

REPORT: ROUNDTABLE / STAKEHOLDERS MEETING ON SOCIAL COHESION AND NATION BUILDING

September 2016

ATTENDANCE

The Roundtable / Stakeholders meeting on social cohesion and nation building, hosted in Parliament on 14 September 2016, was attended by the following:

- Prof. Vivienne Taylor: UCT and Working Group panel member;
- Prof. Eddie Maloka: APRM and Working Group panel member;
- Mr. Senzo Ngubane: ACCORD General Manager: Operations;
- Dr. Buntu Siwisa: ACCORD Senior Research Fellow;
- Ms. Anastasia Slamat: Parliamentary Research Content;
- Ms. Nadia Dollie: Parliamentary Research Content;
- Pan-South African Language Board: Dr Monareng
- Department of Arts and Culture: Ms Sethibelo
- Department of Traditional Affairs: Dr Makgalancheche
- South African Human Rights Commission: Ms Fadlah Adams

PURPOSE

This is the first Roundtable / Stakeholders meeting of the Working Group on Social Cohesion and Nation Building convened. It sought to inform and frame the mandate of the working group, and to explore dimensions that should be pursued and examined in carrying out the mandate. Deliberations of the roundtable / stakeholders supplement and give direction and perspectives to the public hearings in the provinces on social cohesion and nation building.

OPENING REMARKS

Prof. V. Taylor

Prof Taylor welcomed the representatives and summarised the purpose of the departmental stakeholders round table:

- The triple challenges influence social cohesion and nation building. However, for convenience the Panel has split into three working groups to manage these interconnected issues.
- Social cohesion and nation building are outcomes of other processes and are critical areas of focus given the county's pre-1994 colonial and apartheid trajectory.
- The 1996 Constitution recognises the role and place of fostering social cohesion and nation building, which needs to be reflected in the different laws and processes that follow.
- The key question is how are we doing in realising social cohesion and nation building today? What in legislation and implementation of legislation works and what does not work and why?
- Five questions were sent to departments/entities to answer this key question but these are not prescriptive and are merely guidelines.

Prof. E. Maloka

Prof Maloka presented on the mandate, methodology and focus of the working group. Guided by the Constitution, the desired outputs of the Working Group on Social Cohesion and Nation Building are to:

- Assess the impact of legislation;
 - Identify gaps;
 - Propose actions for Parliament; and
 - Review legislation.
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- Its key mandate is to identify how political freedom has transformed the structure of our society. And what can we do on the legislative front to assist in the realisation of this transformation.

- An important issue confronting us at the moment includes the resurgence of racism (which leads to questions around the equality courts, school governing boards, etc.). What are the enablers and triggers?

STAKEHOLDER PRESENTATIONS

1. The Department of Traditional Affairs (DTA)

Background

- The Department of Traditional Affairs was established in 2009 and falls under the Ministry of CoGTA.
- Traditional leadership is not a sphere of government. Functions currently situated at local government level used to be done by traditional leaders. The key question is therefore where do traditional leaders fit in?
- In 2011, the new Department conducted a state of governance in all provinces with recognised traditional leaders to engage stakeholders and role-players.
- A national dialogue will be held in November 2016 to assist in defining the role of traditional leadership in a democracy.

Relationship to Social Cohesion and Nation Building

- Traditional leaders are responsible for social cohesion and nation building as they are custodians of culture.
- Traditional leaders must observe the Constitution. Therefore, transformation is necessary so that they are in line with the constitutional imperatives.
- There is some disjuncture with the Department of Arts and Culture (DAC) (which is the lead department for social cohesion and nation building in terms of Outcome 14 of the NDP). DTA has the mandate to support DAC.

- While traditional leaders are partners with Government, their role is at present unclear as the local level is assigned to municipalities. They are now beginning to address this issue directly. The November 2016 Dialogue will assist in this clarification. A partnership model will be used to engage with all relevant stakeholders including religious communities and traditional organisations.
- The DTA has developed a heritage strategy to pull all civil society groupings together to collaborate in order to promote and protect culture.
- All provinces currently have recognised traditional leaders except for the Western Cape.

