

# Balancing Safety and Rights: A Guide for Gated Communities

By **Sarah Thackwell** (Partner)  
and **Funeko Makhubela** (Candidate Attorney)

09 April 2024

## INTRODUCTION

The recent scrutiny over security practices at Johannesburg's Eagle Canyon Golf Estate brings a critical issue to the forefront for gated communities across South Africa: maintaining security while respecting the constitutional rights of individuals. Revelations of potentially discriminatory practices against domestic workers, gardeners, and particularly individuals from black and foreign national backgrounds, necessitate a closer examination of our security protocols.

## UNDERSTANDING THE SAHRC RULING

The intervention by the South African Human Rights Commission (SAHRC) in these matters signals a pivotal moment. The Commission's findings, driven by affidavits indicating a bias in security measures, underline the importance of aligning security protocols with the principles of dignity, equality, and privacy as enshrined in our constitution.

### Navigating the Legal Landscape:

For residents of gated communities, the desire for safety is both understandable and legitimate. However, the execution of security measures must be carefully managed to ensure compliance with South African law. This involves creating security policies that are not only effective but also non-discriminatory and respectful of everyone's rights.

## STRATEGIES FOR COMPLIANCE AND SAFETY

The shift towards more equitable security practices can be facilitated through several key strategies:

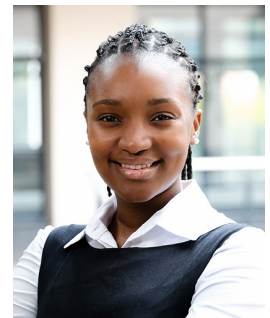
1. **Transparent Security Protocols:** Establishing clear, transparent guidelines for security procedures that are communicated to all residents and workers within the community.
2. **Regular Training:** Providing ongoing training for security personnel on legal compliance, ethical conduct, and sensitivity to avoid discriminatory practices.
3. **Community Engagement:** Involving all members of the community in the development and review of security policies to ensure they reflect shared values and legal standards.
4. **Independent Oversight:** Implementing an independent review mechanism to monitor compliance and address grievances related to security practices.

## CONCLUSION

The pursuit of security within gated communities must not infringe upon the rights and dignities of individuals. By adopting a balanced approach that respects legal and ethical standards, communities can create safe, inclusive environments that reflect the values of our democratic society.



**Sarah Thackwell**  
(Partner)



**Funeko Makhubela**  
(Candidate Attorney)