

Human Rights Council

Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author (s) of the communication or the alleged victim (s) if other than the author

Individual Group of individuals NGO Other

Last name: **SOLIDARITY TRADE UNION**

First name(s):

Nationality: **SOUTH AFRICA / NON-GOVERNMENTAL ORGANISATION**

Address for correspondence on this complaint: **C.O. DF MALAN AND EENDRACHT STREET, KLOOFSIG, SOUTH AFRICA**

Tel and fax: (please indicate country and area code)

E-mail:

Website:

Submitting the complaint:

On the author's own behalf:

On behalf of other persons:

In submitting this complaint, Solidarity acts;

- in its own interest as a non-governmental organisation with standing;
- in the interest of its members who as citizens of/and residence within the Republic of South Africa;
- on authority of the individuals who have exhausted all domestic remedies;

Who have suffered actual or potential prejudice in consequence of the South African Governments' failure to, without bias, investigate, prosecute and or discipline State officials and politicians who have made discriminatory statements and committed acts of racist hate speech against minority groups.

Solidarity has further received the support of 405 000 citizens and residence within the Republic of South Africa to submit this complaint.

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): **SOUTH AFRICA**

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

KINDLY SEE ANNEXURE “A” ATTACHED HERETO.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies– please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

A complaint has been lodged with the South African Human Rights Commission (which operates under the Principles Relating to the Status of National Institutions) however, as will be noted from the attached document the Commission has been reluctant and quite frankly outright refused to investigate some of the individual complaints submitted to it regarding discriminatory statements and hate speech committed by State Officials and members of Parliament. Where the Commission did investigate some of the complaints it has done so in a racially biased manner. It is therefore submitted that the complaint so submitted to the SAHRC will be ineffective or unreasonably prolonged.

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):

- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):

- Any other evidence or supporting documents deemed necessary:

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>