

## **SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

2<sup>nd</sup> Floor  
33 Hoofd Street  
Braampark, Forum 3  
**Braamfontein**  
2017

Private Bag X 2700  
**Houghton**  
2041

Tel.: 011 877 3750  
Fax: 0864100149



**REF: GP/2021/0104/BJ/MHP**

7 September 2020

Clicks Retailers (Pty) Ltd / Clicks Group Limited

**Attention: Mr Vikesh Ramsunder**

**and**

Unilever South Africa (Pty) Ltd / Tresemme South Africa

**Attention: Luc-Olivier Marquet, Sydney Musekiwa Shoniwa, Keegan Alicks, Enver Groenewald,  
Stacey Grant**

**C/O Ms Anele Ngidi**

**Werksmans Attorneys**

Email: [angidi@werksmans.com](mailto:angidi@werksmans.com) / [rmoitse@werksmans.com](mailto:rmoitse@werksmans.com)

***Per Email***

### **CLICKS HAIR ADVERT**

1. The South African Human Rights Commission (**'the Commission'**) is an independent institution established in terms of Section 181 of the Constitution of South Africa, with the obligation to promote respect for human rights and a culture of human rights; promote the protection, development and attainment of human rights; and monitor and assess the observance of human rights in the South Africa.
2. Section 184(2) of the Constitution empowers the Commission to monitor, investigate, research, educate, lobby, advise and report, on matters where human rights may have been violated.

Transforming society. Securing rights. Restoring dignity.

**Chairperson:** B C Majola; **Deputy Chairperson:** D P S Jana; **Commissioners (Full-Time):** M S Ameeremia; A H Gaum; A M Makwetla; B Malatji **Commissioners (Part-Time):** A C Nissen, J B Sibanyoni; **Chief Executive Officer:** T Thipanyane

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

2<sup>nd</sup> Floor  
33 Hoofd Street  
Braampark, Forum 3  
**Braamfontein**  
2017

Private Bag X 2700  
**Houghton**  
2041

Tel.: 011 877 3750  
Fax: 0864100149

3. The hair advert published on the website of Clicks Retailers (Pty) Ltd (**'Clicks'**) described, graphically and clearly, Black women's hair as "dry & damaged" and "frizzy & dull hair" and the white women and their hair, in the advert, described, as "normal hair" and "fine & flat hair" (**'the Advert'**)
4. We have had sight of Click's "unreserved apology" in which it states the images posted on its website did not reflect its stance on diversity and inclusivity, and that the images were supplied to Clicks by TREsemme South Africa (**'TREsemme'**) and Clicks "fault" in this incident was that it failed to apply appropriate quality control measures.
5. We have also had sight of TREsemme's media statement in which it states that it is "sorry that images used by a TREsemme ... campaign on the Click's website appears to promote racist stereotypes about hair."
6. The Advert does not promote racist stereotypes about the hair of Black people, it asserts and perpetuates this racist stereotype and obviously and unfairly discriminates against Black people and Black women and girls, in particular.
7. Hair has for years been a site of harm and hurt for Black women and girls. It carries with it a history of trauma. During apartheid hair, and the infamous "pencil test" was used by the Race Classification Board to arbitrarily decide whether someone was Coloured or Black or White or Coloured. The world over, people have been socialised into believing that the ideal version of proper and beautiful women were the white Western women with straight flowing hair. This socialisation has had damaging effects on the self-worth of Black girls and women.
8. For some Black women and girls in South Africa, they are just emerging from this harmful socialisation and idea of beauty and are embracing and taking pride in their hair. Almost exactly four years ago Zulaikha Patel and young school girls all over South Africa bravely protested school policy and teachers' behaviour which directly and indirectly described un-braided or un-straightened Black hair as untidy, improper, and un-ladylike. These actions took us forward in terms of affirming the Constitutional aspirations of human dignity for all and working towards a country in which we are truly "united in our diversity".
9. The Advert and the inaction, unconsciousness or indifference of Clicks and TREsemme / Unilever South Africa obstructs and even dismantles the work done towards the realisation of equality for all and the Constitutional project more generally.

Transforming society. Securing rights. Restoring dignity.

**Chairperson:** B C Majola; **Deputy Chairperson:** D P S Jana; **Commissioners (Full-Time):** M S Ameerim; A H Gaum; A M Makwetla; B Malatji **Commissioners (Part-Time):** A C Nissen, J B Sibanyoni; **Chief Executive Officer:** T Thipanyane

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION

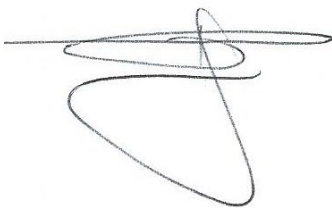
2<sup>nd</sup> Floor  
33 Hoofd Street  
Braampark, Forum 3  
**Braamfontein**  
2017

Private Bag X 2700  
**Houghton**  
2041

Tel.: 011 877 3750  
Fax: 0864100149

10. This unconsciousness, failure to apply adequate control measures or not knowing how these things happen has occurred far too often in South Africa and an apology is not going to get us or persons and entities responsible for the publication of the Advert and the harm it has caused or the derogatory ideas it represents, into a space or frame of mind or understanding where it does not happen again (even behind closed doors where no-one is watching).
11. In accordance with its powers, in terms of the South African Rights Commission Act, 40 of 2013, particularly section 14 and 15, the Commission, is requesting that all persons responsible for the publication of this Advert, including employees of Clicks, TREsemme, Unilever South Africa and any advertising or marketing entities involved in the Advert meet with the Commission in order for the Commission to properly understand how the Advert came to be published, and in so doing assist the Commission to put in place medium to long term requirements and mechanisms, to rectify the actions of the persons responsible and to ensure, as far as possible, that it does not occur again, at the hands of any entity in South Africa.
12. Please contact Mr Buang Jones at [bjones@sahrc.org.za](mailto:bjones@sahrc.org.za) or on +27 78 617 0476 or Ms Mateenah Hunter-Parsonage at [mhunter-parsonage@sahrc.org.za](mailto:mhunter-parsonage@sahrc.org.za) or on +27 82 773 5376 to provide dates on availability to meet with the Commission

Yours faithfully,



---

The South African Human Rights Commission