

DIGNITY

EQUALITY

JUSTICE

THESE FREEDOMS
WE FOUGHT FOR

WHAT'S ON @THE HILL?

CONSTITUTION HILL

www.constitutionhill.org.za • Volume 1

INTRODUCTION

Constitution Hill is a fusion of history, architecture and art. It is a site that reflects a profound sense of humanity, activism and a deep yearning for justice. The intersection of law and art on the Hill is a stunning expression of citizenry and constitutionalism. The Hill is also a platform for artists, lawyers and activists across the spectrum who are driven and inspired by the creative transformation of South Africa. We showcase these activists monthly together with the message that the Hill belongs to all who claim its legacy and message of humanity, democracy and transformation

ART & ACTIVISM

The artist on the Hill this month is **Thina Zibi**, a Johannesburg photographer who is using her lens and art to express her thoughts on African spirituality in all its dimensions.

Please describe who you are in 10 words

I am Thina Zibi. An art director who happens to be a lover of photo taking and creative activist who is an advocate of preserving African identity.

What drives you to create? In other words what is your "why" for creating?

Creating is my language. It allows me to share my voice, ideas and thoughts. It's a way of living and sharing that I too am living, feeling and learning. It allows me to question or state what I cannot always put into words.

Have you been to Constitution Hill- as an artist what does the Hill represent to you?

Constitutional Hill is a space that reminds us where we have been, as people and as women. It is also a space that indicates where we are going, the art and initiatives are indicative of where we are moving the country as young people. For me it's a reflection of shifting minds.



How does your work illustrate or expand the definition of what it means to be an activist in South Africa? As an artist/ activist/ What are you fighting for?

A lot of my work shows African people as they are and I suppose it's also a celebration of that. It is an attempt of showing the real parts of Africa and not what the world perceives it to be. It is the world as I see it through my lense. My current work focuses more on the African body and it's relation to African identity. It aims to relook the idea of African spirituality and reconsiders it as a viable practice for understanding where and how we are embedded in this world. In some way, I'm confronting the existence of this other world, parallel or protruding into, ours.

My confrontation is coloured with my own surprise and confusion at the discovery of this world as I examine, and perhaps try to reclaim, a spiritual identity and practice that is lost with many contemporary Africans. The images mirror some visual cues from the experience of "ukuhlanjwa" (spiritual cleansing), a practice one is usually asked to do by their traditional healer involving the slaughtering of chickens in order to relieve themselves from malicious energy or to appease the ancestors.

Finally this year is the inaugural Afropunk festival on Constitution Hill - what does Afropunk represent to you?

Afropunk represents a modern wave of black expression and a unity of culture, excellence, celebration and perhaps a movement of a modern black identity through music and the arts. It is necessary.

Check out Thina's work here: <http://www.notedman.com/ap-peasement-renewal-ancestral-realm/>





LAW & ACTIVISM

The legal activist on the Hill this month is Alexandra Fitzgerald who has just recently joined the South African Human Rights Commission and is actively doing her part in making real the society envisioned by our Constitution.

Please describe who you are in 10 words

Your friendly neighborhood intersectional feminist business and human rights lawyer.

What drives you? What is your "why" for being a lawyer?

The belief that I can tangibly improve the quality of my life and the lives of my fellow citizens through my work.

What does Constitution Hill represent to you?

Constitutional Hill is home to me. I've worked there, danced there, protested there, laughed there and cried there.

Can you describe the state of our nation right now

The state of our nation is a dissertation but there is obviously cause for concern. The extent to which we, as a society, tolerate the extraordinarily high levels of sexual violence is a glaring red flag as is the lack of effort we put into understanding our country and each other. This notwithstanding I am constantly amazed by the resilience of the South African spirit and our ability to laugh instead of cry.

How does your work expand the definition of what it means to be an activist in South Africa? What are you fighting for?

I recently started working at the South African Human Rights Commission which means that I am lucky enough to engage daily in the consideration of how we as a nation resolve systemic socio-economic problems which infringe on the human rights of South Africans. That means that a lot of my activism, for now, entails trying to do my job to the best of my ability.

