



# Fanelo

*"It's Your Right"*

Transforming Society. Securing Rights. Restoring Dignity.



Volume 01

The South African Human Rights Commission Newsletter

01 - 31 October 2012

## Water is life

## Sanitation is dignity



### Mission Statement of the Commission

The Commission 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.

### The values of the Commission

- Integrity
- Honesty
- Respect
- Batho Pele Principles
- Equality



## Know your logo

*“The concept behind the logo is the suggestion of warmth, new life and the interdependence and solidarity of people”.*



The symbol of the flame interlinked with the shape of the people and the protea signifies the ongoing struggle for human rights. In terms of natural symbolism the warmth and reassurance of the yellow flames makes the image alive.

The black lettering for ‘South African’ sets a contrast for the white lettering to the overall colour scheme. The lettering is not a type font, but was specifically designed for this logo. It is deliberately informal to suggest friendliness and approachability

The colour Terracotta is used to symbolize the earth, an African clay pot and the soil. It too represents the natural South African environment.

**Quote:** “One of the most difficult things is not to change society but to change yourself” - Nelson Mandela

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## CONTRIBUTORS:

Fola Adeleke, Head of PAIA

## Did you know?

- Africa Human Rights day is celebrated on 21 October
- International Human Rights day is celebrated on 10 December
- World Disability day is celebrated on 03 December



Kayum Ahmed – CEO, Editor in Chief

Communication within the Human Rights Commission has been consistently identified as a major challenge. Staff meetings do not take place regularly enough, our revamped intranet is still not as effective as it should be and provincial offices continue to feel isolated from head office.

This newsletter is one attempt to try and improve internal communication. It is of course a small step, but a step in the right direction. One of the other steps suggested by Commissioners is a discussion forum where Commissioners and the Secretariat can meet to engage on substantive issues affecting us as an institution. These small but important steps will hopefully result in improvements in internal communication. Your suggestions for improving internal communication are also welcome and can be submitted to our Communications Unit headed by Isaac Mangena.

Isaac is one of many new staff members that have joined the Commission over the past few months. In fact, there are now only two members of the entire management team left from the old structure – this includes me. Of the twenty management positions, three remain vacant and fifteen are newly appointed. The new management team will be meeting over the course of the next week to review the implementation of our Annual Performance Plan (APP) for the current financial year and to consider the development of a new APP for 2013/14. I am particularly excited about the new team since I believe they bring a new energy and new ideas to the institution which can only enhance and improve our current performance.

As you may be aware, our performance has increased from 52% in 2009/10 to 89% in 2011/12. This significant increase in performance is due to the new strategic direction set by Commissioners and the hard work and dedication of the Secretariat. In addition, we have also sought to close the gap between Commissioners' focus areas and the strategic objectives of the institution resulting in a more streamlined planning process.

One of the positive outcomes of this approach can be seen in the water and sanitation hearings currently underway throughout the country. While these hearings have been led by the Deputy Chairperson, other Commissioners' and a diverse range of Secretariat members have been involved in the planning process. These hearings have cut across legal services, advocacy, research and access to information, demonstrating a more cohesive approach to our work. At the same time, the hearings would never have been successful were it not for the support of the Corporate Services Division.

The water and sanitation hearings therefore symbolize the importance of working together across the Commission to achieve our vision of transforming society, securing rights and restoring dignity.

As we move towards a more integrated approach to our work brought about by the positive impact of the rethinking process, including the restructuring and strategic planning processes, we are beginning to see the emergence of a new and improved Human Rights Commission. However, I acknowledge that while we may have a new structure and a new framework within which we operate, we cannot yet claim that we have a new Commission. We have yet to establish a new culture; a culture of cooperation, of mutual respect, and integrity. We have to move towards a culture of performance and service delivery – a culture that is impact-driven.

I firmly believe that we have what it takes to get there. We have Commissioners with a great deal of expertise, a Secretariat prepared to make a difference, and a structure and operational framework geared towards performance. All that's left, is to make it happen.