Legislative Issues

- DTA has noted the problem of the Khoi-San which consists of five groups. Chapter 12 of the Constitution does not recognise these groups ('coloureds') and they are thus not catered for in the Houses at national, provincial or local level.
- The two central Acts currently governing traditional leadership (**Traditional Leadership and Governance Framework Act and the National House of Traditional Leaders Act**) do not recognise these groupings.
- This was the main impetus for the **Traditional and Khoi-San Leadership Bill**.
 - (slide 6) Main objective of the Bill includes to provide recognition for the Khoi-San (in the national council and provincial houses); consolidate and repeal the two above-mentioned existing Acts; address the limitations of the two Acts that will be repealed; to make consequential amendments; and to promote unity in diversity and social cohesion and nation building.
 - (slide 7) To redress exclusions and promote social cohesion for the following problems which have been identified: no provision for recognition of Khoi-San; absence in current Acts for recognition and withdrawal of recognition of headmanship/headwomenship (there is a need to clarify these roles and functions in the light of the responsibilities of local government. A platform is needed to discuss these issues, and hopefully the dialogue in November will assist); insufficient provision for investigations in cases of uncertainty (this relates to investigations with regard to disputes for leadership- which divide communities); insufficient provisions with respect to elections to traditional councils; no provision for monitoring of councils; and limited code of conduct.

- **Limitations to the National House of Traditional Leaders Act:** (slide 8) The level of accountability of the House is low especially with regard to income. Cannot pay levies as this would result in double taxation. There is a perception in the public space that traditional leaders are corrupt and this creates instability. There is thus a need to strengthen accountability. In addition, the reporting to Parliament, rather than communities is a problem.
- **Limitations to the Local Government: Municipal Structures Act, 1998:** (slide 9) Section 81 does not provide any details on the roles of traditional leaders (such as voting rights) which limits their participation in these structures; this same section does not provide details for the identification of traditional leader [The Bill will address these issues].
- **Limitations to the Remuneration of Public Office Bearers Act, 1998:** (slide 9) The definition of office bearer excludes some traditional leadership positions.

Recommendations (slide 10 and 11)

- Traditional leaders must be capacitated to deal with issues
- Consultation on the Bill must take place in rural and urban areas and include sectoral groups. This is to ensure that exclusions are addressed and unintended consequences limited.
- While the constitutional imperatives are paramount, duplications and overlaps in responsibilities occur, which is costly. Collaboration must be ensured.
- Effective monitoring is important.
- The legislation should be costed to ensure effective implementation.

Discussions

- **Dual System:** The main concern is the compatibility of the traditional system within a democratic system and how to infuse traditional structures and leadership with democratic principles. Some of the difficulties have been highlighted in this presentation with a dual system (traditional and parliamentary). The interface between these two systems is important and if not understood can mitigate against social cohesion and nation building. The question is what in the system needs to change from a legislative, process, system and monitoring point of view?

Response: The DTA is hoping that the National Dialogue in November will assist in addressing issues raised by the dual system, though it is recognised that this dialogue may actually compound the problem. There is a current study benchmarking with other African countries and looking at issues (such as whether traditional leaders should relinquish these positions when they get political appointments, whether Contralesa should be a political party, whether there is a need for constitutional amendments versus whether traditional leaders should just play a ceremonial role). It is an important debate.

Traditional councils need to be transformed to ensure community interests are accommodated (60% membership from royal family and 40% from the community). However, this had cost implications.

- **Relationship with communal land, mining and national parks:** Agreements are determined through processes and are meant to result in beneficiation. The process at arriving at beneficiation is not clear to the communities or the nation. We need data/information on these process so that we can understand how traditional leaders interface with these issues (related to poverty, inequality and unemployment). Are there any legislative solutions?

Response: Communal land: The issue of who the land belongs to is crucial- do the title deeds belong to the chief or to the individual members of the community? There are no title deeds in most communal property associations (elected) but sometimes the chief is ex officio.

