

# Pfanelo

"It's Your Right"

Volume 09

Transforming Society. Securing Rights. Restoring Dignity  
The South African Human Rights Commission Newsletter



1 - 30 June 2013

## SAHRC teams up with SPII and Ford Foundation to tackle economic and social rights challenges



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## It's Official!

SAHRC Chairperson  
Adv. Mushwana  
inaugurated as head  
of international  
human rights body...

## Goodbye Mr Sharp Sharp



SAHRC pays  
tribute to  
veteran  
journalist  
Vuyo Mbali

## Youth Day, 16 June

The introduction of Afrikaans alongside English as a medium of instruction is considered the immediate cause of the Soweto uprising, but there are various other factors behind the 1976 student unrest. These factors can certainly be traced back to the Bantu Education Act introduced by the Apartheid government in 1953. The Act introduced a new Department of Bantu Education that was integrated into the Department of Native Affairs under Dr Hendrik F. Verwoerd. The provisions of the Bantu Education Act and some policy statements made by the Bantu Education Department were directly responsible for the uprisings. Dr Verwoerd, who engineered the Bantu Education Act, announced that "Natives (blacks) must be taught from an early age that equality with Europeans (whites) is not for them".

- SA History online

## Quote

Youth is, after all, just a moment, but it is the moment, the spark, that you always carry in your heart.

Raisa M Gorbachev

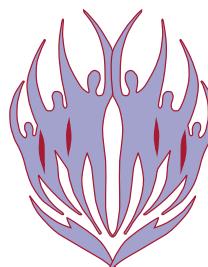
*Pfanelo* is a publication of the South African Human Rights Commission  
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Having recently attended my final Africa Leadership Initiative seminar where we discussed various issues including, philosophy, politics and poetry, I thought I should share the following poem with you:

*Meditation is old and honourable, so why should I not sit, every morning of my life, on the hillside, looking into the shining world? Because, properly attended to, delight, as well as havoc, is suggestion. Can one be passionate about the just, the ideal, the sublime, and the holy, and yet commit to no labour in its cause? I don't think so.*

*All summations have a beginning, all effect has a story, all kindness begins with the sown seed. Thought buds toward radiance. The gospel of light is the crossroads of – indolence, or action.*

*Be ignited, or be gone.*

The poem is titled, "What I Have Learned So Far" and is composed by the celebrated Pulitzer Prize winning poet Mary Oliver. The poem can be interpreted in several ways, but for me, there are three important elements I have distilled from the poem.

The first is that the paths leading to havoc or delight, action or indolence, all stem from the same source. It is really up to us to determine which path we choose. Second, while it is one thing to be passionate about a cause and to become angry in the face of injustice, we cannot then do nothing. We have to act to bring about change.

Third, Mary Oliver compels us to take action: "Be ignited or be gone."

One of the Human Rights Commission's most recent

projects reflects this spirit of being ignited. In collaboration with the Studies in Poverty and Inequality Institute (SPII) and the Ford Foundation, the Commission has developed a methodology for assessing and analyzing the progressive realization of socio-economic rights in South Africa, see on page 04.

The aim of the project is firstly, to move towards an agreement on what progressive realisation of socio-economic rights means in South Africa – to what end and over what time span – and secondly, to develop a method of monitoring and evaluating progress made to date and in the future. The former is important in order to ensure conceptual consensus on the progressive realisation of socio-economic rights in South Africa. The latter is important in order to ensure that progress is indeed made. The latter objective also seeks to tie resources spent to outcomes achieved on the realisation of the right in order to assess whether increased spending also leads to improved outcomes.

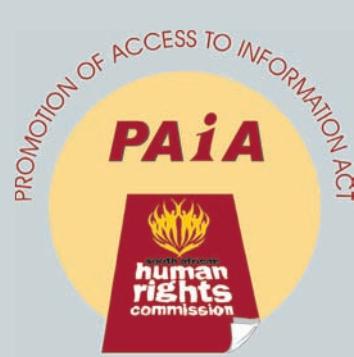
The ultimate aim is to develop a methodology for thinking about the progressive realisation of socio-economic rights in South Africa that truly furthers the policy discourse around socio-economic rights in the country and moves all actors towards thinking about how to develop a roadmap and time frames for how and by when to achieve universal access for all citizens.

This project symbolizes the Commission's approach to dealing with complex matters through collaboration, innovation and leadership in the field of human rights. It reflects the spirit of being ignited and builds upon our vision of transforming society, securing rights and restoring dignity.

## Events Calendar

### Business and Transparency Conference

27 June 2013: Sandton Convention Centre



# SAHRC teams up with SPII and Ford Foundation to tackle economic and social rights challenges



The meeting provided opportunity for stakeholders to interrogate the developed monitoring tools.

By Alucia Sekgathume:  
Communications Officer

In a workshop discussion, the South African Human Rights Commission (SAHRC) together with the Ford Foundation and Studies in Poverty and Inequality Institute (SPII) were tackling issues on social security and health rights at the Melrose Estate in Johannesburg last Thursday.

As the Constitution of the Republic of South Africa unequivocally states that:

*"Everyone has the right to have access to...social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. Everyone has the right to have access to health care services, including reproductive health care."<sup>[1]</sup>...The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights."*

The workshop was set out to develop a tool with which to monitor and evaluate the progressive realisation of socio-economic rights in South Africa.

The aim was two-fold: firstly, to move towards an agreement on what progressive realisation of socio-economic rights means in South Africa but which would also have traction internationally and over what time span. Secondly, to develop a method of monitoring and evaluating progress made to date and in the future.

The discussion was divided into two panel sessions in which the first focused on defining and measuring progressive realisation of socio-economic rights with an objective of deliberating and reflecting on socio-economic rights and their measurement.

The second session was focusing more on developing indicators to

measure progressive realisation of socio-economic rights and its objective was to interrogate and comment on the monitoring matrix SPII has developed and in particular, the indicators for social security and health care.

The guest speaker was Justice Zak Jacob, and the panelists included the Executive Director of the Foundation for Human Rights: Yasmin Sooka, SAHRC Deputy-Chair Dr Pregs Govender, SAHRC Commissioner Janet Love, and previous DDG of Social Development Selwyn Jehoma. *Pf*

## Interessting quotes

"We are not drilling and grilling govt on (social & economic) policies it keeps changing, whether they succeeded or failed", Commissioner Love.

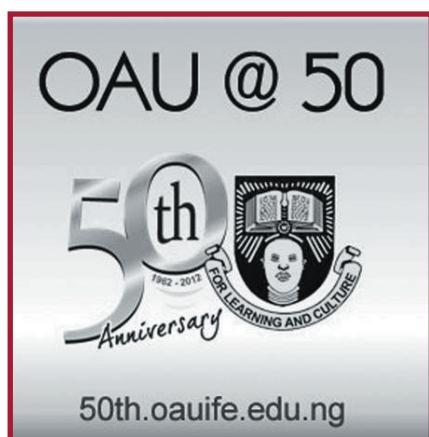
"Noncompliance with socioeconomic rights reports presented at Parliament shows lack of political will", Pregs Govender.

"We all have a duty to make the Constitution real", Justice Yacoob

"We know that water is contaminated and government cannot afford to clean it but doesn't ask mining companies to assist", Yasmin Sooka

**The workshop was set out to develop a tool with which to monitor and evaluate the progressive realisation of socio-economic rights in South Africa**

# How far has the OAU come in 50 years?



**Opinion piece by Adv Mushwana,  
SAHRC Chair  
Published: New Age newspaper on  
24 May 2013**

This year marks the fiftieth anniversary of the Organisation of African Unity. But how far has Africa come since those early years of waging war against colonial and neo-colonialist ideals? What scores have been made to mark Africa's "valuable contribution to world peace"? When we speak of human rights, can Africa stand tall and proud?