Kayum Ahmed  
Chief Executive Officer

## Water and Sanitation Hearings

### *Water is Life; Sanitation is Dignity: Launch of the Water and Sanitation Provincial Hearings*

By Pregs Govender, Deputy Chair of the South African Human Rights Commission

The tragic killing of over 30 Lonmin workers at Marikana has re-focused the spotlight on the living and working conditions of those who died and bring an added urgency to the South African Human Rights Commission's provincial hearings on 'Water is life; Sanitation is dignity'. These hearings also honour the memory of Commissioner Sandi Baai, who passed away on 15 August, who strongly believed that those in positions of power must listen closely to people who are poor, especially when they make and implement policy.

On Wednesday, 28 August, the Commission officially launched its provincial Water and Sanitation hearings in Mpumalanga. The launch hearing took place at the Oakley Community Hall, Bushbuckridge. According to the Presidency's Department of Performance Monitoring and Evaluation (DPME) report to the Commission, 84% of households in the informal sector in Mpumalanga lack sanitation facilities. The Commission for Gender Equality, as one of the Commission's partners on these hearings, presented their report on gender equality and the right to water.

Water and sanitation have been significant factors in service delivery protests that have taken place in this community and many others across the country. Many who have participated in such protests allege that the police often do not respect their right to peaceful protest. The 'shoot to kill' statements of Government leaders has often been used to justify criminalising people who are poor. The Commission has received several complaints alleging police brutality, including in relation to the Lonmin killings.

This hearing was the first of nine provincial hearings. These are scheduled from August to November 2012, and will culminate in a National Hearing in March next year, where the Commission's findings will be presented to Parliament and the people of



**SAHRC Deputy Chair, Pregs Govender, at the launch of the water and sanitation hearings in Mpumalanga.**

will be presented to Parliament and the people of South Africa. These hearings are located within the Commission's poverty and inequality strategy. Poverty and inequality have prevented people who are poor from exercising or enjoying their Constitutional rights. The unenclosed toilets saga, that prompted these hearings, graphically illustrates the problem of decision-makers who do not respect, listen to or value communities who are poor. In the run up to the 2010 local government elections, the Commission received two complaints on municipalities that had built toilets without enclosures in local communities in the Western Cape and Free State. In line with our mandate, the Commission investigated these complaints and ruled that both the DA-led and the ANC-led municipalities had violated the right to dignity, privacy and a clean and healthy environment.

In both findings, the Commission addressed the responsibility of the local municipalities to immediately enclose these toilets. The Commission's findings also recognised that this was part of a bigger problem facing millions of people who are poor – a lack of access to sanitation and a lack of a right-based approach to service delivery. The Commission thus made a strategic decision to link these two local-level com-



laints to the generic right to sanitation across South Africa by calling for national responsibility and accountability.

In its first ruling, the Commission asked the Department of Human Settlements to report on progress on eradicating the bucket system across the country. In the second ruling, the Commission asked the DPME to provide a comprehensive report on the right to sanitation in every municipality across the country and Government's plans to address the backlogs.



**Participants ready to express their frustrations about the lack of water and sanitation.**

The DPME convened a task team consisting of several departments, including Human Settlements. On 14 March this year, the DPME submitted Government's report to the Commission's National Hearing on "Water, Sanitation and the Progressive Realisation of Rights". The DPME reported to the Commission that 16 million people do not enjoy the right to sanitation and an estimated R50 billion is needed to address the backlog and upgrade infrastructure. The Commission asserts that in addressing the problems identified in the DPME report on sanitation, there should be no trade-off with other socio-economic rights in national, provincial or local budgets, as all rights are equal and dependent on each other. The Department of Human Settlements released the Ministerial Sanitation Task Team report on the state of the country's sanitation facilities. We trust that the Ministerial Task Team's report will specify how and when government intends to eradicate the bucket system.