Mining: Many of the agreements made are secretive, in some cases very little money is offered by companies to the chief for the use of the land, and in some cases this can be as little as buying the chief a car. The DTA is trying to support traditional leaders who blame governments when they are cheated and is engaging the Department of Mining to assist to resolve this problem. Developing the capacity of the community is important. They are currently doing an audit on mining in rural communities which is leading to violence and instability, and reproducing rather than reducing inequalities. It is hoped that properly constituted traditional councils with community representation will assist in addressing this problem.

- **Women and Youth:** Gender inequalities and disparities exist on the ground. How are the needs, interests and voices of women and the youth on the ground heard by the DTA in their areas of responsibility?

Response: There are cases in court around women vying for traditional leadership. There is a need to do away with the stereotype of gender inequality. Youth can be voted now into the new council's and there are also some very young traditional leaders.

- **Protagonists of Social Cohesion versus Custodians of Culture and Heritage:** Traditional leaders are custodians of arts and cultures but can also be seen as central social cohesion actors, especially in rural municipalities. They can play a central role with civil society to educate on issues such as HIV/AIDS and sexual violence. Has there been any rethink of these roles by the Department of Traditional Affairs?
- **Comments on the Bill:** The Name of the Bill should not refer to Khoi-San. SAHRC has received complaints from the KhoiSan community who are not happy with the Bill as it entrenches apartheid boundaries which will result in further divisions.
- **Benefits:** Benefits for traditional leaders are determined by the President. They are not public office bearers yet they are covered in the Remuneration of Public Office Bearers Act. There is a fight at the moment around the requirement that traditional leaders want for pension benefits etc. the Department is setting norms and standards to regulate benefits.
- **Indigenous people:** The Panel needs to engage with the diversity of views around concepts of indigenous people, first nation status, apartheid racial and other classifications; one constitution for one nation etc.

Requests for additional information form Department of Traditional Affairs:

- Send any additional information that will be useful to the Working Group including but not limited to the information on land and beneficiation.
- Provide insight into findings of 2011 provincial visits with regard to the role of traditional authorities. Did people perceive this as static form of governance or were they asking for change?

2. The Department of Arts and Culture (DAC)

Background

- Currently working within the context of the 2012 National Strategy for developing an inclusive and cohesive South African Society. DAC is busy reviewing the 2006 White Paper to incorporate this strategic mandate.
- The current events such as the issue of hair at schools highlights a developing consciousness of who we are, and a process of self-discovery, 20 years after the advent of democracy.
- In November 2016 DAC will be hosting a National Convention on the Social Compact

Legislative and Policy Mandate

- DAC is guided by the National Development Plan (NDP) and Outcome 14 of the Medium Term Strategic Framework which is to develop a multilingual, non-racial, non-sexist and prosperous South Africa. Specific Goal is Goal 2 which has 5 sub outcomes and 42 indicators and targets.
- A total of 13 departments and entities are responsible for implementation/delivery but DAC is the lead department.
- The overarching legislation for implementing these targets in the MTSF is the Constitution.
- **DAC itself does not have any specific Acts that deal with its responsibilities or the sectoral responsibilities in terms of social cohesion and nation building.** There is no particular legislative framework that specifically speaks to social cohesion and nation building; however the Constitution of the country has a direct bearing on social cohesion and nation-building:
 - The *Preamble* declares that “South Africa belongs to all who live in it, united in our diversity”. As underlined by the South African Human Rights Commission, this embraces every inhabitant of the country, both citizen and non-citizen.
 - It further stresses the indivisible unity, under the Constitution, of the country’s diverse people. It sets as one of its aims “to improve the quality of life of all citizens and free the potential of each person”.
 - Section 1 affirms “non-racialism and non-sexism” as foundational values and principles.
 - In the light of this Section 9(1) declares that “everyone is equal before the law and has the right to equal protection and benefit of the law”. Accordingly, Section 9 (3) stipulates: “The state may not unfairly discriminate against anyone on one or more grounds, including race”.

- Section 10 enjoins: “Everyone has inherent dignity and has the right to have their dignity respected and protected”. These provisions along with the Bill of Rights and other provisions form the basis of laws and constitute the legal foundation of a democratic South Africa required to proactively correct injustices of the past.