In taking stock of the human rights achievements by the OAU and now African Union, we can look back with pride at the adoption of the African Charter on Human and People's Rights (ACHPR) and its subsequent treaties on children's rights and women's rights to name a few.

African human rights instruments notably widen the scope for the interpretation of human rights; define new human rights such as the right to development, which was articulated for the first time in international law by the ACHPR; and to some extent can be said to be more proactive in developing frameworks to promote and protect rights of the vulnerable or marginalized groups – for instance the first instrument to protect the rights of older persons is currently being developed.

Key players that have shaped the human rights landscape in Africa include the AU's African Commission on Human and People's Rights, which has numer-

ous achievements in its 25 years of existence, within a context of limited political support and financial and human resources.

Within the broader context of human rights, the past two decades have witnessed African States, either through accepting recommendations from treaty bodies, the Universal Periodic Review (UPR) or perhaps bowing to international trends, creating national institutions for the promotion of human rights.

Africa currently hosts 42 national human rights institutions (NHRIs) including among others human rights commissions and offices of ombudsman.

These institutions play an important role in the promotion and protection of human rights that has increasingly been recognized by both the international human rights system, -i.e. the United Nations and the regional human rights mechanisms including, the African Union and its organ the African Commission. This has led for instance to the granting of speaking rights to NHRIs at the Human Rights Council and African Commission - a privilege that had previously been limited to Member States and NGOs with consultative status. This in itself has had a positive bearing on the ability to monitor progress made in realizing human rights and indeed the ability to hold States accountable for the lack of the realisation of such rights.

While the mandates of NHRIs may vary from one country to the next, and their establishment and continued existence dependent on each State's political will, the level of demand for accountability has risen across the board.

Of the 42 NHRIs in Africa, eighteen are A status. This means that they adhere to the minimum standards set out by the Paris Principles that serve

as the benchmark for the establishment and functioning of national institutions for the promotion and protection of human rights.

This implies that in at least eighteen African States, there is a commitment to ensure that there is indeed an independent structure that can demand for accountability from the State for the realisation of human rights.

There are excellent examples from across the continent on how NHRIs in collaboration with Civil Society Organisations and government structures are working together to promote and protect human rights: in the preparation of the UPR implementation plans in Kenya and Zambia; in advocating that enacted laws meet international norms and standards for instance in South Africa, Uganda and Rwanda; in demanding for accountability for violations of human rights in the mining sector in South Africa and Sierra Leone; to name a few.

The umbrella organization for African NHRIs, the Network of African National Human Rights Institutions (NANHRI) has also, since its establishment, played a crucial role in building working relationships between NHRIs, the AU and its organs that have a human rights mandate and African States.

For instance, NANHRI has worked closely with the African Commission to promote the implementation of the Robben Island Guidelines on the Prohibition against Torture and other forms of degrading and inhuman treatment.

NANHRI also worked to successfully lobby the African Commission to allow NHRIs to have speaking rights at the African Commission's sessions. Last year, the African Commission, during its Special Session, recognized for the first time, the invaluable contribution that NHRIs have made in promoting the respect for human rights in Africa. It presented its coveted awards to three NHRIs.

>>>>>>

## SAHRC Chair assesses OAU

Challenges, of course, are indeed abound in the promotion of a human rights culture on the continent.

Addressing gross human rights violations especially when the institutions that are created to deal with such violations are destroyed during conflicts as was the case in Egypt is problematic.

Those tasked with demanding for accountability are threatened by the very authorities that bestowed such powers on them as was the case in Togo and Malawi limits the respect for human rights.

When the space within which deliberations on human rights can happen begins to shrink either through enactment of laws, harassment by State actors or limiting participation in either domestic or regional spaces then how can a culture of human rights be fully realized?

While Africa has made significant gains in advancing human rights for its people, many Africans still live on the fringes of society caught up in a vicious cycle of poverty and want, without access to the most basic services, and with limited opportunities for economic advancement.

Change in Africa can only come about when the true embodiment of human rights is expressed in not only all aspects of leadership but also in how we as Africans view one another.

For the African Union and in observing Africa Day, perhaps a pause and reflection on the words of Kwame Nkrumah, "Is it not unity alone that can weld us into an effective force, capable of creating our own progress and making our valuable contribution to world peace?"

Pf

## It's Official! SAHRC Chairperson Adv. Mushwana inaugurated as head of international human rights body



**Adv Mushwana at the ICC inauguration**

The Chairperson of the South African Human Rights Commission, Adv. Lawrence Mushwana, has officially been inaugurated as the new Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). Adv. Mushwana took over the reins from Dr Mousa Burayzat, Chairperson of the Jordanian National Centre for Human Rights during the session in Geneva, Switzerland on 07 May 2013.

This is a historical occasion as it is the first time that Africa heads the office of the Chairperson of the ICC. This marks a symbolic point in South Africa's legacy of human rights, having transitioned from Apartheid to a peaceful democracy where human rights are constitutionally promoted and recognized.

The ascension to the Chair of the ICC is a reflection of the appreciation of the work that the SAHRC does to promote and protect human rights at a domestic level and the influence that this has both regionally and internationally.

South Africa was voted to take over this non-renewable three-year term position by the Network of African National Human Rights Institutions at the ICC 11th International Conference in Amman, Jordan in November 2012.

The SAHRC looks forward to leading the ICC in supporting its work to strengthen the cooperation and collaboration between the four regional groups of National Human Rights Institutions (NHRIs): in the Asia-Pacific

, Africa, Europe and the Americas. One of the core functions of the ICC is to oversee the accreditation of NHRIs to the UN to receive 'A' status in accordance with the Paris Principles and to promote the role of NHRIs within the United Nations and with States and other international agencies.

The position of ICC Chairperson is a prestigious international position that will attract attention to South Africa and the region as a whole. There will be increased attention given to the country's human rights track record and its compliance with international human rights obligations. This may create opportunities not only for the SAHRC but for the country as a whole to showcase its human rights successes, and to share and seek solutions to current challenges.

It will also afford the SAHRC the opportunity to play a prominent leadership role at an international level in the area of human rights and thereby strengthen independent national human rights mechanisms across the globe, particularly in developing countries and emerging democracies. More importantly, as the SAHRC we see it as an opportunity to leverage key African regional human rights concerns onto international human rights agenda.

South Africa has also been the Chairperson of Network of African Human Rights Institutions, (regional representative body of national human rights institutions in Africa), since October 2011.

Pf

# More vigilance required as torture escalates - SAHRC Chair



**The tragic killing of 34 miners by the police at Marikana, where two policemen were also killed, sent shock waves through South Africa and the world. Picture courtesy of Timeslive**

**This is an edited speech by SAHRC Chairperson, Lawrence Mshwana delivered at the opening of Learning Incubator Training on Investigating allegations of Torture**

The South African Human Rights Commission is honoured that the Network of African National Human Rights Institutions and the Association for the Prevention of Torture chose it to host vital training in investigating allegations of torture.

It could not come at a more crucial time. As a country, we are experiencing torture, ill-treatment and police brutality of a magnitude we have not experienced since we became a democracy.

The tragic killing of 34 miners by the police at Marikana, where two policemen were also killed, sent shock waves through South Africa and the world.

It followed the killing of Andries Tatane by the police during a protest march by the Ficksburg community. Mido Macia, a Mozambican taxi driver, died after he was dragged behind a police vehicle in Daveyton, in full view of members of the public.