The Commission also maintains that it is crucial that government regulates those businesses it contracts to deliver

and maintain services. The nexus between government and business is the point at which corruption often occurs. It is also the place where the rich and powerful influence policy that advances their interests. Most water in our country and globally is used by industry including mining corporations and agri-business. However, they pay less than households do and often do not pay for pollution of natural water resources (eg through acid mine drainage). Municipalities and businesses

sign Service Delivery Agreements/contracts. The Municipal Finance Act says these should be on each municipality's website yet not one municipality currently has these contracts on their websites.

Shortly before Lonmin exploded, Bench Marks Foundation launched its report at the Commission offices warning of the impact of platinum mining on local communities. They showed that despite the great value extracted from platinum mining by mine owners, local communities bear the brunt of harmful social, economic and environmental consequences. Yet mining companies, including Lonmin, have yet to assume their responsibility for the negative consequences of their mining activities. Bench Marks asked the Commission to 'investigate the impacts of mining on the right to clean water of communities located around the mines and through such an investigation, demonstrate clearly that clean and safe drinking water is a human rights issue.'

The Constitution mandates the Commission with clear powers to investigate human rights violations, report on the observance of human rights and to take appropriate steps to secure redress. This includes calling any person to appear before the Commission and to produce documents in his or her possession or under his or control which may be connected to a particular investigation. The Commission has thus invited national, provincial and local Government to the hearing to listen and respond to poor communities and their organizations. We hope that they will use the opportunity to strengthen co-ordination amongst different departments and spheres of Government. Poverty is still the greatest human rights violation for many South Africans – we hope that the Commission's hearings on water and sanitation will help address this violation. **END**

## Anger, pain and dissatisfaction: SAHRC listens as residents speak

### MPUMALANGA:

Carolina leader stated: *“our problem with water is due to mining...and we have no access to information on companies involved in contamination.”*

### KWA ZULU NATAL:

AFRA asked the SAHRC to consider the plight of farm dwellers when dealing with issues of water and sanitation.

### LIMPOPO:

An angry resident from Ga-Sekhukhune said: *“our government is good at promises and documenting issues. But bad at delivering on promises.”*

### NORTH WEST:

An angry North West resident noted that the Madibeng Municipality was number one in corruption but last in service

### Upcoming hearings:

#### •9 October 2012: Northern Cape

Keimoes Town Hall, Kai Garib Municipality (35 km from Upington)

#### •11 October 2012: Gauteng

Suurman Community Hall, Ward 8, Hammanskraal, Tshwane (30 km from Pretoria)

#### •16 October 2012: Free State

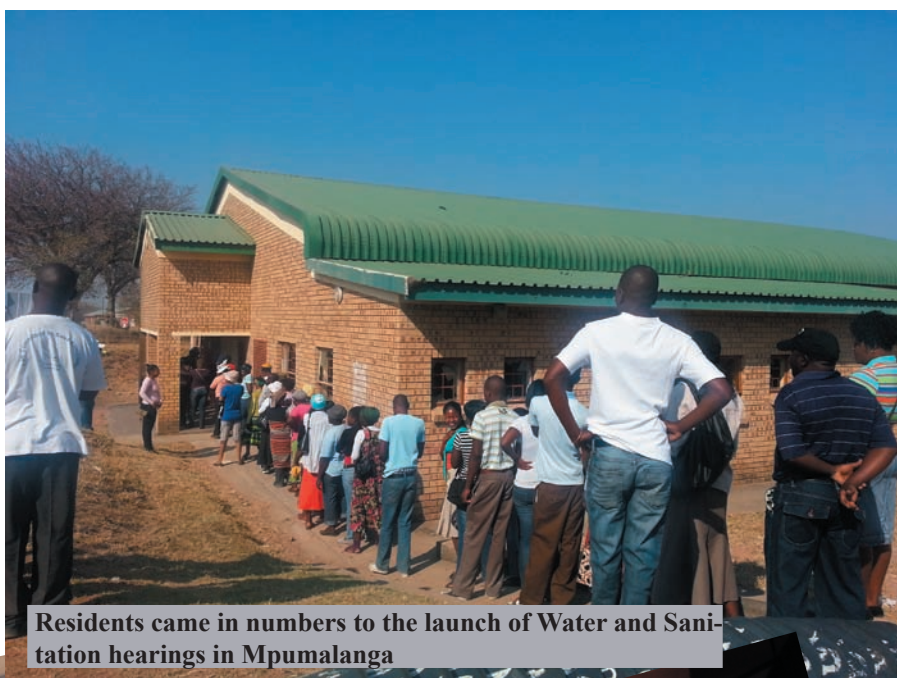
Selosecha Civic Centre, Thaba-Nchu (70 km from Bloemfontein)

