

Workshop Manual

**BUILDING A CULTURE
OF HUMAN RIGHTS**

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SECTION 1

About this Manual

The South African Human Rights Commission (SAHRC), assisted by NGOs, CBOs and religious organisations, runs three hour educational workshops aimed at the public and interested non-governmental organisations (NGOs), community based organisations (CBOs) and similar structures or organisations. This manual provides the information, which is carried in these workshops, as well as information to assist facilitators in running such workshops.

The workshop aims to educate and inform participants about:

- human rights, the Constitution and the Bill of Rights;
- the structure of the SAHRC;
- its functions, aims and objectives;
- how to access the SAHRC;
- what type of cases it deals with;
- its powers; and
- what happens to a case once it has been reported.

The workshop is participatory and is ideally suited to groups of people numbering less than 50. Where the participants number more than 50 people, the workshop should be converted into a briefing. (This is discussed in greater detail in section 4).

Notes: This manual contains more information than is used during the workshop and covers all rights in the Bill of Rights. You will need to be careful to include only the information required in the workshop outline provided to be able to complete the general workshop in the time allowed.

However, you might wish to select only some of the content when conducting workshops aimed at particular sectors. For example, you might want to deal only with Women's Rights, Children's Rights or Socio-Economic Rights during a particular workshop or you might want to include information from other sources. While the SAHRC has no difficulty with this (and would in fact encourage you to look at as many manuals and books as possible), we would like to request that no matter what type of workshop you run, you include the section on the SAHRC contained in this manual. In time, additional workshop outlines for particular target groups will be included or will be sent to you for you to add to this manual.

This manual is only available in English. Facilitators are encouraged to present workshops in the dominant language of the community and to make use of translators, if necessary. Facilitators are also encouraged to translate the flipcharts/transparencies provided into the same languages as well.

Using this manual - Training of Trainers

This manual is mainly for use by facilitators from the SAHRC and from NGOs, CBOs and other organisations. It is provided free of charge and may be photocopied and further distributed, provided the SAHRC is credited. A publications order form is included to allow you to order publications from the SAHRC, which will be provided free of charge (as long as we have stock!). Also provided is a copy of our Catalogue of Human Rights Publications to enable you to order publications from other NGOs and CBOs.

NGOs and CBOs are invited to use all aspects of the manual or to add a section on the SAHRC to existing human rights education workshops, which they might already be running. Remember, the SAHRC is the main body set up to deal with violations of human rights and adding information on the SAHRC to your workshops can only further empower people to protect their rights.

Members of NGOs and CBOs who require training on human rights education workshops or on adding a section on the SAHRC to their existing workshops may contact the SAHRC and request such training, which will be provided where possible. To assist NGOs and CBOs who wish to use this manual to train further trainers, an outline of training for trainers workshop is included. The manual itself has the core information to use at such a workshop and can easily be adapted to this use.

For an excellent publication on workshop techniques to supplement the information in this manual, write to LEAP for a free copy of their booklet, *How to run a workshop* at the following address:

Legal Education Action Project (LEAP)
Institute of Criminology
University of Cape Town
Private Bag
Rondebosch 7700
Tel: 021-650-2680
Fax: 021-650-3790

SECTION 2

Workshop Content

This section contains the information you will need to know in order to run workshops, and some additional information to provide you with background to the topic. For the purposes of this manual, the information has been broken down according to the major sections of the workshop, which in turn follows the booklet “*My Rights, Your Rights*”. This manual is not exhaustive and facilitators should read all materials provided as well as regularly check the press for reports on the Commission and its work.

Human Rights and The Bill of Rights

1. What are human rights?

Human rights are the rights and freedoms which it is generally agreed that everybody has from the moment of birth, simply because they are human beings. They are not privileges which need to be won and they apply equally to everybody, regardless of age, sex, race, ethnicity, wealth or social standing. Because they are rights, they cannot be taken away from anyone by the government (although they can be limited and sometimes suspended during states of emergency).

In South Africa, as in many other countries, these rights have been listed in a Bill of Rights, which is part of the Constitution. This is done to record what rights are protected and to make them part of the highest law of the land, so that they are difficult to change or take away from people, and to ensure that everyone can use them in court to protect themselves.

It is very important to remember that these rights belong to everyone. This means that people have a responsibility to respect other people’s human rights. Also, these rights do not replace the laws we already have, and so people must respect these laws as well. For example, the fact that I have a right to follow my own customs does not mean that I can do whatever I want. I must make sure in following my customs that I do not infringe on anyone else’s rights.

2. History

The idea that people have basic rights (such as the right to life) has been around for centuries. In the past, these rights were largely protected by the criminal law. For example, killing people is regarded as a crime (murder) by most societies, as is taking someone’s property without a good reason (theft). Some countries, like the United States of America, long ago wrote lists of the type of rights that people should have. These lists are usually called Bills of Rights, and they are often included in a country’s constitution to make sure they are protected. (Bills of Rights and Constitutions are discussed later.)

But the idea of human rights only really took off after the Second World War. During this war, many people, including Jews, gypsies and homosexuals, were abused by the

Nazis (who were the ruling party in Germany). Their property was taken away from them and millions were killed in the concentration camps set up by the Nazis. After the war, a new body was set up to try to ensure that similar wars did not happen again. This body is known as the United Nations (UN), which is made up of representatives from all the countries in the world and has its head offices in New York.

People at the UN came up with an idea to try and make sure that people were protected from the kinds of abuses that happened in the Second World War. This idea was to set out all the basic rights which everyone should have in a document called the Universal Declaration of Human Rights (UDHR). This document was written in 1948 and countries were asked to agree to the rights set out in it. In South Africa at the time, the National Party had just come to power and, for obvious reasons, South Africa never agreed to it.

Soon, new rights were added to the list of rights in the UDHR, and two new documents were written. These are the International Covenant on Economic, Social and Cultural Rights (like the rights to follow your own culture and to decide where you want to live); and the International Covenant on Civil and Political Rights (like the right to a fair trial and the right to vote). Countries were asked to sign these documents to say that they agreed with them and that they would protect the rights which were set out in them.

Documents like these are known as *International Instruments*. There are now many of these which were written by members of the UN to deal with specific areas of human rights. They include the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of the Child.

Note: Copies of all of these international instruments (and others) are available from the SAHRC and can be found on the UN High Commissioner for Human Rights website (<http://www.unhchr.ch/>). The role of international instruments is dealt with later in the workshop in less detail.

It is not only the UN which has written documents like this. Groups of countries have also got together to write similar *regional instruments* for their regions. For example, the document for Africa is called the African Charter on Human and Peoples' Rights (also known as the African Charter - a copy is available from the SAHRC). These instruments work in the same way as the international instruments. Countries sign them to say that they will protect the rights set out in these instruments.

You should note that the criminal law still protects people from many of the things that human rights cover. So there is still a crime of murder to deal with people who kill other people. And there is still the crime of theft to deal with people who steal.

3. Bills of Rights and Constitutions

A **Bill of Rights** is a document, which is similar to an international instrument, but it only works in the country in which it was written. It is a list of human rights, which a country decides all its people should have. Bills of Rights are often included in the **constitution** of a country (as has been done in South Africa).

The **Constitution** is the highest (or supreme) law of the country. It sets out how the government of a country must be made up and how the country must be run. Because it is the highest law, all other laws in that country must follow the Constitution. If they do not, they will be scrapped or changed.

The Constitution is much harder to change than other laws, usually requiring at least a two-thirds majority. This is unlike other laws, which only need just over half of the members of parliament to agree before they can be changed. In South Africa, the Bill of Rights is even harder to change than other parts of the Constitution. Before Parliament (that is, the National Assembly and the National Council of Provinces) can change the Bill of Rights, at least two-thirds of the members of the National Assembly, and at least six of the provinces in the National Council of Provinces must agree. The Bill of Rights is included in the Constitution to make it part of the highest law in the country, and to make it difficult to change or take away from people.

Although we have had previous constitutions in South Africa, we did not have a Bill of Rights until April 1994. In April 1994, the first democratic elections were held in South Africa. This was the first time that all South Africans of 18 years and older were allowed to vote. Before this election could take place, a constitution had to be written saying how the new government would be made up. This constitution was negotiated by all parties at the World Trade Centre talks and was known as the Interim Constitution. The Interim Constitution was the first constitution in South Africa to have a Bill of Rights.

Because the Interim Constitution was written before the 1994 elections and by people who had not been elected into government, it was agreed that it would be a temporary constitution and that the new government would be given the job of writing a new constitution for South Africa. This new Constitution and Bill of Rights was written by the Constitutional Assembly (which was made up of all people elected to government during the 1994 elections) and came into force in February 1997.

4. How the new Constitution was written

The new Constitution is the fifth South African Constitution. The first four constitutions were:

The 1910 Constitution, which set up the Union of South Africa, uniting the four provinces: Natal, the Cape Province, the Orange Free State and the Transvaal as a Union under the control of Britain.

The 1961 Constitution was written when South Africa became an independent Republic, no longer under British control.

The 1983 Constitution, which was an attempt by the Nationalists to bring Indian and Coloured people into government and to give them their own houses of parliament. Indian, Coloured and White people were then able to vote only for representatives to each of the three houses set up. This constitution is known as the Tri-Cameral Constitution (in that it set up these three houses). Black people could not vote, or were expected to vote in their so-called 'independent states'.

The Interim Constitution of 1994. As noted above, this was a negotiated constitution to take South Africa into democracy. It was not intended to be a permanent constitution. Instead, it set up the Constitutional Assembly to write the new Constitution. For the first time in South Africa, this constitution allowed **all** South Africans of 18 years and older, regardless of race, to vote for one government. It was also the first constitution to include a Bill of Rights.

In terms of the Interim Constitution, all members of parliament were members of the Constitutional Assembly (CA), which was tasked with writing a new Constitution. The CA was made up of 490 members from all political parties represented in Parliament as follows:

Party	No. Of Members
African National Congress (ANC)	312
Nationalist Party (NP)	99
Inkatha Freedom Party (IFP)	48
Freedom Front (FF)	14
Democratic Party (DP)	10
Pan Africanist Congress (PAC)	5
African Christian Democratic Party (ACDP)	2

The Chairperson of the CA was Cyril Ramaphosa of the ANC, and the Deputy Chair, Leon Wessels of the NP. The CA was given two years to complete its work.

But the CA did not have complete discretion in what the new Constitution could say. Instead, they were bound to follow the **Constitutional Principles**, which had been agreed during the negotiations around the Interim Constitution. These Constitutional Principles

were included in the Interim Constitution, and laid down rules such as that the new Constitution must set up a democratic government; it must include a Bill of Rights; and it must allow for provincial governments to have some powers.

To involve the public in writing the Constitution, the CA embarked on a Public Participation Programme. All members of the public were invited to send their ideas and concerns about what the new Constitution should or should not say to the CA. These ideas, together with the ideas of interest groups and of the parties represented in the CA, were then worked through and negotiated until a Working Draft of the new Constitution could be prepared. This Working Draft was then widely circulated for comment by the public and interest groups.

Once comment had been received, the CA set about writing a final draft. This was then voted on in the CA and passed by the necessary two-thirds majority in May 1996.

The next step required by the Interim Constitution was for the new Constitution to be sent to the **Constitutional Court**, which had to certify that the new Constitution followed the Constitutional Principles set out in the Interim Constitution. The Constitutional Court was not satisfied that this had happened, and so sent the Constitution back to the CA for them to correct their mistakes. This the CA did. The new Constitution was then sent back to the Constitutional Court, who certified that it complied with the Constitutional Principles.

The last step in this process was signature by the President. This took place on 10 December 1996 (International Human Rights Day) in Sharpeville. The new Constitution was then promulgated (published in the Government Gazette) and came into effect on 4 February 1997.

However, not all sections of the new Constitution came into effect on that day. The elections in 1994 were for a Government of National Unity (GNU), which meant that political parties, which received a sufficient number of votes, were allowed to have a number of Ministers depending on the number of votes they received. Parties, which received a certain percentage of votes, were also entitled to have a Deputy President. In terms of the Interim Constitution, this GNU has to remain in place until the next elections, which cannot take place before 1999. As a result, the sections in the new Constitution on how government is made up will only come into effect in 1999. Also, some parts of the Constitution have to wait until new laws are written before they come into effect. (See Schedule 6 of the Constitution).

5. How does the Bill of Rights work?

A Bill of Rights is usually there to protect people from abuse of power by the government. For example, the right to vote is there to make sure that all citizens can vote and that the government cannot decide to write a law saying only men can vote. This is what people mean when they say that the Bill of Rights operates *vertically*, that is, between the government and the people.

Note that the Bill of Rights always operates vertically.

Sometimes though, the rights in the Bill of Rights operate between people, or *horizontally*, as well as *vertically*. For example, the Bill of Rights says (in Section 9) that *no-one* is allowed to discriminate against anyone else (that is, people are not allowed to treat other people differently because of their race, sex, age and so on).

Obviously though, some of the rights in a Bill of Rights can never operate between people. For example, the right to citizenship is protected to make sure that the government cannot take your citizenship away. Since a person can never take another person's citizenship away from them, this right is clearly only meant to operate vertically.

The new Constitution says that the Bill of Rights operates *horizontally* whenever possible. Where it is not clear whether the right operates between people, it is left to the courts to decide. In South Africa, it will be the Constitutional Court that has to decide these questions.

6. What human rights are protected in the Bill of Rights?

Listed below are all the rights in the Bill of Rights, as well as a simple language definition of them, which will be useful for you to use when conducting workshops. This text is drawn directly from the SAHRC booklet *My Rights, Your Rights*. Illustrative examples and questions to provoke thought on how the Bill of Rights may be interpreted are provided.

