer, I believe that wherever I am I should ensure unity.

I have worked very hard to be where I am today. The journey that I have travelled and the difficulties that I have overcome so far make me to believe that I have a potential to grow. I'm a very simple person, good listener with good communication skills. I'm tolerant with the ability to accept different personalities without question. I believe this is a valuable skill that helps me to easily interact with people of different ethnic, religious and cultural backgrounds. Thus I adapt quickly in any environment though, I sometimes become shy

and reserved in an unfamiliar environment.

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

I was born in a village called Tshamahansi (meaning settle down) in Mokopane; in the Mogalakwena Local Municipality of Limpopo Province.

I grew up a very shy child, participating in different extra mural activities like modeling which assisted me to overcome my shyness. I was once crowned Miss Chumana Primary School and consequently Miss Somavugha High. I also participated in debates and sometimes was nominated a leaner





representative in the class. I was a Life Orientation peer-educator at Somavugha High School. I acted in dramas and played netball which I still love. I use my spare time to assist my Village recreational activities club.

I unfortunately lost my mother at the age of 16. As a teenager it was difficult to face the teenage-hood challenges and overcome them with responsibility. My Father ensured that he plays both parental roles in raising the three of us. My late mother laid a good foundation by always articulating that "when-ever you act or take a decision in life, think about its consequences" meaning to mitigate regrets in life, ensure that you think before you act; thus it was not difficult for my father to takeover. As a young girl those words were always running in my head and I use the concept even today.

My father is my role model; because he made sure we are cared for and always encouraged us to go to school. During my Matric; he literally cooked for me and my sibling to allow us time to study and he made life easier for us.

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

I'm currently working as an Admin Officer, at the Limpopo Provincial Office.

Being an Admin Officer in the SA Human Rights Commission has afforded me an opportunity to work with all the units and providing support at all times. The PM usually calls me the engine, because for the office to perform it must



have a strong Administrative staff. I provide support to all the provincial units meaning I have to go an extra mile for efficiency.

I understand that today I am playing a supporting role within the SAHRC but I have no doubt that in the near future I will be carrying different responsibilities that will directly contribute into improving the lives of our people.

The mandate of the South African Human Rights Commission is very broad and will remain relevant to our society for a very long time. Our province is dealing with the most interesting complaints and it is clear that we are still facing many challenges with regard to human rights violations. It is also fulfilling for me to find myself working with a very dedicated team of Limpopo that goes extra miles to help the complainants

I was nominated as a Health and Safety Rep and also Risk Champion in the office, both responsibilities needs someone who is paying attention to details and making sure that there are always preventive measures at all times.

Day outside office?

I enjoy spending time with my family; they are such a warm family with lots of love. I also enjoy going out with

friends for comedy nights and movies. During Sundays I go to church.

What motivates and inspires you?

I'm inspired by people who don't have anything, but push for a better life.

I'm inspired by kids, for they see magic in anything

Favourite activities?

Enjoy Jogging, I like dancing, reading motivational books

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

- I dance better than Minnesh, I get down and down down.

- My Mother was a Pedi speaking person and my dad is a Tsonga speaking person, but to my surprise I breath Xitsonga and enjoy eating Mopani Worms like there is no tomorrow. I also like dancing Xibelani (Tsonga dance). Hence I am Mahl-atse Ngobeni, I believe my parents were practicing 50/50. Lol

2015 was a tragic year for me.

I just think that 2015 was a very challenging year to our office, more especially after the loss of our colleague Mr. Komana who was one of the hardworking Colleagues, a peace maker and who was so loving and caring to everyone. He was both a colleague and a friend to me, as we used to share a lot of things. He was a good advisor, because when you go to him angry, he will calm you down. Before his last days, he gave me a song and verses which I believe I can share with everyone:

- Song - O mohau wa Modimo (The Grace of the Lord)

- Most readings from Ephesians

May his precious soul rest in peace.

Mandela

place etc

My favourite quotation

- I can do all things through Christ who strengthens me, Phillipians 4;13
- You cannot change your past, but you can change your future.
- Education is the most powerful weapon which you can use to change the world. by Nelson

Tell us about your passion

I'm passionate in helping people, especially the most vulnerable groups of our society like:

- Elderly, Kids and the disabled, that is why I enjoy working at the Commission.

My favourite Book, music, chill out

- My favourite books are Mind Power by John Kehoe, Animal Farm by George Orwell, TD Jakes Life Overflowing
- My favorite artists and songs are Vicky Sampson My African Dream and Enigma the Return to Innocence, I also enjoy worship songs by various Gospel Artists.
- Chill out places, as long as there is fresh air, beautiful garden and water that is enough for me with

Appointments

Ms Shireen E Motara: Chief Operations Officer (COO) of the Commission,

Happy Birthday

The following colleagues are celebrating their birthdays in January. Please join us in wishing them well.

Flora Dipela - 01st

Lindiwe Khumalo & Betty Boya - 05th

Gift Mashale - 06th

Zamile Mbanjwa - 12th

Lerick Muthaphuli - 13th

Alinah Khompeli & Margaret Salila - 14th

Zena Nair - 15th

Dieketseng Diale - 22nd

Nthabiseng Kwaza - 23rd

Faraaz Mahomed & Lucky Zulu - 25th

Mokgadi Mphaphuli & Ramaredi mathibela - 31st