#### •14 November 2012: Eastern Cape

Amathole district municipality

#### •27 November 2012: Western Cape

tbc



Residents came in numbers to the launch of Water and Sanitation hearings in Mpumalanga



A community leader voices his concerns in Mpumalanga

Commissioner Malatji at the Limpopo hearing.



## The National Information Officers Forum/Golden Key Awards

*The National Information Officers Forum Express Concern Over Government's Failure To Implement PAIA*

Government departments are still failing to implement the Promotion of Access to Information Act (PAIA).

Speaker after speaker at the National Information Officers Forum organized by the South African Human Rights Commission in celebration of the International Right To Know Day held in Parktown, Johannesburg on Friday, expressed concerns that very few government departments were implementing PAIA ten years after the enactment of the Act.

The Act promotes transparency, accountability and effective governance by entrenching the right to information which allows people to understand the functions and operation of public bodies and effectively participate in the decision making that affect their rights.

The Commission has since 2003 held this forum to support the implementation of the PAIA within public institutions across all levels of government. The 10<sup>th</sup> Anniversary event provided an opportune moment to reflect on the strides and setbacks experienced since the establishment of this forum as a tool for promoting public administration and efficiency and the realization of socio-economic

rights.

It provides the opportunity to build blocks that will support the usefulness of this forum for the next 10 years in promoting the right to know.

She stated that it is up to those who work with information to use their position to shape policy practices and ensure that government delivers to the people. "Access to information feeds into access to services," Govender said.



**SAHRC Deputy Chair: Dr P Govender, Deputy Auditor General: Mr K Makwetu and SAHRC CEO: Mr K Ahmed responding to questions at the National Information Officers Forum**

SAHRC Deputy Chairperson Pregs Govender, while speaking on the Right of Access to Information as a Tool in Realizing Socio-Economic Rights, stated that "information in power is an old cliché".

She said the culture of secrecy in the country was designed to protect those who were in power and "how can it be that such deep inequality still exists in our country after almost two decades of democracy."

In his keynote address on Transparency in the Public Sector and the Role of PAIA in Entrenching a Culture of Accountability, Deputy Auditor-General Kimi Makwetu said it was critical that there is transparency in procurement processes, filling of positions, disclosure of assets and in the role of the media. "Why do we need transparency? It's a basis of accountability, it builds public confidence, and allows for informed participation of citizens,"

“Currently there is a lack of action to fix issues of transparency in government”.

“A number of government institutions still fail to deliver on PAIA, from local, provincial to national governments,” added SAHRC CEO Kayum Ahmed.

Ahmed, asked the government officials present to consider how institutions can prevent incompetent rulers from causing too much damage.

The Forum ended with the presentation of the Golden Key Awards which acknowledge best practices by public institutions which promote openness, responsiveness and information

sharing in the country through the implementation of the PAIA. The awards are also aimed at recognizing outstanding achievements of Deputy Information Officers at public institutions in implementing the Act, civil society engagement and promotion of knowledge of the Act as well as the most frequent user of the Act from the general public.

While awards are given to the best performers, the research process assists the Commission in identifying institutions that have not done well in implementing the Act as well as Deputy Information Officers who need capacity building and support in carrying out their functions. The outcome

of the process is to target these under-performers by offering them training and institutional support on PAIA.