Note: For a full version of these rights, you must read and understand Chapter 2 of **the Constitution**.

Equality (Section 9)

All people are equal and must be treated equally. **No-one** is allowed to discriminate* against you because of your race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.

But discrimination is allowed, if it is **fair**.

Example

If the government wanted to employ bus drivers, it would be fair for them to discriminate against someone who is blind.

But, where someone claims they were discriminated against, they do not have to show that this was unfair. Instead, it is up to the person who discriminated against them to show that what they did was fair.

Affirmative action is also allowed. This is a policy, which tries to make up for the wrongs of the past, where people were treated unfairly because of their race or gender. Even though this sometimes means that people who received an advantage because of apartheid will now be discriminated against, it is allowed because it is necessary to set right the unequal situation which apartheid created.

Questions

- Can a woman be asked to leave her job because she is pregnant?
- Can a shop owner refuse to serve gay people?
- Should an unmarried mother be told to leave a university, school or technikon?

Human dignity (Section 10)

You have dignity because you are a human being and your dignity must be respected and protected.

Questions

- Can a woman be searched by a male police officer?
- Should people be allowed to use racist language?

Life (Section 11)

You have the right to life. Not even the government may take your life away.

Questions

- Can a state hospital or clinic refuse to treat someone who is dying, even if they have no money?
- Can there be a death penalty if we all have the right to life?

Freedom and security of the person (Section 12)

- You can only be imprisoned if there is a good reason.
- You cannot be detained without trial and torture is not allowed.
- You have the right to be free from all forms of violence, even in your own home.
- This is to stop people abusing their wives, husbands, children, girlfriends or boyfriends.
- You cannot be treated or punished in a cruel, inhuman or degrading way. Corporal punishment (whipping) is not allowed, **even in schools**.
- You have the right to make decisions about whether you want to have children.
- You have control over your body. You cannot be forced to undergo medical or scientific experiments against your will.

Questions

- Should husbands be allowed to beat their wives?
- Should abortion be allowed? If so, when? If not, why not?
- Should the police be allowed to torture people to find out who committed a crime?

Slavery, servitude* and forced labour (Section 13)

These are not allowed.

Questions

- Should farmers be allowed to force people living on their farms to work for them?

- If you work 7 days a week for someone and they pay you R20 a month, should this be allowed?

Privacy (Section 14)

You cannot be searched or have your home or possessions searched. The government cannot take your things, open your mail or listen to your telephone calls.

Questions

- Can the police search you if they think you have committed a crime? (Remember, rights can sometimes be limited - see the example on page 28.)
- Can someone who works for the post office open your letters?

Freedom of religion, belief and opinion (Section 15)

- You can believe whatever you want and you can follow the religion of your choice.
- State institutions (like schools) can follow religious practices (such as prayers in the morning), but people cannot be forced to attend them.
- You can get married traditionally or under the laws of your religion, as long as these laws do not go against the Constitution.

Questions

- If you are a Muslim at a Christian school, can you be forced to say the Lord's Prayer?
- Can you have more than one husband or wife?

Freedom of expression (Section 16)

This is sometimes called "freedom of speech". Everyone, including the press, may say, write or print photographs of whatever they want. But no-one is allowed to spread propaganda* for war, or encourage people to use violence.

Language which tries to get people to cause harm to other people because of their race, ethnicity, gender or religion is not allowed.

Questions

- Can you wear a T-shirt which says "Kill all men"?
- Should books on communism be banned?
- Is pornography allowed?

Assembly, demonstration, picket and petition (Section 17)

You can:

- gather together with other people;
- hold a demonstration;
- picket*; and
- present a petition*.

But you must do this peacefully and you cannot carry a weapon.

Question

- Can you carry a spear during a demonstration?

Freedom of association (Section 18)

You can associate with whomever you want to.

Questions

- Can you form a club for women only?
- Can you associate with communists?

Political rights (Section 19)

If you are a citizen, you can:

- join a political party;
- encourage other people to join this party; and
- start your own political party.

Elections for national, provincial and local government must be held regularly and they must be free and fair. If you are a **citizen**, and at least **18 years old**, you can:

- vote in secret in any of these elections; and
- stand for election yourself.

Questions

- Why can't children vote?
- Can political parties be banned?

Citizenship (Section 20)

Your citizenship cannot be taken away from you.

Example

Under apartheid, some people were told that they were citizens of so-called 'Independent States' (Transkei, Ciskei, Venda and Bophutatswana) and their South African citizenship was taken away from them. This happened to people even if they were born in South Africa and had never been to these 'States'. This right makes sure that this cannot happen again.

Freedom of movement and residence (Section 21)

- You can go or live wherever you want in South Africa.
- You can leave South Africa if you choose and come back at any time.
- The government cannot take away your passport.

Example

Under apartheid, there was a law which said different race groups must live in different areas. This was the Group Areas

Act. Also, many political leaders had their passports taken away to stop them going overseas. This right makes sure these things can never happen again.

Freedom of trade, occupation and profession (Section 22)

You can choose to do whatever work you want, as long as you have the qualifications, skills or experience needed for the job.

Question

- Can certain jobs be reserved for whites only?

Labour relations (Section 23)

- You have the right to be treated fairly at work.
- Workers can form and join trade unions and can strike.
- Employers can form and join employers' organisations.
- Trade unions and employers' organisations can decide how they will be run. They can get together with other unions or organisations to bargain for what they want. They can also organise themselves by trying to get new members and they can join federations made up of other trade unions or employers' organisations.

Questions

- Can employers lock striking workers out?
- Can your employer stop you joining a trade union?

Environment (Section 24)

You have the right to a healthy environment. The government must do things (such as passing laws) to protect the environment.

Example

If a factory is polluting the river where your community gets water, you can use this right to get them to stop.

Property (Section 25)

Your property can only be taken away from you by the government if:

- the law allowing this applies to people in general and not only one group;
- your property is going to be used for a public purpose or in the public interest
- (for example, if the government is going to build a dam and your property will be flooded); and
- you are paid for your property. The amount of money the government will pay can either be agreed between you and the government, or it can be decided by a court if you cannot agree. This section says what a court must look at when deciding how much money the government must pay.

Land reform is allowed. If you or your community lost land after 1913 (when laws were passed making it impossible for black people to own land) you can either apply to get the land back; get alternative land; or be paid for the land you lost.

The government must pass laws to make sure everyone is allowed to own land.

People who are labour tenants on someone else's land must also be protected.

The government must try to make sure that everybody gets access to land.

Housing (Section 26)

You have a right to have **access to housing**. You cannot be evicted from your home and your home cannot be broken down unless a court has heard your case.

'**Access to housing**' does **not** mean that you have a right to a house. It only means that no-one can stop you getting a house. Or, if you already have a house, no-one can take it away from you. But this right does say that the Government, with the money it has, must try to make it possible for people to get proper housing.

Health care, food, water and social security (Section 27)

The government must do things, such as passing new laws, to make sure that you have **access** to:

- health care services;
- food and water;
- social security, including assistance to people who cannot support themselves and their dependants.

Once again, you do not have the right to these things. Instead, you have the right to have **access** to them. So no-one can stop you getting these things or take them away from you if you already have them. And the government must use the money it has to try and make sure you get these things.

This right also says that you cannot be refused medical care in an emergency, even if you cannot pay for it at that time.

Children (Section 28)

In addition to all the other rights in the Bill of Rights, children under the age of 18 have special rights. These include the right:

- to family care or other care if the child is removed from its family;
- to food, shelter and health care;
- not to be abused or neglected;
- not to be forced to work or given work which is not suitable for a child;
- not to be detained unless this is absolutely necessary. In such a case, the child must be kept separate from adults;
- to be given a lawyer in a case against someone else if necessary;
- not to be used during a war, but to be protected during a war.

Questions

- Can farmers force children of their workers to work on their farms?

- Do children have the right to human dignity?
- Should parents be allowed to whip their children with a sjambok?

Education (Section 29)

You have the right to **basic education**, including **adult basic education**, in the language of your choice (if this is possible).

Although the Bill of Rights does not say what **basic education** is, the government's policy at the moment is that this is education up to Grade 9 (Standard 7) and **adult basic education** is education up to Level 4. Although basic education is given free at the moment, the Bill of Rights does **not** say that this **must** be free.

The government must try to make sure that people are able to get further education (such as at a university or technikon). But this does **not** mean that this must be free.

Private schools, universities and technikons are allowed, but these cannot discriminate against students because of their race.

Questions

- What can the government do to make it possible for people with no money to go to university?
- Can a private school say only children who speak a certain language will be allowed?

Language and culture (Section 30)

You can use the language and follow the culture that you choose, but you must respect other people's human rights when you do so.

Example

If your culture says you must slaughter an animal on a certain day, and you live in a built up area, you will probably not be able to do this at your home. This is because it will go against other people's rights to a healthy environment.

Cultural, religious and linguistic communities (Section 31)

Communities can:

- enjoy their own culture;
- practice their own religion;
- use their own language; and
- set up their own organisations.

But they must respect other human rights when they do so.

Access to information (Section 32)

You have the right to:

- any information which the government has; and
- information that someone else has if you need it to protect one of your rights.

Example

If you are accused of committing a crime, you will usually be allowed to see the statements of witnesses, which the prosecutor has. This is because the prosecutor is employed by the government and has information about you.

Just administrative action (Section 33)

Administrative action (that is, action by the government or government departments) must be allowed by the law, it must be reasonable, and the procedures used must be fair. You can ask for written reasons for any decision that is made by government which goes against one of your rights.

Access to courts (Section 34)

You can have a legal problem decided by a court, or a similar structure.

Arrested, detained and accused persons (Section 35)

This section sets out the rights which you have if you are arrested, imprisoned or accused of committing a crime. They include the right:

- to keep silent and not be forced to make a confession;
- to be taken to court within 2 days of your arrest;
- to be released, either on warning or on bail, unless there is a good reason to keep you in jail;
- to be given a lawyer paid for by the government if you cannot afford a lawyer and an injustice might happen if you are not given a lawyer;
- to be kept in proper conditions and to be given free food, something to read and medical treatment; and
- to speak to and be visited by your husband, wife or partner; your family; a religious counsellor; and your own doctor.

Questions

- Can the police torture people? What if the police catch someone who tells them that he has planted a bomb in a school which will go off in the next hour. Can the police torture this person to find out where the bomb has been planted?
- Can you be beaten until you sign a confession?
- Should you be given a lawyer paid for by the government in all cases, or only serious cases?

If the government gets evidence against you by going against one of your rights, this evidence will not be allowed in court if it would be unfair.

Example

The police think you have dagga at home. They torture you until you tell them where the dagga is. They will not be able to use this in court, because the Bill of Rights says you cannot be tortured.

7. Socio-economic rights

One of the major differences between the Interim Constitution and Bill of Rights and the new Constitution and Bill of Rights, is the addition of many so-called socio-economic rights (although the rights to education and a healthy environment were included in the earlier Bill). These rights try to ensure that people's quality of life is improved by ensuring that basic needs are catered for. Although this class of rights was initially divided into social rights and economic rights, the trend has been to group these together under the banner of socio-economic rights. They are:

- environment;
- housing;
- health care, food, water and social security; and
- education.

These rights differ from political rights (such as the right to vote) and civil rights (such as the right to not be detained without trial) in that they are not as easily enforceable (although this is arguable). Rather than saying the government has an obligation to give you these things and that, if it does not, you can go to court to force it to (as would be the case if you were denied a civil or political right), most people would say that the government only has to be seen to be making it possible for you to get these things yourself.

Example

If you do not have a house, you cannot go to court and ask the court to force the government to provide you with a house. But, it is important to remember that if you do have a house and the government is about to knock it down, you can get the court to prevent this. This is what is meant when people say these rights are 'negatively enforceable'.

The trend with regard to these rights is to say that government has to make it possible for you to get these things and to ensure that these rights are 'progressively realised'. This means that government should do more and more each year to make it possible for people to enjoy these rights. These ideas were picked up by the people who drafted the new Bill of Rights. So, the Bill of Rights uses language like "Everyone has the right to have access to ..." and "The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights".

What this means is that the state must do things, such as passing laws, to make it easier for people to get these rights. For example, the state might make a law reducing the interest rate on small home loans so as to make them more affordable for poorer people. And each year, the state is expected to do more. But, the state only has to do what it can afford. The question then is who decides this? Who decides whether the state has taken reasonable measures; who decides whether these are within its available resources or whether it could have afforded to do more; and who decides whether there has been a progressive realisation of these rights over time? While some people would argue that a

court could look at the laws already passed as well as at the budget to see whether the state has done enough and, if not, force it to do more, there are others that argue that a court will not do this (and it does not seem to have happened anywhere in the world as yet).

To try to deal with this problem, the new Constitution gives the SAHRC the role of monitoring government and reporting on whether it has done enough to make these particular rights available to people. So, it would seem that Parliament (which receives this report from the SAHRC), and ultimately the public, have a major role to play - if the public do not feel enough has been done, they can vote the government out of power.

Many of these rights come from the International Covenant on Economic, Social and Cultural Rights, which has been signed, but not ratified by South Africa. By signing this international instrument, South Africa has agreed not to make any laws which go against it and to try to bring existing laws in line with it. Once we ratify the instrument though, we will be required to report to the United Nations on what we have done to make these rights available to people. There will therefore be international monitoring of how well we have done in making these rights available.

Note: The SAHRC is currently conducting research on what the responsible government departments are going to do to ensure access to socio-economic rights, and how members of the public can go about getting access to these. Once this work is completed, a section dealing with this will be added to this manual.