Challenges:

- **Monitoring of targets contained in the MTSF:** Because there are a range of different departments involved e.g. education etc. it is difficult to ensure effective monitoring of targets (from the perspective of DAC). Currently policies that deal with social cohesion and nation-building, though led by the DAC there are sits with other departments such as Justice, Social Development, Basic Education, the Presidency etc.

In June 2012, Cabinet has approved the social cohesion strategy, known as “*A National Strategy for Developing An Inclusive and A Cohesive South African Society*”. Since approval, the strategy is yet to be reviewed. However, many of proposals put forward by the strategy is reflected in the National Development Plan and is used as a guide in conducting social cohesion and nation-building community conversations.

As such, the lack of effective coordination and streamlining of social cohesion and nation building policies was highlighted to be problematic.

Discussions:

- **A social compact:** A social compact must be agreed upon and should include the symbols and activities to ensure that this takes place. Culture and languages are important. This should be built by government and the people of the country. A social compact can be with or without teeth.

Response: DAC is consulting all sectors.

- **Measuring the intangibles:** Social cohesion can be measured by intangibles including identity, pride and trust. Are at present measuring issues such as trust (trust levels are low amongst racial groups).

- **Need for specific legislation?** Is there a need for specific legislation from DACs perspective (taking into account that DAC has no specific legislation dealing with social cohesion and nation building, aside from the Constitution)?

Response: DAC has not enacted any specific legislation but other departments have or are in the process of doing so. For example, the Department of Justice is in the process of developing hate crimes legislation. The DAC noted that they are in the 'sensitising stage' and are not ready to legislate. DAC noted that at the moment there is a 'carrot' for ensuring implementation of targets by other departments (e.g. whether the language policy is implemented in schools) but no 'whip'.

- **Citizenship / Xenophobia:** How does DAC interface with other departments around issues of citizenship? The Department of Home Affairs has the mandate to legislate who is in and who is out. How do we move away from a legal requirement to an identity requirement/issue and where should this fall?

Response: Work is reactive rather than proactive specifically around xenophobia. Do work with the Moral Regeneration movement.

Certain activities such as repatriation of human remains and name changes need to be communicated more effectively to the country as to why this is important. There is a need to understand the struggle and where we came from (history) including that with the help from other countries.

- **Understanding history and heritages:** It is important to have a living history and arts and culture has an important role to play in this. There are different mediums through which history and educational engagements take place include film, art etc.
- **Creating affinity around national symbols:** Can you compel national pride or can you inculcate pride and nation building in positive ways?

Reponses: Example of the Afrikaans part of the national anthem where there are calls for its removal. There are difficulties in this regard.

Requests for additional information Department of Arts and Culture:

- DAC will send a written narrative to expand on issues raised in its PowerPoint presentation
- The Draft White Paper will be sent as soon as it has been checked
- 2016/17 First Quarter performance and expenditure report
- A Progress report on Outcome 14 and indicators/targets
- A list of names and contact details of youth and other social advocates as can be requested to provide written submission or come to hearings

3. The Pan-South African Language Board (PANSALB)

Background

- PANSALB has not been in a good space for a long time. There were many internal tensions as well as tensions with external role-players. New management was appointed last year and they want to start from scratch to build up the structure.
- PANSALB is a Constitutional institution (even though it is not a Chapter 9 entity)
- In terms of its constitutional mandate, it promotes and creates conditions for the development and use of all official languages, and the Khoi, Nam and San languages as well as Sign. Promotes and ensures respect for all other languages of communities and religious groups.
- Vision is (for now): The preeminent promoter, facilitator and enabler of multilingualism and language equality and rights in South Africa. Its key nexus is ‘multilingualism’. The work of PANSALB directly speaks to issues of redress, social cohesion and nation building, through its emphasis on negating the pseudo-monolingualism similar to the apartheid era.
- As long as language is placed on the periphery, wisdom and knowledge of communities will be lost.

Social Cohesion and Nation Building

- Focuses on language development and use including lexicography.
- Ensures equitability of language use focusing on previously marginalised indigenous languages in public and private institutions.

- Looks at linguistic human rights which focuses on the investigation of linguistic rights violations and reporting on the status of language rights.
- Conducts language research.
- Promotes multilingualism.