We commend the South African government for establishing a commission of inquiry into the Marikana deaths and for the fact that, in the other matters, the policemen concerned were charged and appeared before our courts. Nonetheless, these incidents have tarnished the image of the South African police so much, it will take a long time to restore it.

As a Commission, we are participating in the Marikana Inquiry, and we investigated the Tatane killing, making a finding against the police. The Minister of Police is now appealing our finding. The acquittal of the accused in the Tatane case is a source of concern.

Just days ago, the African Commission on Human and Peoples' Rights found the Zimbabwe government responsible for the torture and ill-treatment of Gabriel Shumba, a well-known human-rights advocate and lawyer.

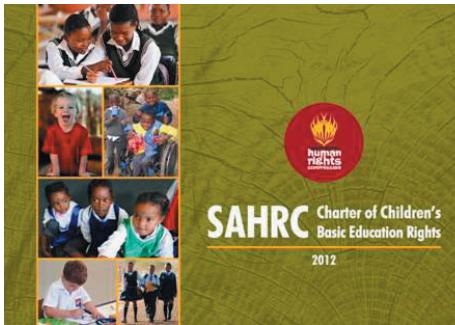
In Mali, two ethnic-Tuareg men who had been arrested on February 15 2013 and tortured by Malian soldiers in the town of Léré, in the Timbuktu region, died in detention at Bamako Central Prison.

These incidents and many that go unreported every day paint a grim picture of the daunting challenges ahead of us as investigators of allegations of torture in Africa. The Rabat conference of our organisations in 2011 called for the strengthening of the role of African human-rights institutes in the prevention of torture. It called on all states in Africa to ratify the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It was resolved that organisations such as ours should monitor places of detention, mainly police cells, investigate allegations and pursue the prosecution of perpetrators of torture and related intolerances.

I am pleased that after a protracted period of time the South African government last year placed before its National Assembly the Prevention of Torture Bill for passage into law, which will make torture and related treatment a crime.

The commission will continue to put pressure on the government to accede to the Optional Protocol.

# Parliamentary briefing on Charter of Children's Basic Education Rights



Commissioner Lindiwe Mokate presented the SAHRC Charter of Children's Basic Education Rights to the Parliamentary Portfolio Committee on Basic Education on 14 May 2013.

She indicated that since its launch, the Commission had used the Charter as its primary frame of reference in conducting the following activities: commenting on the Draft Minimum Norms and Standards for Public School Infrastructure; convening a hearing related to the delivery of primary learning materials to schools across the country; participating in a hearing on water and sanitation, the focus being on schools; and providing comments on the draft UN Convention on the Rights of the Child (UNCRC) Country Report.

## Discussions with the Portfolio Committee during Commissioner Mokate's briefing

**Mr Mpontshane (IFP)** asked: "how can the Commission reconcile that the right to basic education is an unqualified socio-economic right, but that the right must be realised progressively?"

**Commissioner Mokate responded:** "most of the rights in that grouping are subject to progressive realisation, but the Constitution made the right to basic education a special right in a way that was subject to progressive realisation, and subject to availability of resources. Although it belonged to that group, it was specifically mentioned as an unqualified right in the Constitution".

**Mr Mpontshane asked:** "can you clarify on the 4A's requirement that education

must be acceptable? Critics said South Africa's education system is not up to the mark - what would the Commission say about that?"

**Mokate responded:** "availability prescribed what had to be in place in order to be able to say that the right is available, first there has to be recognition of the right to basic education. In South Africa, the right existed and was supported by all the elements that had been mentioned".

**Ms F Mushwana (ANC) asked:** "I do not see where the Charter accommodates the parents in terms of the right to education, which was so important?"

**Commissioner responded:** "the Charter acknowledged the role of Early Childhood Development (ECD), where there is an important role for the parent. The Charter is aligned with DBE's Grade R to 12, it is designed to be child focused, and talked only from the position of the child. If the teachers are late, for instance, the SAHRC does not look at it from the aspect of the teachers but from the eyes of the child and what impact it has on the child".

**Ms Mushwana asked:** "can Commissioner clarify about the indicators provided by the Charter, against which Members of Parliament can monitor progress. Who monitored the monitors, who monitored the SAHRC, and who oversees bodies such as the Public Protector?"

**The Chairperson responded:** "Parliament oversees the SAHRC through the Portfolio Committee on Justice and Constitutional Development".

**Ms Lovemore asked:** "what was meant by the constitutional right to quality education?"

**Commissioner responded:** "the question is very complex -- no one thing that made quality education, it was a multitude of things. There must be infrastructure, there must be water, sanitation, a healthy and acceptable envi-

ronment, and there must be teachers and those teachers must be qualified to teach what they are supposed to be teaching. The children must also have the learning and teaching materials."

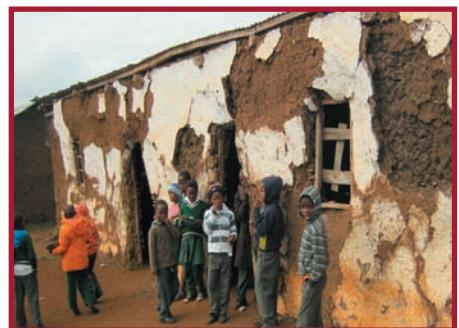
**Ms Lovemore asked:** "has the Commission taken the DBE's standards and accepted them and just put them in the report? I do not see any additional research into what really should underpin basic education or any reference to international norms"

**Commissioner responded:** "the Charter drew from all sources, starting from the international and the regional, and went on to the sub-regional and to the domestic. It covered all the areas out there concerning quality education".

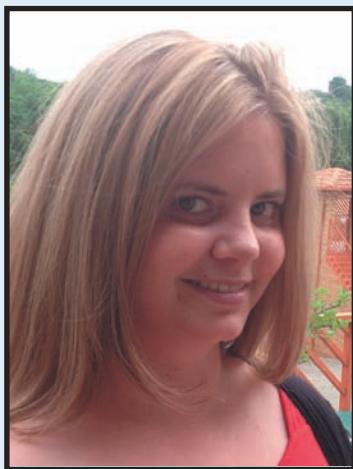
**Ms A Mashishi (ANC) asked:** "can you provide more information on international education? The United Kingdom and Ireland have been mentioned on the Charter, please expand on that."

**Commissioner responded:** "The Commission's only interest is that those countries had decided they needed to develop a similar charter in order to be effective in monitoring in their own countries".

The Chairperson officially concluded that the meeting with the Commissioner had been a very important one. She appreciated that the report had been received early in the year, but the Commission could not be called sooner because of obligations to deal with budgets. The Chairperson commended the Minister for declaring 2013 the year of inclusive education.



# Children's Week: An Opportunity for Reflection



**Nicole Breen: Research Associate for Commissioner Mokate**

Both locally and abroad, a plethora of dates have been demarcated as instances where we are encouraged to recognise and to celebrate the rights of children. Unfortunately, when juxtaposed with the situation on the ground, these gestures ring somewhat hollow for many of the children in living in South Africa. The following aims to illustrate the uncomfortable dichotomy between the rights-based framework applicable to children and the continued existence of violent practices which curb the fulfilment of these fundamental rights and freedoms.

The World Health Organisation defines violence or child maltreatment as "all forms of physical and/or emotional ill-treatment, sexual abuse,

neglect, negligent treatment, commercial or other exploitation, resulting in actual or potential harm to the child's health, survival or development or dignity in the context of a relationship or responsibility, trust or power". The National Department of Social Development uses the same definition. The right of the child not to be made subject to violence is enshrined in section 28 of the Constitution, as are the rights to equality, dignity and bodily integrity. This is also contained within a spectrum of national legislation and policy documents.