8. Can the rights in the Bill of Rights be limited?

The rights in a Bill of Rights can sometimes be limited (See section 36 of the Constitution - the so-called limitations clause). This can only be done though:

- if the law which limits a right applies to everybody;
- if there is a good reason to limit the right; and
- if limiting the right makes sense in an open and democratic country.

When deciding whether a right can be limited, a court will also look at:

- which right it is that is being limited;
- why it is being limited and whether the limitation will achieve this purpose;
- whether there is another way to achieve this purpose without having to limit the right; and
- what the limitation is and how serious it is.

Example

You have the right not to be searched or to have your property taken by people who work for the government. But there is a law (the Criminal Procedure Act) which sometimes allows the police to search you and take your property. So, if the police find a body lying on the ground with many stab wounds, and see you running away with blood all over you and a knife in

your hand, they can search you and take the knife away from you. This limitation of the right is allowed because the law applies to everybody, there is a good reason for this law and all open and democratic countries allow the police to do this.

Some rights can also be suspended or taken away for a short time during a state of emergency (See section 37 of the Constitution). A state of emergency can only be called by government when the security of the country is threatened by war, invasion, or revolution, or when there has been a natural disaster (such as a flood). Unlike previous states of emergency during the apartheid years, states of emergency can only be called for very limited periods of time, and they can be reviewed and set aside by our courts.

But there are some rights, like the right to life, the right to human dignity, and some of the rights that arrested, detained or accused people have which cannot be suspended and can never be taken away, even during a state of emergency.

The South African Human Rights Commission

1. What is the South African Human Rights Commission and why do we need it?

South Africa has a long history of undemocratic rule and human rights abuses. As we move into a new era of democratic rule, there is an urgent need to begin building a culture of respect for and protection of human rights, to ensure that this democracy grows and prospers. One of the best ways of doing so, is to ensure that we have a Bill of Rights that is accepted by all South Africans and is included in and protected by the Constitution.

But having a Bill of Rights is not the only way of protecting human rights, and even a Bill of Rights may be worthless unless there is some way of making sure that these rights are respected and protected and that government is monitored to make sure that it does not violate these rights. It is for this reason that the people who wrote the Constitution included a chapter on *State Institutions Supporting Constitutional Democracy* (Chapter 9). This chapter sets up a variety of institutions to ensure that people's rights are protected and that government remains accountable to the people. These institutions are independent of the government and cannot be controlled by this, or future governments. One of these institutions that the Constitution set up is The Human Rights Commission.

<p>Note: To distinguish it from other such Commissions, the Human Rights Commission set up by the Constitution has added the words "South African" to its title and is now known as the South African Human Rights Commission (SAHRC).</p>
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2. Aims and Functions

Section 184 of the Constitution deals with the "functions of The Human Rights Commission", and reads as follows:

- “(1) The Human Rights Commission must -
- a) promote respect for human rights and a culture of human rights;

- b) promote the protection, development and attainment of human rights; and
 - c) monitor and assess the observance of human rights in the Republic.
- (2) The Human Rights Commission has the powers, as regulated by national legislation, necessary to perform its functions, including the power -
- a) to investigate and to report on the observance of human rights;
 - b) to take steps to secure appropriate redress where human rights have been violated;
 - c) to carry out research; and
 - d) to educate.
- (3) Each year, the Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.
- (4) The Human Rights Commission has the additional powers and functions prescribed by national legislation.”

The “national legislation” referred to in the Constitution is the Human Rights Commission Act No. 54 of 1994, which was written to flesh out the provisions in the Constitution; to elaborate on these; and to add to and spell out the powers of the Commission. A copy of this Act is included in this workshop kit.

The ultimate aim of the Commission is to develop a culture of human rights in our country, so that the suffering and injustices of the past never occur again.

To summarise, the SAHRC has three major functions:

- the promotion of human rights as set out in the Bill of Rights;
- the protection of the human rights set out in the Bill of Rights;
- monitoring what the government has done to ensure the realisation of socio economic rights.

Promoting human rights

The SAHRC promotes human rights by:

- educating and training people about human rights and the Bill of Rights;
- raising awareness of human rights, the Bill of Rights and the work ofn the SAHRC;
- making policies on the rights in the Bill of Rights;
- giving advice on human rights to all levels of government;
- working with international human rights bodies (like the United Nations) to promote human rights.

Protecting human rights

The SAHRC protects human rights by:

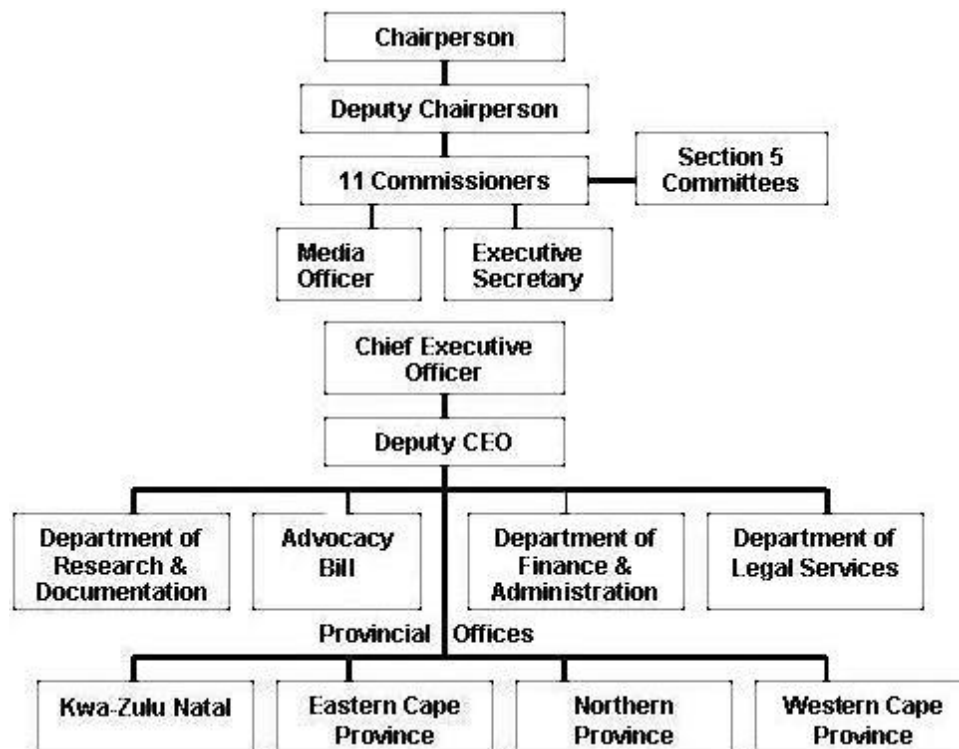
- monitoring what the government, and people outside of government, do to make sure they do not go against the Bill of Rights;
- monitoring any new laws to make sure they do not go against the Bill of Rights;
- deciding what investigations to hold about human rights violations, and how these should be handled; and
- taking steps to correct human rights violations, such as:
 - negotiation, mediation or litigation; or
 - using the press to make people aware of these violations.

Monitoring socio-economic rights

The SAHRC has an important role with regard to the so-called “socio-economic rights” in the Bill of Rights (that is, the rights to housing, health care, food, water, social security, education and the environment). Each year, the SAHRC must request all government departments to explain what they have done to make it possible for people to enjoy these rights.

3. Structure

The SAHRC is made up of a Commission and a Secretariat, which work closely together to make sure the SAHRC does what is expected of it.



4. The Commission

The Commission has a Chairperson *Dr Barney Pityana*, a Deputy Chairperson *Ms Shirley Mabusela*, and 9 Commissioners. Some of the Commissioners are full time while others are part time.

Each Commissioner (apart from the Chairperson) has a province, and sometimes two, on which they concentrate:

Some Commissioners focus on particular interest groups. For example, Commissioner *Jerry Nkeli* is concentrating on the rights of disabled people and Commissioner *Shirley Mabusela* focuses on children.

The Commission also has standing committees (constituted by a Commissioner and made up of staff and outside experts or key role players) to assist with the work of the Commission. These include:

- Policy and Planning;
- NGO and CBO Liaison;
- Legal and Constitutional Affairs;
- International Liaison;
- Children's Rights;
- Disability; and
- Government and Parliamentary Liaison.

How are Commissioners chosen?

People with the relevant experience are nominated for the position of Commissioner. Their names are then sent to the Parliamentary Standing Committee on Human Rights who develop a short-list and interview the short-listed candidates. They then submit their recommendations to the National Assembly who vote on the matter. The first group of Commissioners were appointed under the Interim Constitution, which required them to receive a 75% majority. This was done to ensure greater credibility during this transitional period. New Commissioners require a simple majority in the National Assembly, that is 50% plus one vote.

The National Assembly then recommends the person to the President, who appoints the person as a Commissioner.

5. The Secretariat

The Secretariat is made up of a Chief Executive Officer, a Deputy Chief Executive Officer, and the staff of the SAHRC. The Secretariat's job is to design and implement programmes that will ensure that the Commission effectively and efficiently promotes and protects human rights. To do this, it works closely with the Commissioners and is divided into four departments:

- Legal Services Department, which receives and handles complaints of human

rights violations from the public; monitors legislation to make sure it complies with human rights standards; and gives legal advice to the Commission;

- Research and Documentation Department, to conduct research on human rights matters and to manage a library of human rights materials;
- Advocacy Unit which conducts human rights education and training programmes and spreads information to raise public awareness on the Bill of Rights, the Commission and its work; and
- Finance and Administration Department which is responsible for managing finances and creating a supportive administrative infrastructure to enable the Commission to meet its objectives.

The SAHRC presently has offices in 4 provinces: Western Cape, Eastern Cape, Northern Province and KwaZulu Natal.

6. Powers

The powers of the SAHRC in dealing with cases reported to it are set out in the Human Rights Commission Act. They are:

Mediation, conciliation and negotiation

The SAHRC may use any of these methods to resolve any dispute or to rectify an act or omission.

Investigations and hearings

The SAHRC may conduct any investigations or hearings which are necessary for it to perform its duties and functions. During these, the SAHRC can require any person to supply information and particulars which are necessary for the investigation. The SAHRC also has the power to compel anyone to attend these investigations as well as the power to search any premises and seize anything related to the investigation.

Although the findings of the SAHRC during an investigation are not legally binding (because the SAHRC is not a court of law), the SAHRC can apply to a court for their findings to be declared an order of court. If the court agrees, the findings then have the same effect as a decision by a court and must be followed. Failure to follow an order of court is an offence known as Contempt of Court.

Litigation

The SAHRC has the power to take any matter to court. It can do this in its own name or on behalf of a person or group or class of people.

Reporting Human Rights Violations to the SAHRC

1. What type of human rights violations does the SAHRC deal with?

Note: A list of addresses of organisations is supplied as Annexure A. This annexure can be photocopied and distributed to participants as well.

A human rights violation occurs when any of a person's rights in the Bill of Rights are abused or violated. However, the SAHRC does not handle all possible violations. There are two reasons for this.

Firstly, the SAHRC tends to concentrate on the more serious types of violations. Examples are:

- discrimination on any of the grounds set out in the Right to Equality, except where the discrimination is based on sex or gender. In this case, matters should be addressed to the Gender Commission;
- matters where there is damage to the environment; and
- matters where the right to Human Dignity is violated.

Secondly, there are already a number of organisations and structures in place to deal with specific types of human rights violations, free of charge. These include:

The Public Protector (See chapter 9 of the constitution)

The Public Protector investigates complaints about government officials, such as pension payout clerks. Complaints about government officials should be sent to the Public Protector rather than to the SAHRC. The Public Protector will try to solve the problem or will refer you to someone who can.

Commission for Gender Equality (See chapter 9 of the constitution)

This Commission can investigate and challenge laws, practices and customs that discriminate against people because of their sex or gender. People who are discriminated against on these grounds should contact this Commission.

Discriminated against someone on the basis of their **sex** is discriminating against someone simply because they are a woman/girl or man/boy. An example would be refusing to allow a woman into a bar, just because she is a woman.

Discriminating against someone on the basis of **gender** is where someone is discriminated against because of the way society regards people and what their traditional roles are. For example, not allowing a man to be a nursery school teacher or a woman to be a combat soldier.

Independent Complaints Directorate

This body investigates all cases where the police have acted wrongly or have violated anyone's rights. Complaints against police officials should be referred to this Directorate.

Commission for Conciliation, Mediation and Arbitration

This Commission helps anyone who is a victim of an unfair labour practice or whose labour rights are violated. Before approaching this Commission, you must first have tried to solve the problem through the usual channels.

Legal Aid Board

This Board provides people who cannot afford a lawyer with a lawyer in many different types of cases, including criminal cases. This Board has offices at every Magistrate's Court or can be contacted at their head office.

Legal Aid Clinics

Most universities have Legal Aid Clinics to help people who cannot afford a lawyer. People who require assistance with a legal problem can telephone, write to or visit the university closest to them.

Non-Governmental Organisations (NGOs), Community Based Organisations (CBOs) and Paralegals

There are many NGOs, CBOs and Paralegals in South Africa, including in the rural areas. People who need help with any legal matter should contact an NGO, CBO or paralegal to see if they can assist. Examples of these are Black Sash; Lawyers for Human Rights; and Legal Resources Centre.

2. How to report a human rights violation to the SAHRC

Complaints can be referred to the SAHRC by either:

- Telephoning an SAHRC office. A member of staff will either take a statement over the telephone; arrange an appointment for a statement to be taken at an SAHRC office; or
- send a Complaint Form to be completed and returned to the SAHRC;
- Faxing or posting a statement to an SAHRC office; or
- Obtaining a Complaint Form from an Advice Office or SAHRC office, completing it, and returning it to the SAHRC.