Legislative Issues

The following are key challenges in terms of legislation:

- PANSALB (through DAC) has received a legal opinion that it should be considered as a Constitutional institution (it is provided for within the Constitution) even though it does not fall under Chapter 9 (Institutions Supporting Democracy).
- PANSALB states that if this legal opinion is correct (which they would support) then the **PANSALB Act, as amended**, needs to be reviewed and amended again to ensure that it is in line with the Constitution, and the Public Finance Management Act. Currently, the issue of contradicting legislation has been problematic. Legislative incongruence is represented in the 1995 PanSALB Act as amended and PFMA/Constitution.
- They state that the original Act (before amendment) was clear in recognition of its status within the Constitution but that the Amendment Act was problematic. This has led to lack of clear direction which hampers its work.

Other Implementation Challenges

- Power dynamic and turf wars over responsibilities: For example, when PANSALB tried to intervene at local level on a school language issue (by writing a letter to a particular school and offering their assistance) they were told that the school would deal with the Department of Basic Education and not with PANSALB.
- Inadequate financial support to carry out its functions.
- An ‘uncleansed’ brand due to historical problems.
- Budget: At present, PANSALB receives a grant from the DAC. They state that this grant can be withheld to ‘punish’ the structure, at the discretion of DAC.

Recommendations

- The Office of Institutions Supporting Democracy (OISD) which has been established in the Speakers Office of Parliament (in line with the Asmal Report recommendations), should manage the funding of all ISDs including PANSALB.
- PANSALB should be recognised as a Constitutional institution and thus the PANSALB Act as amended should be reviewed to ensure this recognition and alignment with the Constitution and the PFMA.
- Members of PANSALB should be included in the appointment process of the Board as they have the specific specialisations required to ensure that correct appointments are made.
- PANSALB should be included in the process to amend the PANSALB Act.
- PANSALB requires more funding.

Discussions:

- **Turf wars:** The Office is also not being recognised and is being undermined by other departments. This is negatively affecting service delivery.

Response: PANSALB wishes to increase awareness of the institution, what its functions are and to increase knowledge of where to access information on language rights. Departments do not possess language policies and have communicated their lack of budget in this regard. Where language units do exist, they are placed at the periphery of departments.

- **Location, reporting and funding:** Key concerns were also raised about the location and reporting of the body. Issues of concern were also raised about the transfer of funds being withheld by DAC so that the structure needs to beg for funds.

Response: DAC says that this issue around location and reporting of body is being discussed and may be in the review of the White Paper (currently in line with the PANSALB Act as amended the body reports to DAC). PANSALB states that the reporting lines are unclear, sometimes reporting is through DAC and sometimes directly to Parliament. They requested that the Working Group take a position on this issue (i.e. that like other ISD they are 'independent'). They want the budget centralised with the OISD in the Speakers Office instead of through DAC. The problem with the

indirect grant via DAC's budget is that they are not getting a budget that is aligned to their annual performance plan and the budget is completely at the discretion of DAC. They would prefer to make direct representation to Treasury on what they require.

*In relation to whether they reside in Chapter 1 or Chapter 9 of the Constitution, they submit that this is irrelevant. The fact that they are a constitutional institution means that this makes no difference and they should thus be treated like the other constitutional bodies contained in Chapter 9. (**No constitutional amendment is thus necessary**). In terms of the Constitution, they should thus report directly to Parliament and not the Minister of DAC.*

- **Relationship to CRL:** Is there overlap between CRL and PANSALB and what are recommendations to overcome this?

Response: There is overlap but PANSALB's strength is that is exclusively focused on language issues. It would thus be problematic to subsume it within CRL. Instead, it is preferable that the CRL hand over its language responsibilities (violation aspects) to PANSALB, but this should not occur until PANSALB has addressed and resolved its internal problems.

- **Khoi-San Languages:**

Response: There are several languages and most are not intelligible. The most widely used is Nama. Schools in the Northern Cape that were teaching Nama have been closed.

- **People with disabilities:** How do we recognise sign language and braille in language policies and lexicons?