South Africa's legal landscape abounds with promises to children that their rights will be protected. Despite this, statistics captioning rates of violence against children are astoundingly high. This brings to mind the words of Judge Murphy, in the High Court case of *Centre for Child Law and Others v MEC for Education and Others*. He said,

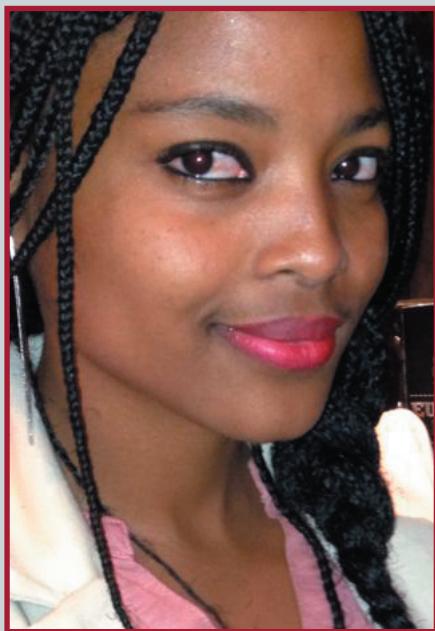
*"I have to pause here, perhaps in a moment of exasperation, to ask: what message do we send to the children when we tell them that they...deserve better care, and then wholly neglect to provide that care? We betray them, and we teach them that neither the law nor state institutions can be trusted to protect*

*them. In the process we are in danger or relegating them to a class of outcasts, and in the final analysis we hypocritically renege on the constitutional promise of protection."*

Violence against children does not occur as an isolated hardship, but can have far-reaching ramifications. It can be the catalyst for systemic barriers that carry over from a child's life at home, to their life at school or otherwise. In the absence of appropriate interventions, we fail these children. This is especially true if these children are already rendered vulnerable by poverty, inequality, their gender, by virtue of being detained or within the care system and many others. It is also important to emphasise here that violence against children, or failure to protect children from violence can also preclude them from accessing their other rights.

We must all ask ourselves what more we can do in order to improve this situation for children across the country. The work of the Commission, the state and other stakeholders may represent a positive start, but the implementation of mechanisms through which systemic problems can be solved has to begin in earnest. It is not enough to simply oppose a series of practices, but action must also be taken against them. Let every day be children's day and let every day abound afresh with the need to create enabling conditions for their growth and development. Pf

# Why is the youth of today losing identity?



**Kebotlhale Motseothata, Student**

Every year I ask myself what youth day means to me. Every year I wonder if the youth of South Africa really knows what Mbuyisa Makhubo was thinking when he held Hector Peterson in his arms. Did he, Tsieti Mashinini and the thousands of students who put their lives at risk in pursuit of a better education system know that their efforts would slowly dissolve over the years? The youth of today may have access to a far better education than those who were involved in the Soweto uprising, but their minds are more enslaved and the sad part is, unlike the youth of 1976, they are not aware of it.

Their inexplicable blindness to the reality of our poor education system is the reason why I wonder what Hector Peterson would say if he came back to life and saw that he died for a "skhethane", highly westernised, non independent thinking, popularity-phased society of youngsters who don't seem keen enough to make a

change. The youth that would rather drink and party on June 16 than learn and understand the true significance of the day.

I wonder if Mbuyisa Makhubo thought for a second that the image of him carrying Hector Peterson would later turn out to be nothing more than an iconic picture that would merely be perceived as the front cover art for Youth Day. For the past 37 years, the youth have paid homage to that heart breaking image. They have constantly re enacted the events that unfolded on that fateful morning and even wrote poems about it. Even so, I am utterly gutted by our lack of knowledge on this issue, and even more dismaying, is our lack of passion to find out.

If we, the youth of today truly honored those who died fighting against oppression, we would dedicate our lives to sustaining that legacy. Moreover, we would fight harder for the emancipation of our current mental slavery.

We have lost our identity and are enslaved to a point where we are only focused on being socially accepted, that we have lost the true essence of our being. We would rather hog social networks all day than read newspapers. We would rather force our parents to live beyond their means in pursuit of them acquiring material things that they would otherwise not afford, just so that we could maintain our materialism status quo.

A state of mind that will forever derail and draw us back, not only as a youth, but as a nation. It is through this mindset that we as the youth have no place in our country's economy, we are clueless about current affairs and the politicians do not really know the sound of our voices. Our

eyes are closed and we do not even realise it.

Our education system is failing us, the very same system that the 1976 students shed blood for. We are supposed to be enraged on their behalf. We are supposed to be the pioneers of change, we are supposed to be questioning our government, demanding for quality education. Our voices should be roaring with discontent over the fact that there are still those that don't go to school. That somewhere in our country there is a child who will never learn how to read and write.

We are supposed to be representing the voiceless students of the Eastern Cape and Limpopo. We are supposed to fight against employment inadequacies and earn our right to be recognised as the leaders of tomorrow. South Africa is in our hands and we should demand to learn more about her so that we can change her. It starts with us wanting a better education. For we cannot run this country if we do not read books that open our minds.

Tsieti Mashinini understood this, Steve Biko knew this and we, the youth of South Africa can only understand, if we open our eyes to the true meaning of June 16.

Pf

....somewhere in our country there is a child who will never learn how to read and write.

# SAHRC successfully mediates in a social network racism dispute

The South African Human Rights Commission has successfully facilitated a mediation, and reached an agreement between the FW de Klerk Foundation and Mr Kemo Waters, a spiritual leader and founder of the Kemotherapy Institute of Truth, over racial comments on Twitter attributed to Mr Waters.

On 07 January 2012, the Commission received a complaint from the FW de Klerk Foundation In-house Counsel, Jacques Du Preez against Mr Waters, in which he alleges that Mr Waters' post on his twitter account amounted to hate speech and was racist.

Mr Waters is alleged to have tweeted that: "The only way to end racism is to kill a material number of whites @hellenzille your indifferent and patronizing stance in a double dare."

An investigation of the complaint was embarked on, to test the allegations and to ensure that appropriate redress could be provided where rights have been violated.

The Commission's investigation necessarily included a consideration of the international and domestic statutory frameworks designed to protect the right to equality and expression, relevant common law, prevailing social attitudes and norms and the facts of a particular matter. During the mediation, Mr Waters raised concerns around racist incidents he personally experienced since he had moved to the Western Cape, which made him feel unwanted as a black man.

Specific incidents cited included the experiences of his girlfriend, a qualified medical doctor who in some instances had white patients who refused to be attended to by her on the basis of her race; and the bad service afforded to him and his friends at a restaurant in the Western Cape.

Mr Waters further advised the Commission that the comment made by him on Twitter was a summary of his thoughts and feelings around the issues of racism, particularly his feelings that some of the leadership in the province did not appear to be responding to issues being raised on the matter in the media at that time. He advised that on reflection he realized how the message would be interpreted and the impact this would have on society. In providing the context he stressed that the tweet was not in any way intended to constitute a call for violence.

On consideration of the constitutional and statutory prescripts, jurisprudence in matters involving hate speech, human dignity and particular facts of the complaint, the SA Human Rights Commission was satisfied that the comments could be interpreted to amount to hate speech but that it needed to be viewed in context of Mr Waters' experiences and perceptions at the time.

The Commission, in fulfilling its constitutional mandate of promoting and protecting human rights in the country, is noting an increase in complaints relating to racism and social media. The Commission was of the view that the matter presented an opportunity to deepen conversation around issues of racism and to promote an understanding of the reasons which motivate such conduct, its potential impact and the need to exercise rights responsibly.