3. How to fill in the SAHRC Complaints Form

The Complaint Form itself has information on how to complete the form. Participants at workshops should be advised of this and told that they may contact the SAHRC for assistance in completing the form if they experience any difficulties (Copies of the SAHRC Complaint Form are available from the SAHRC).

In particular, complainants will need to include:

- personal details (address, phone number and so on);
- personal details of the complainant, if the person making the complaint to the SAHRC is doing so for someone else;
- which right has been violated;
- details of what happened (such as the date it happened and where);
- the names and contact addresses of any witnesses; and
- the names of the person or people who violated the rights (if known).

Once the form has been completed, it should be faxed and/or mailed, or taken to an SAHRC office.

4. What happens to a complaint once it is received

An overhead transparency which illustrates this process graphically is provided.

In short, the procedure is as follows:

- Once a complaint is received, it is given a number and details of the complaint are entered into a register. This is to make sure that a record is kept of all complaints sent to the SAHRC.
- The complaint will then be reviewed by a member of the SAHRC Legal Service Department.
- If the complaint is one which should really be dealt with by another organisation or structure, the case will be referred to that organisation or structure. This will either be done by the SAHRC (in which case the complainant will be advised by letter or telephone of what has been done) or the complainant will be advised that the matter should be dealt with by someone else and will be advised of how to refer their complaint.
- If the matter is not a human rights violation, the complainant will be advised of this and advised that the SAHRC is not able to deal with the complaint. If the SAHRC is aware of another structure or organisation dealing with this type of complaint, the complainant will be advised accordingly.
- If a complainant in the above two examples is not satisfied with the way in which their matter has been handled, or believes that it should be handled by the SAHRC, the complainant may appeal, within 45 days of receipt of their letter advising them of the decision, to the Chairperson of the SAHRC for the matter to be reconsidered. The matter will then be reviewed by the Chairperson to determine whether or not the SAHRC will deal with it.
- If the SAHRC decides to deal with a matter, the complainant will be contacted and advised of this. An interview will probably be arranged to ensure that all

relevant information is obtained and that any witnesses are interviewed.

- The SAHRC will then decide how to deal with the matter. This may take the form of negotiation; a hearing may be held; or the SAHRC might decide to litigate.
- The complainant will be kept informed of all steps taken and their outcome.

Participants at the workshop must be reminded that the SAHRC receives many complaints and these are rarely easily or quickly sorted out. However, complainants may call or write the SAHRC at any time to find out what progress has been made.

5. How else can human rights be protected?

One of the best ways of protecting human rights is to list them in a Bill of Rights and include this in the Constitution. This is what is done in South Africa, but this is not the only way to protect them. Firstly, international instruments provide additional protection and, secondly, the Constitution sets up structures, such as the SAHRC, to make sure that these rights are protected.

International instruments

(Please refer to the first part of this section) In addition to the Bill of Rights, international instruments also set out rights for special groups. Most of these have been written by the United Nations. Examples are the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on the Rights of the Child. There are also documents like the African Charter on Human and Peoples' Rights, which is like a Bill of Rights for Africa.

Countries can either sign or ratify these international instruments.

By signing them, a country agrees not to write any new law or do anything which goes against the rights in the Instrument. It is also expected to then ratify the document in the future.

By ratifying them, a country agrees to follow them and to make sure that the laws of the country are brought in line with the rights in the instrument.

CONVENTION	N*	S*	R/A*
International Covenant on Civil and Political Rights (1966)		3 (1994)	
International Covenant on Economic Social and Cultural Rights (1966)		3 (1994)	
African Charter on Human and Peoples' Rights (1981)			3 (1996)
Prevention of Discrimination Convention on the Elimination of All Form of Racial Discrimination (1965)		3 (1994)	
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)	7		
International Convention Against Apartheid in Sports (1985)	7		
Convention against Discrimination in Education (1960)	7		
Convention on the Elimination of All Forms of Discrimination Against Women (1979)			3 (1995)
War Crimes and Crimes v Humanity, including Genocide Convention on the Prevention and Punishment of the Crime of Genocide (1948)	7		
Convention on the Non-Applicability of Statutory Limitations to War Crimes Against Humanity (1968)	7		
Slavery, Servitude, Forced Labour and similar institutions and practices Slavery Convention (1926)			3 (1927)
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	7		
Convention for the Suppression of the Traffic of Persons (1949)			3 (1951)
Forced Labour Convention (1930)	7		
Human Rights in the Administration of Justice: Protection of Persons subjected to detention or imprisonment Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)		3 (1993)	
Nationality, Statelessness, Asylum and Refugees Convention on the Nationality of Married Women (1957)		3 (1993)	
Convention on the Reduction of Statelessness (1961)	7		
Convention relating to the Status of Stateless Persons (1954)	7		
Convention relating to the Status of Refugees (1951)			3 (1996)
Convention on Specific Aspects of Refugee Problems in Africa (1969)			3 (1995)
Freedom of Information Convention on the International Right of Correction (1959)	7		
Political Rights of Women Convention on the Political Rights of Women (1952)		3 (1993)	
Marriage and the Family, Childhood and Youth Convention on Consent to Marriage, Minimum Age for and Registration of Marriage (1962)			3 (1993)
Convention on the Rights of the Child (1989)			3 (1995)
Other Four Geneva Conventions (1952). These are humanitarian law treaties regulating conduct between warring parties Protocols to the Geneva Convention			3 (1952) 3 (1995)
Convention on Excessively Injurious and Indiscriminate Weapons (1980)	7		

Constitutional structures

In addition to the constitutional structures mentioned above (that is, the Commission on Gender Equality, the Public Protector and the SAHRC), the Constitution also sets up the following structures to ensure that human rights are protected in South Africa:

The Constitutional Court (CC)

The CC is the highest court in the country when it comes to the Constitution. Everybody, including the government and even the President, must follow the decisions of this court. All other courts in the country have to follow its decisions as well. It has a President, a Deputy President and nine other judges.

These are the cases which only the CC can decide:

- where there is a disagreement between national or provincial government structures (organs of state) about their status, powers or functions;
- whether a bill being decided by the national or provincial legislatures will be unconstitutional;
- applications from members of the National Assembly to have an Act of Parliament declared unconstitutional;
- applications from a provincial legislature to have a provincial Act declared unconstitutional;
- whether an amendment to the Constitution is unconstitutional;
- whether parliament or the President have failed to do what is required by the constitution; and
- certifying a provincial constitution.

Usually, this court will only decide a case if it is an appeal. An appeal is when you are not happy with the decision of the court which heard your case and you ask a higher court to decide the case again. But, this court must allow people to take their cases straight to the CC (without first having to have the case decided by a lower court) if this is necessary.

Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities

This Commission is to:

- promote respect for the rights of cultural, religious and linguistic communities (communities with a common language);
- promote and develop peace, friendship, humanity, tolerance and national unity amongst the different communities in South Africa; and
- recommend that cultural councils are set up for different communities.

Auditor-General

The Auditor-General audits (checks) the accounts of all levels of government. The Auditor-General is not allowed to work for a political party.

Electoral Commission

This Commission manages all elections to make sure that they are free and fair.

Independent authority to regulate broadcasting

This body is known as the Independent Broadcasting Authority (IBA). It's job is to make sure that radio and television broadcasts are fair and that they represent the views of South African society.

SECTION 3

Working with NGOs, CBOs and Religious organizations

The SAHRC believes that working together with NGOs, CBOs and religious organisations is a very important part of its job. This is because these structures and organisations:

- are based in the areas where people live and they are known and trusted by the people;
- have the best information about local conditions and know the history and needs of the communities; and
- have skills and experience to contribute to the work of the Commission.

The SAHRC is also aware that many NGOs and CBOs are struggling to fulfil their own aims and often do not have money, people or other resources to spare. However, the SAHRC itself has limited finances available and so will not be able to pay members of NGOs and CBOs who are willing to work on the SAHRC's behalf. At the same time, the possibility of running joint projects with NGOs and CBOs exists, where each party raises funds on its own behalf.

Nevertheless, the SAHRC is calling on NGOs and CBOs to assist with its invaluable work. Those NGOs and CBOs already running human rights or constitutional education programmes can assist the SAHRC by adding a 30-45 minute presentation on the SAHRC, its role and function, and how to report violations to it. In turn, the SAHRC will offer training to these NGOs and CBOs on how to conduct this presentation and, if possible, on the new Bill of Rights. The SAHRC will also make its publications available to these NGOs and CBOs to use during their workshops. Publication order forms are included in this manual for use by SAHRC staff and by NGOs and CBOs as well, for them to use when they wish to order additional publications from the SAHRC.

This manual is available, free of charge, to any NGO, CBO or religious organisation for their own use. Organisations interested in assisting the SAHRC should contact the SAHRC as soon as possible.

SECTION 4

Conducting the Workshop

Planning

To ensure your workshop is a success, proper planning is required. The best way to ensure the workshop is a success is to hold a proper planning meeting with members of the community and community leaders well beforehand. In some areas, this is of absolute necessity to ensure that you will be allowed access to a community and even to ensure your personal safety.

At this meeting, you will be able to ascertain what facilities are available and what they will cost. You will also be able to find out what the most pressing issues in the area are, which will enable you to plan the content more effectively and to concentrate on those parts of the workshop which address the needs and questions of the community.

NOTES (for SAHRC staff only)

NGOs and CBOs in your province can provide invaluable assistance in getting access to communities and should be formally requested to assist. They will be able to give you important information on the political climate in the area you wish to visit, as well as who you will need to speak to. However, it is expected of you that you reach those communities where there are no CBOs or NGOs operating. Here, members of the religious organisations in the community will provide assistance, or you may visit the community and try to make contact with community leaders. However, you should first check with the police to see whether it is safe to do so.

Community leaders, NGOs, CBOs and religious leaders will be able to assist you in deciding the most appropriate day and time of the workshop. In addition, head office will supply you with posters (in the appropriate language) to put up in the community to advertise the event. You might also contact any community radio stations operating in the area; SABC radio stations which reach these communities; and any newspapers circulating in the community. These will usually provide you with free advertising for the event. Radio presenters will usually do this during regular broadcasts, while newspapers will usually publish this as part of their "What's On" column or page.

There are three aspects to planning:
The workshop content, logistics and the budget.

1. The Workshop

- Make sure that you know your subject matter well.
- Check the workshop outline and ensure that you know how long to spend on each topic.
- Make sure you understand the various workshop techniques contained in the workshop, and how to use them.
- Practise running the workshop with colleagues, friends or on your own.

2. Logistics

- Do you speak the language of the people you will be addressing?
 - If not, have you made arrangements for a translator?
 - What effect will translation have on the length of the workshop?
- Check that you have an appropriate venue.
 - Do you know how to get there?
 - Do you have reliable transport?
 - Can it hold the number of people who will attend?
 - Are there enough seats?
 - Is it indoors, and if not, what will you do if it rains?
 - Are there toilets at the venue or nearby?
 - Is it easily accessible to people travelling by bus or taxi?
 - Is it light enough?
 - Does it have electricity to run an overhead projector?
 - Is there enough space to break into small groups?
- Have you confirmed the starting time?
- Make sure you have sufficient pens, paper and newsprint.
 - Check that you have packed all the materials you will need, including the manual, pamphlets to be distributed, booklets, overhead transparencies, an overhead projector, flipcharts and stands.
- If you plan to have a tea break or lunch break, make sure that you have sufficient tea and food for the number of people who will attend.
- Make sure to take sufficient evaluation forms and a workshop report form.

3. Budget

- Work out beforehand what the cost of the workshop will be.
Include in this:
 1. the cost of transport for yourself and anyone attending who will need transport;
 2. the cost of hiring a venue;
 3. the cost of tea and lunch (per person, times the number of people expected);
 4. accommodation (if required);

5. the cost of using a translator (if required); and
6. the cost of renting equipment (such as an overhead projector).

- Make sure you have enough funds available before confirming the workshop.

To assist you with planning, a workshop checklist is provided as Annexure B.

NOTES (for SAHRC staff only)

You will probably be requested by head office to run a certain number of workshops per month. This level of planning will be done at head office, in consultation with all provincial staff. However, you will be responsible for planning where these will take place and when exactly they will be run. You will therefore need to plan the actual workshops themselves, using the guidelines above.

Running the workshop

The workshop outlines provided (at the end of each section in this manual) contain notes to you, which indicate important areas to cover under each heading. Make sure that you have read these and know exactly what to do during each section.

In addition:

- Make sure that you are neatly dressed.
Be sensitive to your audience. For example, do not arrive in a poor rural area in your best and most expensive outfit, but also make sure that you are not sloppily dressed.
- Be on time.
But be sensitive to the fact that people may be travelling long distances and will most probably be relying on unpredictable and unreliable transportation. Allow some time for latecomers to arrive before beginning.
- Introduce yourself to community leaders who attend the workshop beforehand.
- Speak clearly and slowly during the workshop.
Be prepared to deal with questions at any time and not only during time set aside for discussion. At the same time, do not allow people to hijack the workshop with too many questions. If someone constantly interrupts, ask them politely to hold their questions until the time set aside for them.
- Be prepared to spend some time after the workshop in informal discussion with those interested.

Workshop approach and techniques

1. Approach: Workshopping for Human Rights vs Workshopping about Human Rights

Workshopping *about* human rights is insufficient and often creates false, inflated impressions about the success of a workshop by evaluating it on the basis of how much knowledge has been transmitted to the participants. Transmitting knowledge *about* human rights is a very dominant form of workshopping because it is easy and since the knowledge and ways of transmitting it already exist. The danger of only workshopping *about* human rights is that it does not in itself positively contribute to the betterment of the disadvantaged. Knowledge of human rights is certainly important, but it should be supported by workshopping *for* human rights since this will link the unfamiliar knowledge of human rights with the familiar, concrete experiences of participants. Therefore, workshopping *about* human rights links theory (e.g. the concept of human rights) closely with practice (e.g. the real life experiences of participants).