This year in 2012 a total number of 22 institutions were sampled. It is disappointing for the SAHRC to note that national departments that are well equipped in terms of resources to implement PAIA are still failing to do so over ten years after the enactment of the Act.

The SAHRC intends conducting compliance audits with regard to all institutions still performing dismally in terms of PAIA implementation. **END**

## Head of PAIA Fola Adeleke spoke to *pfanelo* about the decade celebrations and challenges

It is disappointing to note that national departments are well equipped in terms of resources to implement PAIA are still failing to do so ten years after the enactment of the Act. Given the fact that majority of our requests were met with mute refusals, the Commission undertook to evaluate the institutions that responded to our GKA research to assess whether any developments had taken place to fill in the gaps identified after their assessment of their respective internal processes.

It was against the backdrop that



the Commission sent out follow up review questions of the 2011

Golden Key Awards review to 14 public bodies ( National,



Provincial and Local government). What follows is a closer look at their responses and the assessment of the nominations of the Golden Key Awards for 2012 received thus far.

The Commission sent out follow-up questions to 14 public bodies from the three tiers of government. From the National government we had six departments, namely, Cooperative Governance, Communications, Basic Education, Labour, National Treasury and Public Enterprises. From the Provincial government we had four<sup>1</sup> departments, Office of the Premier Gauteng, Department of Roads and Transport from Gauteng, Western Cape Treasury and Mpumalanga Office of the Premier. From the Local Government, we also had 4 municipalities which are Theewaterskloof Municipality in the Western Cape and West Coast District Municipality in the Western Cape, Enhlanzeni District Municipality from Mpumalanga and lastly Gamagara Local Municipality in the Northern Cape.

The follow up questions comprised of two main categories. Under peer review and best practice category,

we wanted to know whether the department or municipality consulted with other public bodies on improving its implementation strategies among others and how the peer review assisted them in crafting their own implementation strategies. We also requested them to describe challenges that have been experienced in implementing PAIA and secondly, the systems that they have in place that are working well and finally, to indicate areas where they require the Commission's support on PAIA.

Only five of the fourteen public bodies responded within the requested time. These are the National Department of Cooperative Governance, the Department of Communications, the Office of the Premier Gauteng Province, the Western Cape Provincial Treasury and Theewaterskloof Municipality. All the departments except Theewaterskloof municipality<sup>2</sup> and Provincial Treasury of the Western Cape indicated that indeed they have consulted with other bodies in order to improve on their implementation strategies. All the bodies mentioned that they have one or two DIOs depending on the size and the number and nature of

requests they receive.

The departments indicated that they still have challenges and concerns<sup>4</sup> in implementing PAIA. Some few challenges raised were with regard to the compilation of section 14 manual and the training of their DIOs and their general staff. Because of the mentioned challenges, almost all the departments indicated that they will like the Commission to assist them with the training of the newly appointed DIOs and their staff on PAIA.

Aside from the follow up review that was done in terms of questions directly sent to the institutions already assessed last year, the Commission also embarked on a request exercise by submitting ghost requests through our interns to the institutions that had complied with PAIA implementation to assess whether in practice, this institutions that submitted various policies and implementation plan on PAIA are indeed responsive to requests from the public. The requests made were for automatically available information and the results of this exercise are also dismal. A total of 17 departments were assessed and only 6 responses were received.

**END**

**“Only five of the fourteen public bodies responded within the requested time.”**

# The Golden Key Awards 2012

**“It is disappointing to note that national departments that are well equipped in terms of resources to implement PAIA are still failing to do so ten years after the enactment of the Act.”**

## **The awards winners are as follows:**

- Best DIO: Department of Human Settlement Western Cape Mr Moolman
- Best Promoter: South African History Archives
- Best User (Organization/Individual): Centre for Environmental Rights
- Best Performing National Department: Department of Higher Education
- Best Performing Provincial Department: Department of Human Settlement Western Cape & Department of Agriculture, Limpopo
- Best Performing Municipality: Mogale City Municipality