The Commission noted, prior to receipt of the complaint, that Mr Waters had already tendered a public apology during a radio show, and that the same apology had been posted on twitter, the social network site where the original comment forming the complaint had appeared.

At the conclusion of the mediatory discussion and upon being satisfied that Mr Waters was able to appreciate the impact of the statements, alternative routes for engagements in such matters and the need to ensure that all parties recognize the need for a common commitment to our Constitutional vision, The Commission advised Mr Waters to consider tendering a formal written public apology through the Commission to all South Africans.

In his apology Mr Waters said: "I, the respondent herein, hereby tender my summary and unequivocal apology to the public, the Commission, the FW de Klerk Foundation, the complainants and the individuals who were adversely affected and/or hurt or offended by the comments made by myself on Twitter in the manner described in this agreement.

I accept the recommendations of the Commission herein and undertake from this date onwards to refrain from, by word and deed, conducting myself in a manner associated with hate and speech or racism in the form complained about". The FW De Klerk Foundation accepted Mr Waters' apology and a mediation agreement was signed between Mr Waters and the Complainant in April 2013. The Commission appeals to members of the public to accept the apology.

## Commissioner Love unpacks the linkages between Natural Resources, Rural Development, and Human Rights at Internal Seminar

*Not many people would easily identify linkages between natural resources, rural development, and human rights, so the recently hosted internal seminar provided an opportunity for Commissioner Love to enlighten staff about this complicated focus area.*

By Wisani Baloyi  
Communications Officer

The South African Human Rights Commission is leading the fight against the violation of human rights emanating from mining related operations. Speaking at the internal seminar on Natural Resources, Rural Development, and Human Rights, Commissioner Janet Love revealed how families are forced to live underground for up to three months looking for gold in dilapidated and disused mines. "People are forced to go underground without permission for their own survival. People live up to three months down there because it is too expensive to operate machines to bring them up. Families are forced to take children with them, and there's the potential danger of women being trafficked," said Commissioner Love.

Small scale mining has an additional danger to the poor as they run the very real risk of dying while underground. Most small scale mining is happening because there is a lack of jobs in the country. "Illegal miners use very toxic chemicals like mercury, which exacerbates the management of acid mine drainage."

But small scale mining is the smallest part of illegal mining. Some mines continue to operate without licences despite the Government's knowledge about the situation. "Water is polluted in Carolina due to mines operating without a water licence. It is known but nothing is done. The obligation is not maintenance, their operation maybe ille-



**Commissioner Love enlightening staff at the seminar on natural resources, rural development, and human rights**

gal" she said.

### Acid Mine Drainage

Toxic chemicals are extracted when carrying out mining. As a result, slime dams are created to house toxic chemicals to avoid toxic water contaminating underground water.

However, slime dams were not properly managed in some mines which led to toxic water evaporating, killing plants. When wind blows, toxic dust causes people to get sick. "The Witwatersrand has the deepest and biggest gold operation of about 3km. The slime dams created were not adequately monitored in old mines and, as a result, toxic water containing uranium which has the potential to cause cancer has been overflowing," said Commissioner Love.

To intensify the fight against this violation of human rights, Commissioner Love formed a Human Rights Commission Act Section 5 Committee to assist the Commission to get the Government to stop denying that there is a problem. Subsequent to the work of the Committee, the Government

recognised the problem and devised mechanisms to treat toxic water.

The committee continues to play a monitoring role in developments in the treatment of Acid Mine Drainage. Subsequently, an Acid Mine Drainage and Human Rights booklet was produced and is being distributed to stakeholders. The booklet is available at [www.sahrc.org.za](http://www.sahrc.org.za)

### Traditional Courts Bill

Traditional Courts Bill is still officially before Parliament. The Bill tries to recognise the traditional dispute resolution practices.

The Commission is arguing against the Bill, as it, in its current form, implies that in every Community there are same traditional methods of dispute resolution. The Traditional Courts Bill has one structure that creates law, adjudicates, and reviews. "Women are at the receiving end of this Bill as they are not allowed to represent themselves during adjudications."

### Climate Change

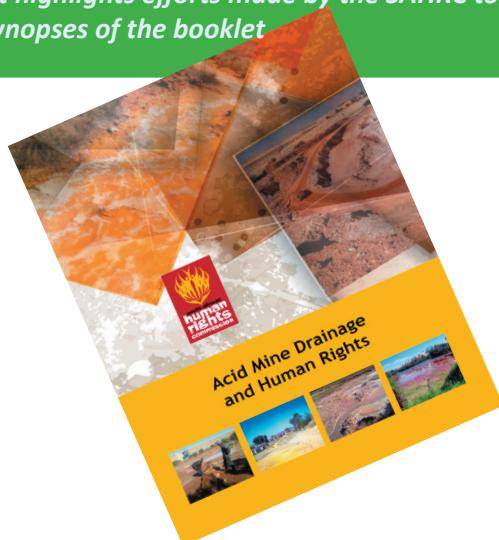
Commissioner Love's Office is also participating in finding methods to contribute towards the fight against climate change.

## Acid Mine Drainage: a huge challenge facing the country

*The SAHRC recently produced a booklet on Acid Mine Drainage and Human Rights, which highlights challenges that the voiceless face as a result of the untreated acid mines. Furthermore, it highlights efforts made by the SAHRC to make sure that the rights of those affected are protected. Pfanelo brings synopses of the booklet*



Untreated acid mine drainage at Tweelopiespruit



Coal Fields, where the impact of mining on the freshwater sources in the upper reaches of the Vaal and Olifants River Systems is of serious concern.

### What is Acid Mine Drainage?

A number of issues define and challenge the South African natural resource base. The mining sector has historically been one of South Africa's main drivers of economic growth, and the country's wealth has been built on an abundance of mineral resources.

However, this industry has had a negative impact on the country's water resources. The natural scarcity of water resources in South Africa, coupled with the impact of economic development needs, increased land use, and a growing population, make the impact of mining on the security of water resources a matter of grave concern.

One aspect of the impact of mining on water, that has received attention over the years, is that of Acid Mine Drainage (AMD). AMD is a side effect of mining operations the world over. It occurs through natural runoff after rains flush through a mine dump; from mine companies disposing of the water used in their operations; or from old, disused mine shafts filling up with water, eventually decanting, or flood-

ing, above ground. This water is not clean after running through the mine. Such waters typically pose an additional risk to the environment by the fact that they often contain elevated concentrations of metals (iron, aluminium and manganese, and possibly other heavy metals) and metalloids (of which arsenic is generally of greatest concern). Waters draining active and, in particular, abandoned mines and mine wastes are often net acidic (sometimes extremely so).

In South Africa, AMD has been reported in a number of areas, including the Witwatersrand Gold Fields, Mpumalanga and KwaZulu-Natal Coal Fields, and the O'Kiep Copper District. The Western, Central and Eastern Basins are identified as priority areas requiring immediate action because of, *inter alia*, the urgency of implementing intervention measures before problems become more critical and their proximity to densely populated areas. The situation in other mining regions of the country requires additional information, monitoring and assessments of risk, particularly in vulnerable areas such as the Mpumalanga

The flow of AMD into South Africa's surface and ground water systems is having devastating consequences that are both far-reaching and long-term. Incidents of heavy rains in the country over the last couple of years only seem to be making a dangerous situation even worse. These consequences include degrading the quality of water systems, poisoning of food crops, endangering human health, and the destruction of wildlife and ecosystems, infrastructure, and heritage sites. In industry, contamination from AMD is associated with mining, construction, civil engineering, and quarrying activities. In terms of further ecological implications, AMD is a problem because the vast majority of natural life is designed to live and survive at, or near, a pH of 7 (neutral).