A workshop *for* human rights is based on the notion of experiential learning which in turn is grounded on the idea that in the learning process, the only person who really learns is the person who seized what is learned and is able to apply it to concrete situations. This approach also incorporates “learning by doing” where the daily lives of learners are influenced by the learning process.

The idea of a workshop *for* human rights fits into an approach which came to be known as “Popular Education”.

Acknowledgment : Extracted and modified from

Setting National Human Rights Standards : Commonwealth Secretariat

Popular Education forms part of a current in adult education which has been described as education for ‘critical consciousness’. It is equally applicable to all age groups and in different settings. Most of the methodology and techniques of popular education are intended to build an alternative educational approach that is more consistent with social justice. It is a collective or group process of education which has proved its usefulness in workshops where the facilitator and participants learn together, beginning with the concrete experience of the participants and leading to reflection on that experience in order to effect positive change.

Where does it come from?

Popular education is barely twenty years old, tracing its roots back to Brazil in the 1960s and the literacy training programs of an educator called Paulo Freire. In contrast to the traditional education system coming from colonial times, which taught those Latin Americans with access to it to accept the world view of a small elite, Freire’s students learned to read and write through discussion of basic problems they themselves were experiencing, such as no access to agricultural land. As the causes of their problems became clear, the students analysed and discussed what joint action could be taken to change their situation. The term used by Freire for this process of action/reflection/action

was ‘conscientization’ - and it led participants not only to acquire new literacy skills, but also to understand their own reality. Brazil’s military coup in 1964 put an end to Freire’s work there, but the seeds of a new concept of education had been sown.

Social justice is central to the project of human rights education. Therefore Freire’s notion of education, as being founded on the idea of social justice (with its theoretical orientation, approaches and techniques) has been incorporated into the works of many NGOs and CBOs around the world. This also underwrites the idea that human rights education requires an approach consistent with its ideals and knowledge. Also, the development of People’s Education in the 1980s in South Africa as an alternative to Apartheid Education, initially drew inspiration from Popular Education.

What are the characteristics of Popular Education?

A popular education program will have a number of particular characteristics:

- the starting point is the concrete experience of the learner; everyone teaches - everyone learns;
- it involves a high level of participation;
- it leads to action for change;
- it is a collective effort - focusing on group rather than individual solutions to problems;
- it stresses the creation of new knowledge, rather than the passing on of existing knowledge;
- the process is ongoing - any time, place or age; and
- it’s fun!

What is my role as a workshop facilitator?

As you might expect, the role of the popular educator, coordinator or facilitator differs dramatically from the role of ‘teacher’ in traditional education programs. The facilitator’s role is different in the following ways, which reflect the main characteristics of popular education we identified earlier:

- Everyone teaches and learns - so leadership is shared.
- The experience of the participants is the starting point - so there is joint creation of knowledge.
- There is no ‘expert’ - but rather, there is mutual respect for the knowledge and experience all participants bring to the process.
- With participants, the facilitator helps develop ideas and skills for action - and there is a commitment to action on the part of the educator.

However, the facilitator is not *just* a participant and the process of the program is not spontaneous. The facilitator’s role is to ensure that the process - what happens and how it happens - encourages learning and the development of leadership in the group. How an audiovisual is discussed is important; how a technique is decoded is crucial for the learning of the group. The facilitator must investigate the theme of the workshop beforehand and know a good deal about it to assist the participants in working to change the reality, which is being examined. How the process is handled will determine what role participants can play in shaping the content and design of the program as it develops.

Many participants will bring with them expectations of teacher-delivered information and answers and a feeling that they don't know much and so have little to contribute. Many may even be confused or acutely uncomfortable with the responsibility a popular education approach places on them. Others, influenced by past schooling, will see 'real teaching' and 'real learning' only in traditional terms. The popular educator will need to take these factors into account when planning the program - and perhaps recognise that an important part of the learning for many people may be discovering a new, more empowering way to learn.

'Participation' is a key feature of this approach and therefore it is important for facilitators to use different techniques to promote participation and to manage the dynamics of the participatory approach.

2. Techniques

The following techniques are used in the workshop:

Acknowledgment: Legal Education Action Project (LEAP) Booklet: *How to run a Workshop*

Icebreakers / Energizers

An icebreaker serves two functions. Firstly, it relaxes people and energizes them so that they are excited, awake and unselfconscious during the workshop. Secondly, it allows people an opportunity to introduce themselves to each other, which in turn makes them more comfortable. The icebreaker suggested in the workshop outline is a simple one. Ask participants to stand up and spend two minutes introducing themselves to all other participants. They should do this quickly.

Icebreakers may also be used at any time in the workshop as 'energizers', to wake everybody up and re-energize them. Although not mentioned in the outline, feel free to introduce a new energizer at any point in the workshop where it appears that your audience is becoming sleepy or losing interest.

Brainstorms

Brainstorming involves simply asking participants for suggestions. Anyone may answer. Write these answers on newsprint and keep them up until you have finished the section.

Role-plays

You have been provided with the role-play to use during the workshop. If you are working with a colleague, let your colleague play one character and you the other. If not, ask someone from the audience beforehand to play the member of the SAHRC in the role-play. Practise beforehand and make sure that you know your part well. Explain to the audience that you will be running a role-play and what will be expected of them.

Small groups

Know how many groups you want before you divide people up. Explain why you are breaking up into groups. Appoint someone to take notes and someone to report back. Be

sure to visit each group while they are working to find out how they are doing and to offer assistance if required.

The easiest way to break people into groups is to know beforehand how many groups you want. If you want (for example) three groups, then start at one end of the group and ask the people to shout out consecutively 'one', 'two', 'three'; 'one', 'two', 'three'; and so on. Then ask all of those who were 'number ones' to join group one; all the 'number twos' to join group two; and so on.

Buzz-groups

Ask each person in the circle to turn to their two neighbours. Ask these groups of three to discuss the particular issue amongst themselves where they are sitting. After allowing time for discussion, ask each group to report quickly on what they decided and write this up.

Converting the workshop into a briefing

Where there are more than 50 participants, it will be very difficult to run the workshop as planned. Small group work in particular will become difficult to manage, and the time required for reporting back will exceed that allowed.

In such circumstances, the workshop should be converted into a briefing. All you need do is refrain from breaking into small groups or using any of the other workshop techniques suggested (although the role-plays can still be run). Instead, provide the relevant input and then ask participants for any suggestions or questions. Do this regularly to ensure that they feel involved and do not become bored.

Since you will be able to get the information across much quicker this way, you might also consider having a briefing rather than running the workshop where you do not have enough time to run the whole workshop.

Adding a presentation on the SAHRC to a workshop on human rights

If you are a member of an NGO or CBO and would like to add a 30-45 minutes presentation on the SAHRC to your own workshop on human rights, all that needs to be done is to exclude the section on human rights and the Bill of Rights (since you will have already covered this in your workshop) and conduct an input on:

- the need for the SAHRC;
- its structure;
- its role, functions, responsibilities and powers;
- what type of cases can be reported to it;
- how to report a violation to the SAHRC; and
- what happens to your case after you have reported it.

ANNEXURE A

The South African Human Rights Commission (SAHRC)

Private Bag 2700, Houghton, 2041
Johannesburg
Tel: 011 - 484 8300

Provincial Offices:

Western Cape
P.O. Box 3563, Cape Town, 8000
Tel: 021 - 426 2277

Eastern Cape
P.O. Box 1854, Port Elizabeth, 6001
Tel: 041 - 582 4094, 041 - 582 2611

Northern Province
P.O. Box 55769, Pietersburg, 0700
Tel: 015 - 291 3500, 015 - 291 3504

KwaZulu Natal
P.O. Box 1456, Durban, 4000
Tel: 031 - 304 7323/4/5

The Public Protector

Private Bag X677
Pretoria, 0001
Tel: 012 - 322 2916

Commission for Gender Equality

Fedsure Forum
South Tower, Second Floor
Van der Walt and Pretoria Streets, Pretoria, 0001
Tel: 012 - 322 4480

Independent Complaints Directorate

Private Bag X463, Pretoria, 0001
Tel: 012 - 339 1554

Commission for Conciliation, Mediation and Arbitration

Private Bag X94, Marshalltown, 2107
Johannesburg
Tel: 011 - 377 6625

Legal Aid Board

012 - 481 2700

Legal Aid Clinics

Telephone, write to or visit the university closest to you.

Non-Governmental Organisations (NGOs), Community Based Organisations (CBOs) and Paralegals

Black Sash

Tel: 021 - 461 7818

Lawyers for Human Rights

Tel: 012 - 320 2943

Legal Resources Centre

Tel: 011 - 836 7901

ANNEXURE B

WORKSHOP CHECKLIST

1. Budget

Do you have enough money for the workshop, including:

- the cost of transport for yourself and anyone attending who will need transport;
- the cost of hiring a venue;
- the cost of tea and lunch (per person, times the number of people expected);
- accommodation (if required);
- the cost of using a translator (if required);
- the cost of renting equipment (such as an overhead projector)?

2. Workshop

- Have you revised the subject matter?
- Do you know how long to spend on each topic?
- Have you practised running the workshop?
- Do you know the various techniques used?

3. Language

- Do you speak the language of the participants?
- If not, have you arranged for translation?

4. Venue

- Do you know how to get there?
- Do you have reliable transport?
- Can it hold the number of people who will attend?
- Are there enough seats?
- Is it indoors, and if not, what will you do if it rains?
- Are there toilets at the venue or nearby?
- Is it easily accessible to people travelling by bus or taxi?
- Is it light enough?
- Does it have electricity to run an overhead projector?
- Is there enough space to break into small groups?

- Have you confirmed the starting time?

5. Resources

- Do you have sufficient pens, paper and newsprint?

Have you packed all the materials you will need, including:

- the manual
- pamphlets to be distributed
- booklets
- overhead transparencies
- an overhead projector
- flipcharts and stands
- evaluation forms and a workshop report form

If you plan to have a tea break or lunch break,

- do you have sufficient tea and food for the number of people who will attend?

ANNEXURE C

WORKSHOP OUTLINE

Outline for 3-hour workshop on

**Human Rights,
The Bill of Rights
And
The South African Human Rights Commission**

Notes headed “FN” are **Facilitator’s Notes**.

Blank spaces headed “**Your notes**” are for facilitators to use for filling in any additional notes to themselves based on their experiences during the running of workshops.

1. Introductions and Icebreaker (3 min)

- Welcome participants, thank them for attending and introduce yourself. Say what organisation you are from and what you are going to be discussing.
- Use a standard icebreaker. For example, ask participants to get up and introduce themselves to everyone else present in 2 minutes.

Your Notes

2. Purpose of the workshop (2 min)

(See section 1 of the workshop content)

Explain the purpose of the workshop and what you will cover.

FACILITATOR'S NOTE (FN): PUT UP FLIPCHART/TRANSPARENCY 1a, 1b, WITH WORKSHOP OUTLINE.

Your Notes

3. Human rights and the Bill of Rights (110 min)

(See Section 2 of the workshop content)

3.1 Brainstorm (5 min)

Ask participants to tell you what they think human rights are. Ask what has to be done by someone to get these rights. Ask for examples of particular human rights.

FN: AFTER CONDUCTING THE BRAINSTORM, PUT UP FLIPCHART/TRANSPARENCY 2.
COMPARE WHAT WAS SAID BY PARTICIPANTS WITH THE FLIPCHART/TRANSPARENCY.

3.2 Brainstorm (2 min)

Ask participants to tell what they think a Bill of Rights is. Ask where this can be found in South Africa.

FN: AFTER CONDUCTING THE BRAINSTORM, PUT UP FLIPCHART/TRANSPARENCY 3.
COMPARE WHAT WAS SAID BY PARTICIPANTS WITH THE FLIPCHART/TRANSPARENCY.

3.3 Input (3 min)

Discuss what the Bill of Rights is and why it is part of the Constitution. State that it can be found in Chapter 2 of the Constitution.

3.4 Small groups (25 min)

Before breaking into 3 or 4 small groups, explain that you are about to do so and that each group will be asked to draw up their own Bill of Rights. All booklets and pamphlets must be put away and cannot be taken to the groups. Now set the scene by saying each group is the leadership of a new country which wants to write a Bill of Rights to make sure that the rights which they regard as important are protected. Make sure each group has someone to take notes and someone to report back. Give each group 3 or 4 sheets of newsprint and pens and ask them to use these to write their Bill of Rights. Now break the groups up. Allow 20 minutes for them to write these up. During this exercise, there is a danger that groups focus on all sorts of issues covered by the Constitution. Be sure to visit each group as often as possible to make sure they are only dealing with rights. But do not interfere with or criticise the rights that they wish to protect.

3.5 Report back (20 min)

Each group will need 5-10 minutes to report back. To shorten this, you might allow group 1 to go through every right they listed, then ask the other groups to check their lists and only mention the rights which they have which group 1 excluded. You can then add these to the newsprint put up by group 1.

3.6 Input (10 min)

Compare the rights listed with those in the Bill of Rights. Provide input on key rights which you think are relevant to the community. Concentrate on those, which they did not include in their lists.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 4a, 4b.

3.7 Buzz groups (10 min)

Break people into buzz groups. Ask them whether these rights should be absolute, or whether they should be allowed to be limited. Ask them to think about when it would make sense to limit rights. Allow them some time to discuss, then ask which groups thought rights should be limited sometimes. Then ask a few of these groups to say when they should be limited.