**PAIA Head: Fola Adeleke with Deputy Chair: Preys Govender together with the 2012 GKA Winners and Coordinating Committee members.**



## IN THE HOT SEAT

with

**Fola Adeleke: Head of PAIA Unit**



Head of PAIA Unit: Fola Adeleke during NIOF

### *Where were you born?*

**FA:** I was born in Ibadan, Southern Nigeria. It's one of the most populous and oldest cities on the continent.

### *Academic background?*

**FA:** I obtained, in 2004, my LLB and LLM from the University of Cape Town. I am currently completing my second year of my doctoral studies, which focuses on the role of public interest in investment disputes, at the University of the Witwatersrand.

### *What are your interests/hobbies?*

**FA:** I enjoy playing tennis, football and I am an avid Manchester United fan. I'm also interested in hiking and cycling.

### *What are your aspirations?*

**FA:** Short-term: to complete my doctoral studies. In terms of my professional work, PAIA is at the moment has signed the *Open Government Partnership* which aims to encourage and promote transparency and accountability. Also, currently,

*"Transforming Society, Securing Rights, Restoring Dignity"*

there have been new developments regarding the use of technology as a catalyst in the pursuance of access to information. *Open-Data* makes use of Information and Communication Technologies (ICTs) to make relevant and necessary information available to the public freely and automatically. Thus, it posits the Commission at the forefront of this new and pivotal development in terms of the right to access of information.

### *Fola's Favourites?*

#### **•Food:**

Rice and beans, plantain (traditional Nigerian dish).

#### **•Books:**

My favourite authors are John Grisham and Frederick Forsyth, so anything by the those two authors will suffice.

#### **•Music:**

I enjoy Afro-beat (e.g. Fela and Femi Kuti), Rhythm and Blues. I also enjoy the music of Sean Kingston and Akon as well as some Reggae and dub-step.

#### **• Hang-out places:**

I enjoy hanging out in Greenside and in Parkhurst.

#### **• Destination(s):**

I love Barcelona, Spain; Paris and Mozambique.

#### **• Quotes:**

This quote is taken from Anais Nin's diary, written from 1931-34. *"You live like this, sheltered, in a delicate world, and you believe you are living. Then you read a book... or you take a trip... and you discover that you are not living, that you are hibernating. The symptoms of hibernating are easily detectable: first, restlessness. The second symptom (when hibernating becomes dangerous and might degenerate into death): absence of pleasure. That is all. It appears like an innocuous*

*illness. Monotony, boredom, death. Millions live like this (or die like this) without knowing it. They work in offices. They drive a car. They picnic with their families. They raise children. And then some shock treatment takes place, a person, a book, a song, and it awakens them and saves them from death. Some never awaken.”*

***Your experience at the Commission thus far?***

**FA:** This is my fourth job throughout my professional career and it’s also my first time working for a large organisation. So far, it’s been an interesting experience having to operate within a large organisation and trying to understand the various dynamics in terms of our respective duties and responsibilities. I have thoroughly enjoyed myself so far, particularly because I find my work to be enjoyable. I believe if you commit yourself to it, there’s a lot of potential together with potential and I find that exciting.

***Your perspectives on the human rights landscape at present?***

**FA:** Over the last few months, we have been alerted to numerous human

rights violations and its unfortunate that the Commission only plays a mediatory role as opposed to, in some instances, applying a more robust or aggressive approach. Attempting to strike the balance between mediation and conciliation with a more aggressive stance of enforcement, at times, hinders the role that the Commission can play in protecting human rights.