The drainage acidifies the local watercourses and so either kills or limits the growth of the river ecology. Effects are even more pronounced on vertebrate life such as fish than on the plant and unicellular life. There is also a human health risk because of the metals contained in the drainage.

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## How does Acid Mine Drainage impact on human rights?

The right to a healthy environment is fundamental to the enjoyment of all human rights and is closely linked with the right to health, well being and dignity. A sound and healthy natural environment lends an enabling context for the enjoyment of other human rights. It is therefore clear that the right to a healthy environment is a fundamental part of the right to life and to human dignity. Adversely, environmental destruction impacts on the State's ability to provide basic socio-economic services to the people of South Africa, and unnatural environmental change is "discriminatory" as there will be a disproportionate impact on socially and economically disadvantaged persons or groups.

There are three main dimensions of the interrelationship between human rights and environmental protection:

- ◊ As mentioned above, the environment as a pre-requisite for the enjoyment of human rights (implying that human rights obligations of the State should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights);
- ◊ Certain human rights, especially access to information, participation in decisionmaking, and access to justice in environmental matters, as essential to good environmental decision-making (implying that human rights must be implemented in order to ensure environmental protection); and
- ◊ The right to a safe, healthy and ecologically balanced environment as a human right in itself.

The environmental impacts of the mining industry may further undermine the agricultural and industrial sectors. AMD therefore poses a risk to the realisation of the rights to human health services and access to



**Robisons Lake is affected by acid mine drainage**

food and sufficient water; the right to housing; the right to freedom and security of the person; the right to human dignity; children's rights; as well as the safety of employees.

### Who is affected by the development of mines?

The relationship between South Africa, South African communities, and mining is admittedly a complex relationship which has evolved over a substantial period of time.

Where the existing vulnerabilities of host communities have not been adequately addressed, adding business, and extractive industries in this instance, to the landscape may in fact exacerbate these vulnerabilities and bring inequalities starkly into focus. Key vulnerabilities exist acutely within host communities affected by mining developments and operations, and located within the surrounding area. Companies need to move beyond compliance-based planning and activities in order to limit the exacerbation of existing vulnerabilities and potential human rights violations.

This booklet attempts to demonstrate how social and environmental issues surrounding the operation of a mine, as is the case with AMD, may lead to

human rights violations.

Although not conferring broad obligations on the part of the company to promote, protect and respect the human rights of all individuals within its area of operations, the complaints and reports that the SAHRC has received from stakeholders as well as affected community members, directed at mines, in this particular case those mines operating in AMD affected areas, should demonstrate the reputational and financial risks of not engaging, with potential human rights impacts. In many cases, mitigating human rights risk necessitates an additional layer of analysis as part of any normal risk assessment and mitigation process. Mines should be able to use human rights rhetoric and additional contextual analysis to better understand how social impact issues can evolve into potential human rights violations.

Pf

**Acid Mine Drainage and Human Rights booklet is available on [www.sahrc.org.za](http://www.sahrc.org.za)**

# In the seat with Lesedi Sojane, Librarian

*Lesedi Sojane was recently awarded for 15 years of dedicated service to the SAHRC. Pfanelo saw it befitting to get in touch with her to find out what keeps her going.*



*Tell us about Lesedi in a nutshell?*

I am a mother, a wife, a daughter, an aunt, a sister, a sister in law, a cousin, a grandmother, an employee, a colleague, a friend and member of the church. I fulfill all these roles.

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

I was born in Matatiele into the Ralake family. Wikipedia describes Matatiele as "a mid-sized town serving the farming and trading communities of East Griqualand in the foothills of the western Drakensberg, Eastern Cape, South Africa, on the border with KwaZulu-Natal and 20 km from the southern frontier of Lesotho" We fondly call our town "Sweet Matat" Its geographic position has exposed the

population to three African languages. We speak Sesotho, isiXhosa and isiZulu very well. We have a lovely view of the Drakensberg mountains. This comes with a price in winter-it is bitterly cold. I grew up in a simple community, warm, sharing, respectful of one another's cultures, peaceful and agriculturally based. My mother, at 84 still takes pride in her vegetable garden, canning peaches and making peach jam. She keeps pumpkin, canned peaches and jam for us to bring back to Johannesburg when we visit. My father worked in Johannesburg and reared cattle at home, which my mother took care of. Education and the Catholic faith were key in my upbringing. My mother was a teacher and community worker especially for the church. We were content.

When I want a perfect rest and the freshest air, I go home – Matatiele. Johannesburg is my home through marriage. A Sowetan won my heart back in 1976 at the University of Fort Hare.

*Educational background?*

I started and completed primary education at Matatiele at Hardenberg Catholic School. The school was under the Franciscan priests from Ireland. Not only academics were stressed but manual work as well. We had a school garden where we planted different types of vegetables. The vegetable plots made our environment green and attractive. Classes competed with each other on who had the best plot. We shared the

vegetables when they were ready. I was very good with bordering plots with stones. We had sports-athletics, netball, soccer and choral music. I enjoyed the sack race. We were very fit because we walked to school. Fortunately my home is not that far from school. For secondary and high school, the norm was to go to boarding school as there were none nearby. My parents chose St Francis College, Mariannhill for my elder sister and I. My two brothers and two other sisters went to Marizell. One other brother went to Amanzimtoti. It was a long journey by train from simple sweet Matat to brightly lit Pinetown. Mariannhill is a very big place with a high school, convent, monastery, a post office, a guest house and a hospital. There used to be an industrial and weaving schools as well. The first six months were tough as I was studying isiZulu for the first time.

I got a friend from Mtubatuba who taught me IsiZulu A and my troubles were over. I enjoyed my surroundings-beautiful buildings, lush trees, flowers, vegetable garden and the warm coastal weather. We studied hard and worked hard with our hands. The motto of the school was Ora et Labora – Pray and Work. The school excelled in academics. We were also good in debate, tennis, basketball and tenniquoit. I took every opportunity to go out on school sports trips to see new places around KZN.

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*"I am inspired by the possibilities education provides"*



It was five well spent years (1971-1975).

I studied Library Science at Fort Hare. I found a husband there too. My first job was at the University of the Transkei where I also studied for a Higher Diploma in Education. When I moved to Johannesburg in 1986, I worked at the Funda Centre and Soweto College of Education. I studied for Honours in Library Science at Wits and later a B Ed., Diploma in HR and in Information Management at UJ. I joined the commission in January 1997. My son was born later that year in August. His sister, Dimpho is 19 years older than him.

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

I have to make sure that as the Commission attends to complaints, does research for required reports, speeches, engagements with communities and any other stakeholders, it has reliable information. There is a lot of information out there. The key though, is relevance and reliability. My boss and the library team have to acquire this relevant and reliable information for the Commission. I see it as an important responsibility, exciting and has an impact on the quality of the work of the Commission. Close your eyes and think of – no newspaper, no internet, no book, no journal, no database, no law report, no loose-leaf publication how do you proceed to fulfill your mandate? I know we all “google” it but it is not the same as if your search engine is a librarian.

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

Scanning e-mails, scanning Legalbrief extracting and sending particular articles to relevant people within the Commission. There are supply chain activities such as invoices and requisitions. Other duties are cataloguing and responding to information requests from colleagues. I like to respond as soon as I get the email because I understand the value of information in the Commission's work and how frustrating it can be if one does not get a response especially if you are in the province and you cannot walk to the library. Sometimes the response is to say I have read your e mail. I will come back to you as soon as I have the information you require. The Internet has added a huge benefit to information work, information management and how we deliver service. I continuously bookmark sites and subscribe to sites that provide information for free. This adds value to my work and benefits the clients at the commission. Added to this is the love I have for doing this. In between, cups of tea and water are valuable.