3.8 Input (5 min)

Discuss the limitations clause and states of emergencies. Conduct an input on the need to respect other people's rights and the law.

3.9 Input (5 min)

Briefly discuss international instruments and give examples.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 5.

3.10 Input (5min)

Discuss the horizontal application of rights. State that all rights operate to protect the individual from abuse by government.

Discuss the vertical application of rights. State that rights also protects you from abuse by private individuals and companies, if possible. Use the equality clause (section 9) to illustrate this.

3.11 Questions and answers (15 min)

Allow a question and answer session on the rights in the Bill of Rights.

FN: THIS IS AN IMPORTANT PART OF THE WORKSHOP AND SHOULD NOT BE DOWN-PLAYED. THIS IS THE PERIOD WHERE PEOPLE WILL ASK QUESTIONS ABOUT ISSUES WHICH CONFUSE OR TROUBLE THEM (EXPECT MANY QUESTIONS ON ABORTION, THE DEATH PENALTY AND CORPORAL PUNISHMENT). BY ASKING THESE QUESTIONS, THE COMMUNITY WILL LEARN A GREAT DEAL. BECAUSE IT IS A VERY INTERESTING PERIOD, THE DANGER OF GOING OVER TIME IS VERY REAL. BE CAREFUL NOT TO SPEND TOO LONG, BUT REMIND PEOPLE THAT YOU WILL BE AVAILABLE AT THE END OF THE WORKSHOP TO DEAL WITH A FEW MORE QUESTIONS.

3.12 Input (5 min)

Describe briefly the structures set up to protect human rights.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 6a, 6b

Your Notes

Your Notes

4. What is the SAHRC and why do we need it?

(See Section 2 of the workshop content)

4.1 Input (2 min)

Explain what it is and why it was set up, its structure and aims and objectives.

Your Notes

5. Aims and functions

(See Section 2 of the workshop content)

5.1 Input (3 min)

Explain the aims and functions of the SAHRC.

FN: PUT UP FLIPCHART/TRANSPARENCY 7.

Your Notes

6. Structure and role of the SAHRC (10 min)

(See Section 2 of the workshop content)

FN: PUT UP FLIPCHART/TRANSPARENCY 8.

6.1 Input (2 min)

Provide brief explanation of the structure of the SAHRC. Note that it is divided into a Commission and a Secretariat, and that you will discuss the role of these next.

6.2 Input (8 min)

Provide brief explanation of the role of the Commission.
Provide brief explanation of the role of the Secretariat.

FN: PUT UP FLIPCHART/TRANSPARENCY 9.

Your Notes

7. Powers of the SAHRC (5 min)

(See Section 2 of the workshop content)

FN: PUT UP FLIPCHART/TRANSPARENCY 10.

7.1 Input

Provide brief explanation of the powers of the SAHRC.

Your Notes

8. Reporting human rights violations to the SAHRC (30 min)

(See Section 2 of the workshop content)

8.1 Input and Brainstorms (10 min)

Discuss the type of cases the SAHRC deals with. Stress that some violations can be reported to other structures who will deal with them for no cost. Use brainstorms to ask what type of case should be referred to which organisations.

FN: DURING THIS INPUT, AFTER THE BRAINSTORMS, PUT UP FLIPCHART/TRANSPARENCY 6a, 6b, DEALING WITH TYPES OF CASES HANDLED BY OTHER ORGANISATIONS.

8.2 Role-play (See Annexure F for script) (10 min)

a. Explain procedure to be used -

A role-play will take place and participants will be asked to consider what they have seen and heard and decide whether or not the person in the role-play is a victim of a human rights violation, and whether it should be referred to the SAHRC.

b. Run the role-play.

c. Ask questions as a go-around.

8.3 Rounding off (2 min)

- Round off by noting that these decisions can be difficult to make.
- Give answer to question of whether or not this person qualifies by comparing facts with the Bill of Rights.
- Explain (briefly) that anyone who believes they are a victim of a violation can contact the Commission at any of the contact addresses and numbers at the back their booklets.

8.4 Input (3 min)

Discuss how to report a complaint and how to complete the Complaints Form.

8.5 Input (5 min)

Discuss what happens to a complaint once it is received.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 11, SHOWING WHAT HAPPENS TO COMPLAINTS

Your Notes

Your Notes

9. General discussion (10 min)

Ask participants if they have any other questions.

Your Notes

10. Closure (5 min)

End off by thanking everyone for attending and reminding them about how they can get in touch with the Commission. Ask them to discuss this with their friends and family.

Your Notes

11. ADDITIONAL SECTION ON WORKING WITH NGOs AND CBOs

(See Section 3 of the workshop content)

FN: PUT UP FLIPCHART/TRANSPARENCY 12.

11.1 Input

How your organisation can assist the Commission.

For example, advertising the Commission; distributing materials; providing a venue where statements can be taken; liaising with the Commission on behalf of members of your constituency; adding a section on the SAHRC to existing workshops; and running workshops on behalf of the Commission.

Your Notes

ANNEXURE D

TRAINING OF TRAINERS WORKSHOP

Note: The length of this workshop will depend on how much people you are training already know and their previous experience of running workshops. The outline deals with all aspects, which will require three days to cover fully. However, certain aspects can be excluded if trainers are already skilled at running workshops. This is an outline only and can be adapted to suit your needs, time available and the needs of the people you are training.

WORKSHOP CONTENT

Day One

8:00 - 10:30 Introduction

Purpose of the Workshop

Human Rights, the Bill of Rights and the Constitution

10:30-11:00 TEA

11:00-1:30 Human Rights, the Bill of Rights and Constitution (continued)

1:30-2:30 LUNCH

2:30-3:30 The SAHRC

3:30-4:00 TEA

4:00-5:00 The SAHRC (continued)

Day Two

All day Workshop Techniques and Planning

Day Three

All day Practice

WORKSHOP OUTLINE for training of trainers

DAY ONE

Notes headed '**FN**' are Facilitator's notes.

Blank spaces headed '**your notes**' are for facilitators to use for filling in any additional notes to themselves based on their experiences during the running of workshops.

1. Introductions and Icebreaker (5 min)

- Welcome participants, thank them for attending and introduce yourself. Say what you are going to be discussing.
- Use a standard icebreaker. For example, ask participants to get up and introduce themselves to everyone else present in 2 minutes.

Your Notes

2. Purpose of the workshop

2.1 Input (5 min)

Explain the purpose of the workshop, and what you will cover.

FN: PUT UP FLIPCHART/OVERHEAD GIVING AN OUTLINE OF THE AGENDA YOU WILL USE (YOU WILL NEED TO PREPARE THIS YOURSELF, DEPENDING ON WHAT YOU WILL COVER AND HOW MANY DAYS YOU WILL SPEND). YOU MIGHT ALSO WISH TO ASK PARTICIPANTS WHAT THEY HOPE TO LEARN FROM THE WORKSHOP. WRITE THIS ON A FLIPCHART AND STICK IT UP IN THE TRAINING ROOM. AT VARIOUS POINTS IN THE WORKSHOP, REFER TO THIS FLIPCHART TO MAKE SURE YOU ARE SATISFYING PARTICIPANTS' NEEDS.

Your Notes

Content of the workshop

FN: DURING THIS SECTION, YOU WILL WORK THROUGH ALL THE CONTENT OF THIS MANUAL TO ORIENT PARTICIPANTS AND INFORM THEM ABOUT WHAT THEY WILL BE TRAINING PEOPLE ON. ALL OF THIS INFORMATION IS CONTAINED IN SECTION 2 OF THIS MANUAL. YOU SHOULD ALSO LOOK AT OTHER MATERIALS (BOOKS AND SO ON) THAT YOU HAVE WHICH HAVE ADDITIONAL INFORMATION. SOME OF THE FLIPCHARTS/TRANSPARENCIES USED DURING THIS SECTION ARE THE SAME AS THOSE USED WHEN RUNNING A GENREAL WORKSHOP. ADDITIONAL FLIPCHARTS/TRANSPARENCIES, FOR USE WHEN TRAINING TRAINERS ONLY, ARE INCLUDED AT THE END OF THIS WORKSHOP OUTLINE IN ANNEXURE D.

3. Human rights, the Bill of Rights and the Constitution

3.1 Brainstorm (10 min)

Ask participants to tell you what they think human rights are. Ask what has to be done by someone to get these rights. Ask for examples of particular human rights.

FN: AFTER CONDUCTING THE BRAINSTORM, PUT UP FLIPCHART/TRANSPARENCY 2. COMPARE WHAT WAS SAID BY PARTICIPANTS WITH THE TRANSPARENCY. DISCUSS AND ENSURE PEOPLE ARE AWARE OF THE DEFINITION.

3.2 Input (10 min)

Discuss the history of human rights and where these come from.

3.3 Brainstorm (5 min)

Ask participants to tell you what they think a Constitution is.

FN: AFTER CONDUCTING THE BRAINSTORM, PUT UP FLIPCHART/TRANSPARENCY 13. COMPARE WHAT WAS SAID BY PARTICIPANTS WITH THE TRANSPARENCY. DISCUSS AND ENSURE PEOPLE ARE AWARE OF THE DEFINITION.

3.4 Input (10 min)

Discuss how the Constitution was written. Highlight the fact that it is a **negotiated** Constitution and the role of the public.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 14.

3.5 Brainstorm (5 min)

Ask participants to tell what they think a Bill of Rights is. Ask where this can be found in South Africa.

FN: AFTER CONDUCTING THE BRAINSTORM, PUT UP FLIPCHART/TRANSPARENCY 3. COMPARE WHAT WAS SAID BY PARTICIPANTS WITH THE OVERHEAD. DISCUSS.

3.6 Input (5 min)

Discuss what the Bill of Rights is. State that it can be found in Chapter 2 of the Constitution.

3.7. Small groups (30 min)

Before breaking into 3 or 4 small groups, explain what you are about to do so and that each group will be asked to draw up their own Bill of Rights. All booklets and pamphlets must be put away and cannot be taken to the groups. Now set the scene by saying each group is the leadership of a new country which wants to write a Bill of Rights to make sure that the rights which they regard as important are protected. Make sure each group has someone to take notes and someone to report back. Give each group 3 or 4 sheets of newsprint and pens and ask them to use these to write their Bill of Rights.

Now break the groups up. Allow 20 minutes for them to write these up. During this exercise, there is a danger that groups focus on all sorts of issues covered by the Constitution. Be sure to visit each group as often as possible to make sure they are only dealing with rights. But do not interfere with or criticise the rights that they wish to protect.

3.8 Report back (30 min)

Each group will need 15 minutes to report back. To shorten this, you might allow group ONE to go through every right they listed, then ask the other groups to check their lists and only mention the rights which they have which group ONE excluded. You can then add these to the newsprint put up by group ONE.

3.9 Input (20 min)

Compare the rights listed with those in the Bill of Rights. Provide input on key rights which they did not include in their lists.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 4a, 4b.

3.10 Input: Socio-economic rights. (15 min)

Discuss what these are. Particularly, focus on the clauses “access to” and “progressive realisation”. Stress that trainers must ensure that people know these are not things which they have automatic access to.

3.11 Buzz groups (20 min)

Break participants into buzz groups. Ask them whether these rights should be absolute, or whether they should be allowed to be limited. Ask them to think about when it would make sense to limit rights. Allow them some time to discuss, then ask which groups thought rights should be limited sometimes. Then ask a few of these groups to say when they should be limited.

3.12 Input (15 min)

Discuss the limitations clause and states of emergencies. Conduct an input on the need to respect other people's rights and the law.

3.13 Small groups (20 min)

Break participants into small groups. Ask whether rights apply between individuals, or only to protect the individual from government. Ask participants to look at the application clause (Section 8 of the Constitution). If they think rights do apply horizontally, ask them to list which apply horizontally.

3.14 Report back (30 min)

Allow each group to report back on their conclusions. Allow 10 min per group.

3.15 Input (15 min)

Discuss the horizontal application of rights. Use Equality as an example of when rights clearly can apply horizontally, and the Citizenship clause to show when they cannot (since only the government can take away citizenship). Discuss the vagueness of Section 8 and how it will be left to the Constitutional Court to finally determine which rights are capable of applying horizontally.

3.16 Buzz groups (30 min)

Break participants into buzz groups. As a way of explaining how the Constitution, and particularly the Bill of Rights, can be amended and what is meant by Constitutionalism, ask participants to tell you how the death penalty could be re-instituted. Once people have reported back, discuss the fact that this could only happen if the Bill of Rights was amended, particularly the Right to Life.

Then discuss the majority required to amend the Constitution (two-thirds) and the special majority required to amend the Bill of Rights (two thirds of the National Assembly, plus 6 out of 9 provinces). You might need to briefly discuss the make up of Parliament as well to ensure people know there are two houses and what the role of each house is.

3.17 Input (15 min)

Briefly discuss international instruments and give examples.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 5.

3.18 Questions and answers (15 min)

Allow a question and answer session.

FN: THIS IS AN IMPORTANT PART OF THE WORKSHOP AND SHOULD NOT BE DOWN-PLAYED. THIS IS THE PERIOD WHERE PEOPLE WILL ASK QUESTIONS ABOUT ISSUES WHICH CONFUSE OR TROUBLE THEM (EXPECT MANY QUESTIONS ON ABORTION, THE DEATH PENALTY AND CORPORAL PUNISHMENT). BE CAREFUL NOT TO SPEND TOO LONG, BUT REMIND PEOPLE THAT YOU WILL BE AVAILABLE AT THE END OF THE WORKSHOP TO DEAL WITH A FEW MORE QUESTIONS.

Your notes

4. The SAHRC

4.1 Input (5 min)

Explain what it is and why it was set up.