What am I fighting for? I'm not really fighting. I'm at that stage of my life where my activism consists of showing up, actually doing the background research, being informed, investing in people, and following through. I'm doing the things that make the pots to be done.

Are you coming to Afropunk? What does Afropunk mean to you?

Hell to the yes! I've been looking at pictures of Afropunk for years and I've always longed to experience the joy and freedom of expression that's associated with that space.

AFRO PUNK

AFROPUNK ON THE HILL

Solange on the Hill

Her latest album gave voice to black frustration, pain and aspirations. A Seat at the Table embodies what every activist yearns for – to be heard, to be seen and to participate in every sphere of society as right carrying citizens. Solange will bring her transformative music and energy to our site, the home of South African Art, justice and activism.

Her music and Constitution Hill will make for a magical combination set to light up the Hill. We cannot wait for Solange to immerse herself in our heritage which strongly bears resemblance to her own. This sharing of art and heritage with all Afropunk artists and festival goers fosters a collective sense of belonging despite all our differences. Let the countdown begin.





COURT ON THE HILL

The Constitutional Court is back in session. The next hearing, Minister of Justice and Constitutional Development and Another v South African Restructuring and Insolvency Practitioners Association and Others, will be heard on 2 November 2017. **Read more at <http://129.232.180.226/handle/123456789/34554>**



Congratulations to Chief Justice Mogoeng Mogoeng who has been named as the 2017 South African of the Year, according to a poll hosted by News24.



Another congratulations to Justice Edwin Cameron whose acclaimed Justice: A Personal Account has just been published in Korea!



EXHIBITION ON THE HILL

Memories of the Struggle: Australians Against Apartheid Opening on 2 November 2017

Memories of the Struggle pays tribute to the dedication and commitment of everyone who took part in the anti-apartheid movement. The material for the exhibition was drawn from books, doctoral theses and documentaries, but most of the information, photographs and other memorabilia came from the personal and organisational archives of activists and supporters.

The multimedia exhibition opening on **2 November 2017** demonstrates the commitment

of many Australians from all walks of life to supporting the struggle for democracy in South Africa. A picture emerges of continuous protest in the fields of politics, sport, the trade unions, civil society and the clergy. Many who were at the forefront of the anti-apartheid movement did so against the wishes of the state and federal governments of the day, and some sustained injury or were imprisoned as a result.



FOCUS ON THE HILL



The 16 days from 25 November to 10 December are dedicated every year to highlight the worldwide epidemic of senseless violence against women and children by the men in our societies.

The Constitutional Court has dealt with a number of cases which illustrate the devastation caused by gender – based violence.

In 2001 Alix Carmichele, after a seven-year fight against the officials who allowed her attacker, a known sex offender, to go free, won her case in the Constitutional Court with the Court ruling that in principle the police and prosecutors have a duty to protect women from harm.

In a landmark decision the Constitutional Court held that the State is obliged by the Constitution and international law to prevent gender-based discrimination and to protect the dignity, freedom and security of women. The Court held that it is important that women be free from the threat of sexual violence.

Carmichele's case highlights a deeper societal problem that cannot be addressed by law alone. Prof Nomboniso Gasa from the University of Cape Town articulated the limitations of the law in solving this greater problem when she recently wrote we must learn a sense of right and wrong that is deeper than

what is lawful. We must use the rule of law as a minimum standard and look at it not as a substitute for morality and ethics. Gasa does recognise that empathy and commitment to the minimum standards that we have set in law and the Constitution are important. If people in public office act in line with the Constitution and rule of law, there is a possibility of a starting point that is not harmful to people, especially the most vulnerable.

The judgements of the Constitutional Court can go a long way in restoring the dignity of the women and children who are victims of sexual assault. However we should work towards a society where such legal redress is not needed.

The law alone cannot prevent rape and sexual assault, it cannot guarantee that men will treat women as human beings endowed with human rights - that can only happen when there is a wider societal commitment to learning a sense of right and wrong that is deeper than what is lawful.



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