*Day outside office?*

During the week, I travel with my son, Rorisang who is a grade 10 learner at King Edward School (KES). After work I fetch him. I run a Mom's taxi service. On Thursdays, I attend prayer meetings. During the weekend I sometimes have to ferry him to sports fixtures if dad cannot do it. I also meet my lady friends once a month on a Saturday for entertainment. One other Saturday once a month is reserved for family friends – Mkhambathi. On Sunday it's church service and newspapers. I generally like to be home for me time on Sunday. My other responsibilities involve professional membership of the Library and Information Association of South Africa (LIASA). I am a committee member of the South Gauteng

Branch.

*What motivates you and what inspires you?*

Faith, Hope and Love motivate me. I am inspired by the possibilities education provides.

*Favourite activities?*

I like to be informed through reading and listening to the radio. I must go back to walking. You see many things you don't see when you are driving. I also enjoy being alone sometimes. It's good for inner peace.

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

I cook tasty dumpling but I am not sharing the recipe. Pf

## Did you know?

\* **Lesedi** is the South Gauteng Coordinator of the Special Libraries Interest Group, (which is part of the Library and Information Association of South Africa (LIASA). Recently she arranged training for Librarians on the Promotion of Access to Information Act.

\* **Lesedi** is passionate about SA Heritage. In 2012 she organised heritage day celebration where colleagues were taught about the importance of national symbols.

\* Furthermore, she also participates in sharing experiences with delegates on the work of the library in supporting the advancement of human rights.

# Welcome to SS&G

*Pfanelo* profiles the Strategic Support and Governance Unit



**SS&G Family**

Clockwise: Alucia Sekgathume, Communications Officer; Isaac Mangena, Head of Communications; Zamile Mbanjwa, Admin Assistant; Lindelwa Nonjaduka, Performance Monitoring and Evaluation Specialist; Siyasanga Giyose, Head of SS&G; and Wisani Baloyi, Communications Officer

## Ready to provide strategic support

The Strategic Support and Governance (SS&G) unit encompasses the functions of strategic planning, and performance monitoring, evaluation, and reporting, as well as communications and media relations. These functions are carried out to contribute to the strategic objectives of positioning the Commission as the focal point for human rights in South Africa, advancing the realisation of human rights, and optimizing the effectiveness and efficiency of the Commission.

### The objectives of the unit are to:

- Ensure alignment of performance plans and implementation, with desired strategic goals and outcomes, through facilitation of strategic planning processes and development of plans
- Promote and improve organi-

zational performance through institutionalization of performance monitoring, evaluation and reporting systems and processes

- Promote good corporate governance through monitoring and reporting on compliance with legislative prescripts and regulations
- Establish good relations with the media to promote a positive image of the Commission
- Communicate the work of the Commission to promote public awareness
- Facilitate internal communication to ensure information sharing between units

### Overview of past and current projects

The SS&G is newly established, being the product of the organizational restructuring exercise that commenced in the financial year 2011/12, with its organogram completely filled between July and Oc-

tober 2012. Some of the key deliverables for the unit to date include:

### Key achievements during 2012-13

- The unit is encouraged by 100% achievement of its targets for the 2012-13 financial year, albeit unaudited results as yet. This has been made possible by the selfless commitment of all staff, enhanced by a happy family working environment that dwells within the unit;
- Development of an Institution-wide Monitoring and Evaluation Framework to enhance outcomes based performance monitoring, evaluation and reporting;
- The Performance Monitoring, Evaluation and Reporting (PMER) policy and procedures, as well as a manual to guide and institutionalize the relevant processes in this regard;
- Compliance with all legislative and regulatory requirements in

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terms of submission of performance information reports to Parliament, National Treasury, and the Auditor General; and

- Facilitation of the development and review of the Strategic Plans for 2012 - 15 and 2013 – 16, as well as Annual Performance Plans for 2012/13 and 2013/14.

#### Key projects for 2013-14

- Evaluation reports to assess the achievement of outcomes and potential impact made by the Commission's activities with respect to the realisation of strategic objectives. This process entails production of midyear and annual performance assessment reports;
- Institutionalising systems for the implementation of the Monitoring and Evaluation Framework through the development of tools and application of selected monitoring and evaluation methods;
- Improving controls within the performance environment by introducing evidence based monitoring and reporting; and
- Facilitation towards a new 3 year cycle of strategic planning, with emphasis on outcomes based planning for improved results. **Pf**

#### Did you know?

##### SS&G

\* has started working on the 2012/13 Annual Report.

\* will be embarking on all staff inclusive strategic planning process for 2014 - 17 and all staff are encouraged to participate in this important future changing drive

**Communications manages the following channels:**

**Pfanelo** Newsletter is a platform for staff members to read about the work of the Commission. Staff are also encouraged to send articles on various Human Rights issues.

# Communications 101:

## How improved and efficient communications impact on the work of the Commission

The Communications Unit is placed within the Commission as a strategic management function and resource, whose purpose is to support the SAHRC to realize its strategic objectives, and to raise the Commission brand to the top in the strategic environment within which it operates.

To understand the environment the Commission should amongst others, assess the public mood and concerns; influence the media agenda; gauge the attitudes, needs and concerns of varying sectors of society, including positioning the Commission centrally in a visible and positive way in this arena – which is central to what the Unit is doing.

From time to time the Communications Unit proactively communicates themes and messages based on specific issues, events and challenges that the organization may want to address.

This is done, depending on the kind of message, through:

- Media plans
- Press conferences
- Press releases
- Media interviews
- Opinion Pieces
- Social media postings

Our plan is to ensure media engagements are undertaken by Commissioners, who are the authorities at the Commission.

But from time to time, with the advice of the CEO and Head of Communications, Heads of the Units (e.g. Legal Services, Research, etc.) Senior Researchers, Provincial Managers and the COO are requested to communicate messages in the media.

The Communications Unit also works

together with relevant programmes, and provinces, to develop messages which the Commission may seek to communicate.

SAHRC Staff must view Communications as a powerful and potentially constructive means to promote the SAHRC and stakeholder support for the work of the SAHRC.

The SAHRC and its work must be promoted in a positive light, showcasing the institution as credible and committed to promoting and protecting human rights, but not necessarily faultless.

Relevant SAHRC officials must therefore, continuously bear in mind the communications implications of their decisions and consult with the CEO, and the Head of Communications if they need clarity.

Personnel must treat all media representatives with courtesy, dignity and respect, even if provoked, and promote ethical communication with the media.

In the event where it is needed to refer a media representative to another party for comment, the particulars of the media representative must be noted and the media representative must be contacted within a reasonable period of time to determine whether his or her request was attended to.

Whenever SAHRC personnel perform their duties in public, such an official represents the SAHRC and must conduct themselves in a manner becoming of the organization. **Pf**

# Institutional Monitoring and Evaluation Framework: a dedication to the SAHRC team



**By Siyasanga Giyose**  
**Head of Strategic Support and Governance**

**B**y the end of the 2012-13 financial year, the Commission drafted a Monitoring and Evaluation Framework to enhance performance assessment, with a view to improve realisation of strategic objectives. The key elements of the Framework include monitoring and evaluation levels of impact, outcome, output, activity and input; planning levels and tools; performance indicators; evaluation methods; data sources; and monitoring and evaluation outputs, frequencies and roles and responsibilities.