***What gains have been made over the past 10 years re: GKAs?***

**FA:** The idea behind the Golden Key Awards is to monitor the internal levels of compliance with PAIA in public bodies. A healthy environment of compliance can be compared to a plumbing system where: a good plumbing system ensures a good supply and flow of water. Similarly, if there is a strong culture of compliance and adherence to PAIA then there will be a good flow of information to the necessary parties concerned. Thus, the GKA’s recognize and award good practice. For example, Limpopo province is the leading province in terms of complying with PAIA. They have been consistently compliant with implementing PAIA over the last

four years.  
***How do you deal with the issue of non-compliance and what future measures do you have in place to mitigate issues of non-compliance re: public and private bodies?***

**FA:** At the moment the Commission does not have enforcement powers to deal with non-compliance with the mandatory obligations in PAIA. However, the recent passage of the Protection of Personal Information Act (POPIA) and the establishment of an information regulator will allow for the provision of enforcement powers in terms of PAIA. Consequently, the body will deal with the issue of non-compliance.

***What changes do you plan to implement or would like to see within PAIA and the Commission at large?***

**FA:** The Commission ought to lead the exciting upcoming projects, such as Open Data, which is consistent with the spirit of PAIA for government departments to disclose information to the public.

**“A healthy environment of compliance can be compared to a plumbing system where: a good plumbing system ensures a good supply and flow of water.”**



**The human rights world in snippets: SAHRC @ work**

**SAHRC welcomes the dismissal of the hate speech/”baboon” appeal case**

The South African Human Rights Commission (SAHRC) together with the Legal Resources Center (LRC) appeared in the Supreme Court of Appeals in the matter concerning a hate speech case; wherein Port Elizabeth magistrate, Johan Herselman, referred to a cleaner, Khayalethu Geleba, as a “baboon”.

The case was dismissed following his unsuccessful appeal last year at the Eastern Cape High Court (Grahamstown) where he was found guilty of hate speech.

**SAHRC: business to account for human rights violations**

South African Human Rights Commission deputy-chairperson Pregs Govender has called on the United Nations Human Rights Council and governments to hold business to account

for human rights violations in the world.

**Speaking in Geneva at the 21st Session of the United Nations Human Rights Council (UNHRC) with the theme:** “Integration of a gender perspective in implementing Economic, Social and Cultural Rights”, Govender used an example of the Marikana tragedy, saying mining companies should ensure that they respect the rights of their workers, families and communities they operate in.

Govender further called on the South African state to account for the role of the police in the tragic killings that left 45 dead.

**SAHRC disappointed with government’s rejection of Traditional Courts Bill**

The South African Human Rights Commission is disappointed by government’s failure to heed international advice to reconsider

the Traditional Courts Bill.

During the interactive dialogue between member states at the United Nations Human Rights Council where the South African government presented its Universal Periodic Review, Norway recommended that the country ensure that the Traditional Courts Bill complied with all international and constitutional obligations before being passed by Parliament.

The request came on the same day Parliament’s National Council of Provinces held its hearings in parliament where the SAHRC presented its views on the Traditional Courts Bill.

**BIRTHDAY SHOUT-OUTS TO:**

**Masaswivona Nhlungwana  
24 October**

**Minnesh Rampersadh  
26 October**

**Poppy Mochadibane  
30 October**

**Bianca Valentine  
31 October**

**HAPPY BIRTHDAY-HAPPY BIRTHDAY-HAPPY**

## Dr Gladstone Sandi Baai fought for the rights of the poor and vulnerable

Isaac Mangena

It is always heart-wrenching when we lose someone who was leading a true cause, especially if it involved ensuring poor people have access to basic food. Dr Gladstone Sandi Baai was a true fighter for the rights of the poor. Before his death, which came suddenly on Wednesday morning, Dr Baai, a commissioner at the South African Human Rights Commission, led a fight to promote and protect the right to access to food. "The right to food is not only inextricably linked to human dignity but goes to the core of human survival," Dr Baai told United Nations-affiliated Human Rights institutions recently. "The stark reality is that many people in South Africa, and in particular those who are vulnerable, such as children, the elderly, persons with disabilities, the rural poor and women, do not have sufficient food and are hungry and starving."