4.2 Input (10 min)

Explain the SAHRC aims and functions.

FN: PUT UP TRANSPARENCY/FLIPCHART 7.

4.3 Input (10 min)

Provide brief explanation of the structure of the SAHRC. Note that it is divided into a Commission and a Secretariat.

FN: PUT UP FLIPCHART/TRANSPARENCY 8.

4.4 Input (5 min)

Provide brief explanation of the role of the SAHRC

FN: PUT UP FLIPCHART/TRANSPARENCY 9.

4.5 Input (10 min)

Provide brief explanation of the powers of the SAHRC

FN: PUT UP FLIPCHART/TRANSPARENCY 10.

Your notes

5. Reporting human rights violations to the SAHRC

5.1 Input and brainstorms (15 min)

Discuss the type of cases the SAHRC will deal with. Stress some violations can be reported to other structures who will deal with them for no cost. Use brainstorms to ask what type of case should be referred to which organisation.

FN: DURING THIS INPUT, AFTER THE BRAINSTORMS, PUT UP FLIPCHART/TRANSPARENCY 6a, 6b.

5.2 Role play (20 min)

(See Annexure E for script)

- a. Explain procedure to be used - A role-play will take place and participants will be asked to consider what they have seen and heard and decide whether or not the person in the role-play is a victim of a human rights violation, and whether it should be referred to the SAHRC.
- b. Run the role-play.
- c. Ask questions as a go-around.

5.3 Rounding off (10 min)

- Round off by noting that these decisions can be difficult to make.
- Give answer to question of whether or not this person qualifies by working comparing facts with the Bill of Rights.
- Explain (briefly) that anyone who believes they are a victim can apply by contacting the Commission at any of the contact addresses and numbers at the back their booklets.

5.4 Input (10 min)

Discuss how to report a complaint to the SAHRC and how to complete the form.

5.5 Input (5 min)

Discuss what happens to a complaint once it is received.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 11.

Your notes

6. Other structures to protect human rights

6.1 Input (10 min)

Describe briefly the other structures set up to protect human rights.

FN: DURING THIS INPUT, PUT UP FLIPCHART/TRANSPARENCY 15.

Your notes

7. General discussion (10 min)

Ask participants if they have any other questions.

Your notes

DAY TWO - WORKSHOP TECHNIQUES AND PLANNING

During the second day of the training workshop, you will need to go through each of the workshop techniques used during the workshop. You should refer people to how these were used on them during the first day. You will need to spend at least 20 minutes on each technique, explaining it and allowing the group time to practice it. You should spend at least an hour on the role play. You will probably find that participants are shy and need to be coaxed into this.

You should then set aside about an hour to deal with Planning a Workshop. Refer to the relevant parts of the manual.

DAY THREE - PRACTICE

Depending on how much time is available to you, and how much time it has taken to teach workshop techniques on Day Two, the remainder of the workshop should be a practice session on running a workshop. Participants should be divided into three or four groups. Each group should be given an aspect of the workshop to cover and should be allowed some time to prepare. It is useful to plan your workshop in such a way that the remainder of Day Two (after teaching workshop techniques) and the night between Days Two and Three are allocated to workshop preparation.

Once participants have been allowed sufficient time to prepare, begin the workshop. As each group presents, the remaining group act as the participants at the workshop. Your role is to monitor the presentations to ensure they do not run over time; that workshop techniques are properly used; and to check that content is accurately presented. Where there are inaccuracies, stop the presentation and ask the other participants whether what is being said is correct. Ensure that whatever is incorrect is corrected, either by fellow participants or by you.

ANNEXURE E

Flipcharts/Transparencies

The following pages contain outlines for you to use when drawing up flipcharts to use during the workshop. These should be translated, where necessary.

In addition, these outlines may be photocopied onto transparencies and used as overheads during the workshop. Be careful to only use transparencies, which are suitable for use in photocopying machines! You may also wish to translate these before photocopying them on to transparencies

Workshop Outline

1. Introduction

2. Purpose of the workshop

3. Human Rights and the Bill of Rights

- a. What are human rights?
- b. History
- c. Bill of Rights and Constitutions
- d. How does the Bill of Rights work?
- e. What human rights are protected in the Bill of Rights?
- f. Can the rights in the Bill of Rights be limited?
- g. How else can human rights be protected?

4. What is the South African Human Rights Commission and why we need it?

Workshop Outline

(continued)

5. Aims and Functions

6. Structure of the SAHRC

The Commission, The Secretariat

7. Powers

8. Reporting human rights violations to the SAHRC

- a. What type of human rights violations does the SAHRC deal with?
- b. How to report a human rights violation to the SAHRC
- c. How to fill in the SAHRC complaint form
- d. What happens to a complaint once it is received

9. General discussion

10. Closure

What are Human Rights?

1. Rights and freedoms that everybody has, just because they are human beings
2. Not privileges
3. Cannot be taken away from people
4. Often set out in a Bill of Rights (like South Africa)
5. Includes rights like:
 - Life
 - Equality (no unfair discrimination)
 - Political rights (to vote and to stand for election)
 - Freedom of expression
 - Freedom and security of the person
 - Freedom of movement and residence
 - Housing
 - Education
 - Health care, food, water, and social security
 - Rights of arrested, detained and accused people

What is a Bill of Rights?

1. A list of all the human rights to be protected
2. Often included in the Constitution (as in South Africa)
 - a Constitution is the highest law of a country
 - it sets out how the government will be made up and how the country will be run
 - all other laws must follow it
 - so no law can go against the Bill of Rights (because it is part of the Constitution)
 - because it is part of the law, it can be used in court to protect you
3. Only applies to the country in which it is written

The Bill of Rights

(Chapter 2 of the Constitution)

- Equality
- Human Dignity
- Life
- Freedom and security of the person
- Slavery, servitude and forced labour
- Privacy
- Freedom of religion, belief and opinion
- Freedom of expression
- Assembly, demonstration, picket and petition
- Freedom of association
- Political rights
- Citizenship
- Freedom of movement and residence
- Freedom of trade, occupation and profession
- Labour relations

The Bill of Rights

(continued)

- Environment
- Property
- Housing
- Health care, food, water and social security
- Children
- Education
- Language and Culture
- Cultural, religious and linguistic communities
- Access to information
- Just administrative action
- Access to courts
- Arrested, detained and accused persons

Transparency 5

SA's position in International Human Rights Conventions

CONVENTION	N*	S*	R/A*
International Covenant on Civil and Political Rights (1966)		3 (1994)	
International Covenant on Economic Social and Cultural Rights (1966)		3 (1994)	
African Charter on Human and Peoples' Rights (1981)			3 (1996)
Prevention of Discrimination Convention on the Elimination of All Form of Racial Discrimination (1965)		3 (1994)	
International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)	7		
International Convention Against Apartheid in Sports (1985)	7		
Convention against Discrimination in Education (1960)	7		
Convention on the Elimination of All Forms of Discrimination Against Women (1979)			3 (1995)
War Crimes and Crimes v Humanity, including Genocide Convention on the Prevention and Punishment of the Crime of Genocide (1948)	7		
Convention on the Non-Applicability of Statutory Limitations to War Crimes Against Humanity (1968)	7		
Slavery, Servitude, Forced Labour and similar institutions and practices Slavery Convention (1926)			3 (1927)
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	7		
Convention for the Suppression of the Traffic of Persons (1949)			3 (1951)
Forced Labour Convention (1930)	7		
Human Rights in the Administration of Justice: Protection of Persons subjected to detention or imprisonment Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)		3 (1993)	
Nationality, Statelessness, Asylum and Refugees Convention on the Nationality of Married Women (1957)		3 (1993)	
Convention on the Reduction of Statelessness (1961)	7		
Convention relating to the Status of Stateless Persons (1954)	7		
Convention relating to the Status of Refugees (1951)			3 (1996)
Convention on Specific Aspects of Refugee Problems in Africa (1969)			3 (1995)
Freedom of Information Convention on the International Right of Correction (1959)	7		
Political Rights of Women Convention on the Political Rights of Women (1952)		3 (1993)	
Marriage and the Family, Childhood and Youth Convention on Consent to Marriage, Minimum Age for and Registration of Marriage (1962)			3 (1993)
Convention on the Rights of the Child (1989)			3 (1995)
Other Four Geneva Conventions (1952). These are humanitarian law treaties regulating conduct between warring parties Protocols to the Geneva Convention			3 (1952) 3 (1995)
Convention on Excessively Injurious and Indiscriminate Weapons (1980)	7		

Structures/Organisations which deal with Human Rights Violations

1. SAHRC
 - promotes human rights
 - protects human rights
 - monitors laws and government
2. Public Protector
 - complaints against government officials
3. Commission on Gender Equality
 - discrimination on the basis of sex and gender
4. Independent Complaints Directorate
 - complaints against police officials
5. Commission for Conciliation, Mediation and Arbitration
 - labour complaints

Structures/Organisations which deal with Human Rights Violations (continued)

6. Legal Aid Board
 - free lawyers in a wide variety of cases

7. Legal Aid Clinics
 - Universities – free legal assistance and advice

8. NGOs, CBOs and Paralegals
 - community based
 - free assistance

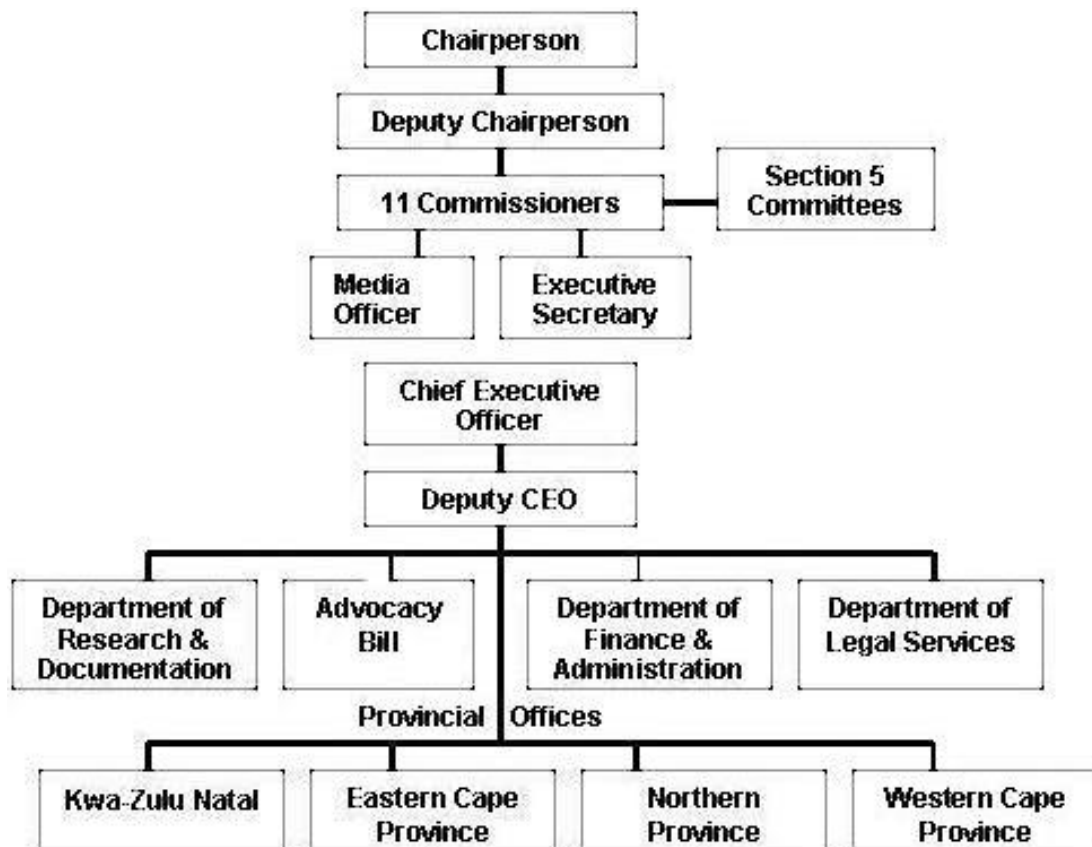
Aims and Functions

1. Promoting human rights
 - educating
 - informing

2. Protecting human rights
 - providing assistance

3. Monitoring (checking) government
 - no violations
 - steps to be taken to protect rights

Structure of the SAHRC



The Role of the SAHRC

1. Promoting human rights
 - developing policies
 - advising government
 - working with international human rights bodies
 - raising awareness through publicity and media, education and training