In basic terms, the monitoring and evaluation framework and system is a guideline of why monitoring and evaluation is undertaken, what is to be monitored and evaluated, how it will be monitored and evaluated, where data will be gathered from, by when, and who plays what role with respect to monitoring and evaluation.

Monitoring and evaluation is integrally linked to planning, as it is based on planning levels and tools that have been used. In the case

of the Commission, at the impact level, delivery on the legislative mandate is evaluated; at the level of outcomes, the strategic focus areas, and strategic plan with outcome oriented goals and objectives is the subject for evaluation; and at the output, activity to input levels, the Annual Performance Plan (APP) and business unit operational plans are the key consideration tools.

Resulting from the monitoring and evaluation activities are related outputs in the form of monitoring and evaluation reports. Various reports are produced with each of the different monitoring and evaluation levels:

- i. An evaluation report at impact and outcome evaluation level, linked to the assessment of realisation of the legislative mandate and prescripts, as well as strategic focus areas, will be produced approximately every 7 years, in alignment with the length of Commissioners' terms.
- ii. A monitoring and evaluation report will be produced based on an assessment of the outcome achievements against the strategic plan outcome oriented goals and strategic objectives every 3 years.
- iii. On an annual basis, at outcomes to output and activity levels, two monitoring and evaluation reports will be developed, largely focusing on tracking progress made against the delivery of outputs and undertaking of activities, as targeted in the annual performance plans. Progress against these outputs and activities will be measured with

a view to assess their contribution to intended outcomes.

- iv. Furthermore, performance monitoring reports will be prepared every quarter, reflecting progress made against the annual performance plan and business unit operational plans.

Application of the framework rests heavily on the responsibilities of the different role players. While Commissioners and management have their specific roles in monitoring and evaluation, all members of staff have a critical role to play through the carrying out of daily activities, data collection and consolidation for monitoring and evaluation purposes. It is these activities that lead to the delivery of planned outputs and realisation of intended outcomes in the short to medium term. All staff members are therefore encouraged to consult the Monitoring and Evaluation Framework so as to enhance an understanding of how their individual activities are linked with intended organisational outcomes.

The Strategic Support and Governance Unit will conduct staff sessions to further discuss the Monitoring and Evaluation Framework, and is available to interact with all staff on request.

Pf

**For further details or comments in this regard, and on strategic planning processes, kindly contact either our Strategy and Performance Specialist, Ms Lindelwa Nonjaduka or Head of SS&G, Siyasanga Giyose**

# SAHRC message of condolence on the passing on of SABC veteran Presenter and Journalist Vuyo Mbali



**Left:** The recently held interview with SAHRC Chair on his role as chair of the ICC

**Right:** Vuyo with SAHRC Deputy Chair Pregs Govender talking about the right to water and sanitation

The South African Human Rights Commission has learnt with shock and sadness of the sudden tragic passing on of Vuyo Mbali, a veteran journalist and a world renowned TV and Radio Presenter of the South African Broadcasting Corporation on Saturday the 19 May 2013.

Just a week ago (14 May 2013), Mr Mbali hosted SAHRC Chair Adv. Lawrence Mushwana on Morning Live, following on the latter's inauguration as the Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Little did we know that when he shook a hand with Advocate Mushwana, congratulating him and the Commission for assuming this prestigious international position was to be his last live interaction with the Commission with which he has fondly worked over a long period of

time.

Typical of his sterling humility and patriotism, he extended his congratulations to the Commission on behalf of himself and his colleagues at the South African Broadcasting Cooperation.

Always cheerful with a welcoming smile when he invited and walked his guests to the seat across the studio for interviews, Mr Mbali never missed a chance to crack a joke off-camera at the end of interviews. He joked with Adv. Mushwana after the interview, saying one of his first duties as head of the international human rights body should be to find an acronym for the Geneva-based rights organization, offering to assist in this task!

"Something as simple, like SABC," Mr Mbali quipped.

While the media has lost a legend, his journalistic integrity will always remain an integral part of his legacy. Until his last day, Mr

Mbali remained a multilingual, multi-skilled professional who fiercely shaped South African conversations, and represented true, fearless journalism.

To the family, friends and colleagues, no words can fully express the level and extent of our sorrow for the loss of your loved one. As the SAHRC, we express and extend our deepest sympathy and sincere condolences to the family of Vuyo Mbali; his friends and relatives and his extended family, the SABC and his colleagues.

To the media and journalism fraternity, and indeed the rest of the country, Mr Mbali has left a legacy and a daring call for each one of us: "Mintirho Ya vula vula (Deeds speaks) Sharp-Sharp!"

**Bro VUYO!**

Pf

**LALA NGO XOLO.**

**"Always cheerful with a welcoming smile when he invited and walked his guests to the seat across the studio for interviews"**

# Happy Birthdays

Chantelle Williams – 08 June

Carol Ngwenyama – 05 June.

Musawenkosi Mchunu – 09 June

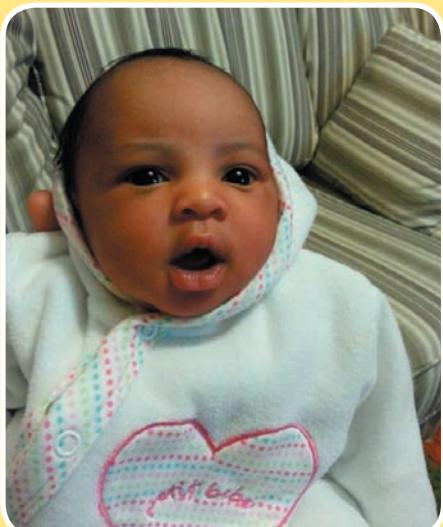
Siyasanga Giyose – 26 June

Anu Nepal – 06 June

Judith Cohen – 06 June

June Anelisa Bulana – 06 June

## Pfanelo baby



Pfanelo team congratulates Amanda Mmari, Deputy Chair's Research Associate for the birth of her bundle of joy. Enjoy motherhood

Ntsetselelo Sumeya Dianah Shivamba

- \* Born 04 May 2013
- \* Time of birth: 13:58
- \* Weighing: 3.16 Kg

- \* Mother: Amanda Mmari
- \* Father: Humphrey Shivamba

## Proposed Internal Seminars Schedule

- \* 28 June 2013, Commissioner Mokate: (Children's Week & Youth Month)
- \* 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

## Congratulations to long service employees

*Pfanelo* congratulates the following employees for their sterling contribution towards the attainment of Human Rights for all

### 15 years

Lesedi Sojane - Librarian  
Sonto Nxumalo - Procurement Officer  
Penny Carelse - Admin Officer

### 10 years

Phillip Moleko - Advocacy Officer

### 5 years

Nkosana Kwaza - System Administrator  
Chantal Kisoon - Provincial Manager GP  
Dikeledi Mosekare - Travel and Events Officer  
Barbara Moloi - Admin Assistant  
Sibongiseni Tula - PA Commissioners  
Bafana Malunga - Senior Legal Officer MP  
Musawenkosi Mchunu - Internal Security Officer  
Poppy Mochadibane - Admin Officer NW  
Kgosi Monyela - Accounts Clerk  
Mokgadi Makgatho - HR Assistant  
Pamella Pango - Help Desk Administrator  
Wisani Baloyi - Communications Officer

## A warm welcome to our new employees

Benjamin Ntumbela, Legal Officer - KZN  
Kathleen Boyce, Data Capturer - KZN  
Thabang Kheswa, Senior Legal Officer, EC  
Anu Nepal, Senior Legal Officer, WC  
Matome Ramanyoka, Driver - Commissioner Malatji