Dr Baai was born in 1942 in the rural areas of Bizana in Pondoland in the Eastern Cape, and was raised there. He knew what it was to go to bed hungry. He wanted to prevent that for others, so it is no surprise that through his work at the SAHRC, he had worked to organise a dialogue on the right to food, which he was scheduled to host later this year.

As I write this, the World Food Programme tells us that one in seven people in the world are hungry tonight, and 60 percent of them are women. Commissioner Baai made it his life's mission to do his bit to reverse this unfortunate situation. He was no stranger to human rights work. Before joining the SAHRC, he served as director of professional ethics at the office of the Public Service Commission, a Chapter 10 institution. "Commissioner Baai lived all his life defending the rights of the poor and vulnerable. He did all this through his work at the Human



Rights Commission, Public Service Commission, and elsewhere in government [including at the Public Service Commission] and other sectors where he so tirelessly worked to advance this cause," SAHRC Chairman Lawrence Mushwana said in paying tribute to his colleague.

When he wasn't addressing meetings and seminars trying to get his message across, he was writing. An accomplished academic, Dr Baai holds a PhD from the University of Durham in the UK and two masters degrees from Drew University in the US. He wrote and coauthored several books, among others a biography *Oliver Tambo: Teacher, Lawyer & Freedom Fighter*.

But it was the book called *Snatching Bread from the Mouth of the Poor: Ethics and Corruption* that defined the last years of his life.

He moved boundaries, and fearlessly talked truth to power. In an article in *The Sunday Independent* a few weeks ago (one of his last writings) he questioned if the poor have anything to celebrate in a democracy if they go to bed hungry every night.

In this July 15 article, titled "They Go to Bed on an Empty Stomach: Is There a Moral Content To Our Democracy?" he expressed his belief that the world would be a better place if those in

positions of power recognised the right to food.

"We do believe hunger can be dealt with through a rights-based approach. Food security and the right to access food, if promoted and implemented to all sectors of society, would change the lives of our people. As such the right to food remains, but the concrete implications differ," he wrote.

Dr Baai was born on December 21, 1942, in Kwa Ndunge, Bizana, Eastern Cape. He joined the South African Human Rights Commission on December 1, 2010, after he was unanimously nominated by Parliament. He leaves behind his wife Nontobeko, two daughters Makaziwe and Mawande, and two sons, Gandhi and Bakhulule.

*Mangena heads Communications at the SAHRC.*

### Condolence message from President Zuma

"Commissioner Baai's death is a loss not only to his family but also to the legal fraternity, the South African Human Rights Commission and the nation at large. We will miss his services and dedication. We also share in the loss and our thoughts and prayers are with the family at this dark hour. May his soul rest in peace," said President Zuma.

### Message from South Sudan Human Rights Commission

His dedication to deliver services in South Africa is a model for many to learn from both nationally and regionally...

**END**



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**Gauteng**

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Street, Braamfontein, JOHANNESBURG

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First Floor, 136 Margaret Mncadi, DURBAN

☎ (031) 304 7323/4/5 • Fax: (031) 304 7323

**Limpopo**

1st Floor, Office 102, Library Garden Square, Corner of  
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☎ (015) 291 3500 • Fax: (015) 291 3505

**Mpumalanga**

4th Floor Carltex Building, 32 Bell Street, NELSPRUIT

☎ (013) 752 8292 • Fax: (013) 752 6890

**Northern Cape**

45 Mark and Scott Road, Ancorley Building, UPINGTON

☎ (054) 332 3993/4 • Fax: (054) 332 7750

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☎ Tel: (014) 592 0694 • Fax: (014) 594 1089

**Western Cape**

7th Floor, ABSA Building, 32 Adderley Street, CAPE  
TOWN

☎ (021) 426 2277 • Fax: (021) 426 2875

**SAHRC Diary:**

*Commission's appearance before  
parliament to present the 2011/12  
Annual Report, 10 October 2012*

*Launch of Charter on Basic educa-  
tion Rights, date: TBC*

*Seminar on Disability and Eti-  
quette, date: TBC*