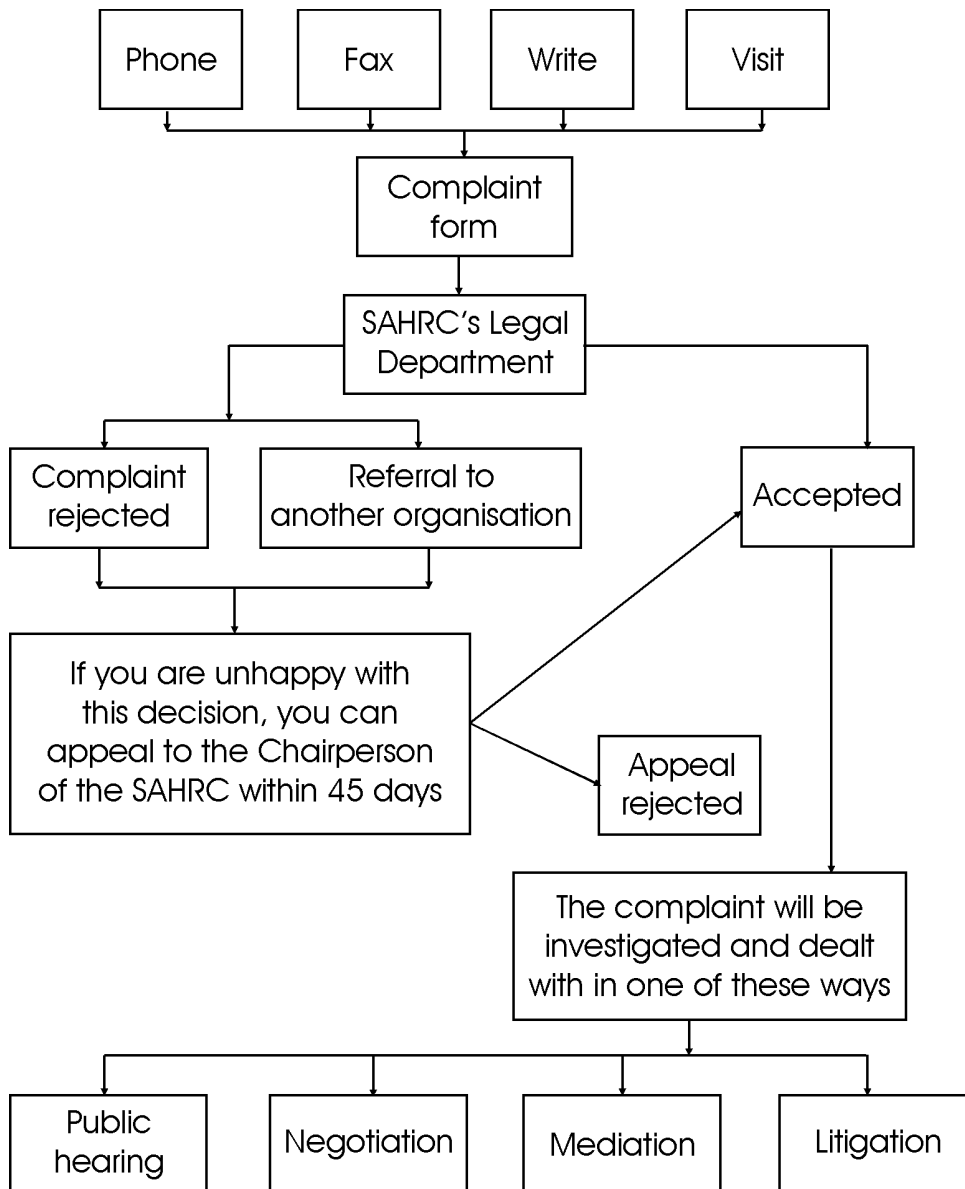
2. Protecting human rights
 - investigations
 - monitoring laws
 - monitoring government
 - correcting human rights violations
 - mediation
 - conciliation
 - court cases

3. Monitoring
 - Government
 - Laws
 - Socio-Economic Rights

Powers of the SAHRC

1. Mediation
2. Conciliation
3. Negotiation
4. Investigations/hearings
 - Can call people to appear at these
 - Can search premises
 - Can seize anything needed for the investigation/hearing
 - Can get court orders
5. Court cases
 - for itself
 - on behalf of someone else

What happens to a complaint once it reaches the SAHRC



How your organization can assist the SAHRC

1. Spreading information on aims and processes of the Commission

- Adding a presentation on the SAHRC to existing workshops
- Distributing SAHRC materials
- Running SAHRC workshops (at own expense)
- Sharing information
- Assisting SAHRC staff to get access to communities you target
- Assisting with arranging SAHRC workshops
- Taking statements and referring human rights violations to the SAHRC

2. Assisting with projects and activities which compliment the ideal, aims and objectives of the Commission

- running human rights education workshops
- producing and distributing your own human rights materials
- targeting provincial and local government structures

What is the Constitution?

- Highest (supreme) law of the country
- Has the rules about how the government is made up and how the country must run
- Hard to change and so stays constant over time
- Protects democracy and human rights:
 - elections
 - rule of law
 - separation of powers
 - Bill of Rights
 - Independent structures

1910 – Union of South Africa

1961 – Republic of South Africa

1983 – Tri-cameral Parliament

1994 – Interim Constitution

How the new Constitution was written

- Interim Constitution (negotiated)
 - Set up Constitutional Assembly (CA)
 - Set out Constitutional Principles to be followed
- CA received submissions from
 - political parties
 - interested groups
 - public
- CA prepared working draft
- Working draft distributed and comments received
- Final draft written by CA and approved
- This draft referred back to CA by Constitutional Court
- Revised draft sent to Constitutional Court by CA
- Constitutional court certified revised draft had followed Constitutional Principles
- New Constitution signed by President 10 Dec 1996
- New Constitution in effect from Feb 1997 except provisions dealing with how government is made up – to come into effect in 1999

Other Structures supporting Human Rights

1. Constitutional Court
2. Public Protector
3. Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
4. Commission on Gender Equality
5. Auditor-General
6. Electoral Commission
7. Independent Authority to Regulate Broadcasting PLUS
8. Commission on Restitution of Land Rights
9. Truth and Reconciliation Commission

International Instruments

- Universal declaration of Human Rights (1948)

CONVENTIONS / COVENANTS etc

- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- African Charter on Human and Peoples Rights (1986)
- Convention against Torture or Punishment (1984)
- Convention on the Elimination of all forms of Racial Discrimination
- Convention on the Rights of the Child
- Convention on the Elimination of all forms of Discrimination against Women

PRINCIPLES / DECLARATIONS

- Code of Conduct for Law Enforcement Officials
- Standard Minimum Rules for Treatment of Prisoners
- Principles on Force and Firearms
- Body of Principles for the protection of All Persons under any form of Detention or Imprisonment
- Basic Principles of Justice for Victims of Crime and Abuse of Power
- Declaration on the Elimination of Violence against Women

How are Human Rights protected?

1. INTERNATIONAL INSTRUMENTS

- UN (usually, but can be other sources)
- Apply in a country if:
 - Signed and ratified; or
 - Acceded to

2. REGIONAL INSTRUMENTS

- African Charter
- Need to be signed or ratified

3. BILL OF RIGHTS

- Usually in the Constitution (as in SA)
- Only apply to that country

Important rights relating to policing

- Equality
- Human Dignity
- Life
- Freedom and Security of the Person
- Privacy
- Children
- Access to Information
- Access to Courts
- Arrested, detained and accused persons

Human Rights and Policing Outline

1. What are Human Rights?
2. How are Human Rights protected?
3. International Instruments
4. What is a Bill of Rights?
5. What is the Constitution?
6. How was the Constitution written?
7. The Bill of Rights
8. Important Rights relating to policing
9. Limitations Clause
10. People under investigation
11. Search and Seizure
12. Rights of Arrested Persons
13. Use of Force
14. Detained Persons
15. Torture
16. Other forms of human rights violations
17. Consequences of human rights violations

ANNEXURE F

ROLE-PLAY SCRIPT

Character A:

A person who has come to the office to find out whether the SAHRC will deal with their case. To be played by Facilitator.

Character B:

Member of the office staff of the SAHRC. To be played by Assistant Facilitator or a member of the audience.

Setting

The role-play is set in one of the offices of the SAHRC. Character A arrives at the office, knocks at the door, and is invited in by Character B who is seated behind a desk or table.

A:

Knock, knock.

B:

Come in.

(A ENTERS THROUGH IMAGINARY DOOR)

A:

Hello, is this the South African Human Rights Commission?

B:

Hello. Yes, this is the South African Human Rights Commission.
How may I help you?

A:

I have heard that you are helping people who are victims of human rights violations.
I want to know if you can help me.

B:

Well, why don't you tell me your story.

A:

OK. It was on Wednesday last week. I was in town looking for a job.
I saw an advert outside a building saying that they were looking for someone to work on the switchboard. I have been trained to do this and have 5 years experience. I went upstairs and asked about the job. I was told that they needed a white person for the job and that I must leave the building immediately. I asked whether this was allowed in the new South

Africa and was told that even if I were white, they would still not give me the job because I have a wooden leg. I asked why I needed two legs to answer the telephone, but they chased me away. I don't know what to do. Can you help me?

End of role-play

Facilitators should now ask participants to consider this case in light of what they have learned about the Bill of Rights and the cases the SAHRC will deal with. Facilitators should then work through the scenario to see whether the person qualifies.

Questions and Answers

Is this a human rights violation? Yes.

What right in the Bill of Rights has been violated? The Equality clause, particularly the right not to be discriminated against on the basis of race or disability.

Does it matter that this discrimination was by a private person and not by the government? No, because the equality clause specifically says no-one may discriminate against anyone else on any of the grounds set out. That is, this right expressly operates horizontally as well as vertically.

Is this the type of case the SAHRC will deal with, or should it be referred to someone else? This is the type of case the SAHRC will deal with. It is a serious issue and no other organisation has been set up to specifically deal with this type of case.

On the other hand, this case could still be referred to an NGO or CBO, but they would probably send it to the SAHRC.

ANNEXURE G

Answers to difficult questions

Q: How can the SAHRC be independent if it is funded by the government?

A: The money used by the SAHRC comes from taxpayers. Even though it is allocated to the SAHRC by the government, it is not the government's money, but the money of all South Africans. Because the SAHRC is set up by the Constitution, the government cannot simply decide not to give it money to do its work. However, to make sure that the government cannot control the SAHRC through funding, the SAHRC will also raise funds from other sources.

Q: What is the difference between the SAHRC and the Truth Commission?

A: The Truth and Reconciliation Commission is a temporary body, which comes to an end when its work is finished. This will probably be at the end of this year (1997).

The Human Rights Commission is a permanent body, which is set up by the Constitution.

Secondly, the Truth and Reconciliation Commission's job is to investigate gross human rights violations of the past, between 1 March 1960 and 10 May 1994. The Human Rights Commission's job is to deal with human rights violations in the present. Also, the Human Rights Commission has the job of monitoring government and of educating people about Human Rights.

Q: Why does the SAHRC only look at serious cases?

A: Because there are many types of violations and some of these can be regarded as minor or as problems, which people should sort out amongst themselves. The SAHRC has a limited amount of money and a small staff and will not be able to deal with every human rights violation.

Also, there are numerous organisations to deal with specific human rights violations and we should make use of these.

Q: How do I know whether my case is one, which the SAHRC will deal with?

A: Although it is difficult to say whether what happened to you is serious enough, there are cases which are obviously serious.

The most important thing though is to check the Bill of Rights to see whether what has happened to you goes against any of these rights.

Q: How can I make a statement if I cannot read or write?

A: The SAHRC has trained statement takers to take statements from people. If you cannot get to an SAHRC office, but you can get to a phone, you can phone any one of the offices and they will assist you. If not, visit your local NGO, CBO, political party or even your police station or a friend and ask them to help you fill in the form, and then send it to one of the SAHRC offices.

If you cannot get a form, ask a friend to write to the SAHRC and ask us for one. You might also find one at your nearest NGO or CBO.

Q: How can I make a statement if I am too old or too poor to travel to the Commission's offices?

A: Call the SAHRC and they will arrange for someone to come and take a statement from you or the SAHRC will send you a complaint form for you to fill in and return to them.

Q: What if I do not speak English or Afrikaans?

A: There are now 11 official languages in South Africa and you can make your statement in any one of these languages.

Q: What if I am embarrassed about what happened to me and do not want anyone to know about it?

A: Whatever you tell the SAHRC is treated as confidential. This means the SAHRC will not tell anyone any of the details of your case without your permission. If the SAHRC do want to use the facts of your case, they will not mention your name or the name of the person you are complaining about unless you agree to it.

ANNEXURE H

Evaluation Form for participants

1 Did the workshop address the issues, which you felt, needed to be addressed?

Your comments

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.....

2. What parts of the workshop did you find not so useful?

Your comments

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.....

3. What parts of the workshop did you find most useful?

Your comments

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.....

4. Has the workshop explained human rights and the Bill of Rights?

Your comments

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.....

5. Has the workshop explained the SAHRC and how it works?

Your comments

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6. Did you learn anything from the inputs by the workshop facilitator?

Your comments

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.....

7. Was the workshop too long or too short? Was there enough time for different issues?

Your comments

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.....

8. Was the small group work useful?

Your comments

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.....

9. What could be done to improve future workshops?

Your comments

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.....

10. How were the practical arrangements - venue, transport, food etc.?

Your comments

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.....
.....

11. Any other problems, comments and suggestions?

Your comments

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.....
.....
.....

ANNEXURE I

Workshop report form

REPORTING FORM for the trainer

(To be completed after each workshop and sent to Andre Keet, SAHRC, Private Bag 2700, Houghton 2041, Johannesburg)

1. Date of Workshop 19
2. Length of Workshop hours
3. Place
4. Province
5. Facilitated by
6. Number of people
7. Language used
8. Number of evaluation forms completed (to be sent with this report)
9. Was the entire SAHRC manual used? Yes No
10. If not, which parts were used
11. Are you a member of an NGO or CBO? Yes No
If Yes, which?
12. Did you work with a NGO or CBO? Yes No
If Yes, which?

ANNEXURE J

Publications order form

Name:

Address:

.....Postal code.....

Telephone:

I would like to order the following:

PUBLICATION	LANGUAGE (S)	QUANTITY REQUIRED
Pamphlet <i>Protecting You, Protecting Your Rights</i>		
Booklet <i>My Rights, Your Rights respect, responsibility and the SAHRC</i>		
SAHRC Complaints Form		
Poster <i>The Bill of Rights</i>		
Poster <i>Know your rights know where you stand(English only)</i>		
<i>The South African Constitution</i>		

send the completed form to:

SAHRC
Advocacy Unit
Private Bag 2700
Houghton 2041
Johannesburg
or fax 011 - 484 7146