Response: All languages are given specific offices in PANSALB. Sign will be given to Gauteng. They are still conceptualising what will happen to Braille.

Requests for additional information from PANSALB:

- Written comments on the Official Languages Act

Related documents that should be looked at:

- Asmal Report
- Parliamentary Legal opinion
- DAC legal opinion

4. The South African Human Rights Commission (SAHRC)

Human Rights Issues:

- Of the 716 equality related complaints received for 2015/16 over half relate to racism. (slides 5, 6 and 7 on nature of complaints).
- Xenophobia (problem with terms: national versus non-nationals; citizens versus non-citizens; immigrants and refugees). The recommendations of the SAHRC 2008 report on xenophobia were not implemented at all levels and if these had been maybe some of the later violence would have been averted.
- Increase in LGBTI incidents.

Mandate under Legislation and areas of concern:

- **SAHRC Act:** The HRC Act of 1994 was replaced in 2014 by the new **South African Human Rights Commission Act 40 of 2013**. The SAHRC Act provided for additional powers and functions to the Commission with a specific mandate to make recommendations to all organs of State and to review Government policies related to human rights and make recommendations.
 - **The Regulations governing the Act are yet to be passed.**
 - Lack of detail in Act around the renewal of terms of office of commissioners. Commissioners may serve two terms (renewable term) but it is unclear in the Act whether they can just be reappointed by President or would need to go through an interview and selection process again. The current Commissioner's terms expire next month and to date there is lack of clarity of who will be appointed/reappointed due to delays in the Parliamentary processes.

- **International mandate:** The SAHRC also has an international mandate as a National Human Rights Institution (NHRI) and must comply with the Paris Principles). It may thus bring any human rights issues to the attention of the United Nations and is empowered to report on and make recommendations regarding any legislative or administrative provisions around human rights (to Government, Parliament or the UN etc.), ensure harmonisation of legislation related to international human rights instruments; and in terms of the International Convention on the Elimination of Racial Discrimination, receive and consider complaints for individuals or groups.

- **Mandate under Promotion of Equality and Prevention of Unfair Discrimination Act 2000 (PEPUDA Act):** Enjoys the right of appearance with the CGE in Equality Courts (s20) and institutes matters in these courts on its own volition or assists complainants to use these forums.
 - Chairperson of the SAHRC is chairperson of the Equality Review Committee.
 - **Parts of PEPUDA are not operational:**
 - Certain section of Chapter 5 – sections 24 to 28 and 29(2) which place duties on the states and members of the public to promote equality. For this state these include the development of awareness of rights, programmes to promote equality; and action plans to address unfair discrimination, hate speech and harassment. Regulations are required in order for these sections to be operationalised.
 - Including 28(2)) but the SAHRC acts as if this section is operational. This allows them to draft a report annually on the extent to which unfair discrimination on the basis of race, gender and disability persist in the country and its effects and to make recommendations. (Annual Equality Report). They have even taken this further by including, current issues such as LGBTI. Also
 - Underutilisation of the Equality Courts.

- **The National Action Plan against Racism:** Historically, the SAHRC states that the resurgence of racism and xenophobia can be attributed in part to the lack of policies aimed at dealing with this issues. It has been more than 15 years since the Durban agreement which should have resulted in this Plan. There is now some progress (the Department of Justice is currently consulting on the Plan). One of the outcomes of the Plan would be a Bill against (criminalising) Hate speech etc. No final dates have been scheduled.

- **Various Immigration/Refugee Acts:** There is poor understanding of these Acts by officials on the ground, including healthcare officials which results in medical xenophobia.

Social Cohesion and Nation Building:

- The above-mentioned delays in operationalising sections of PEOUDA, and developing the National Action Plan, and resultant legislation and policies, has resulted in the ‘unravelling of the rainbow nation utopia and tensions between nationals and non-nationals’.
- Tension between nationals and non-nationals:
 - Poverty and high levels of unemployment especially among the young key reasons and interconnected with social cohesion.
 - Inconsistent application of the rule of law to non-national
 - Poor implementation of relevant legislation on migration (Immigration Act and Refugees Act)
 - Poor overall management of the migration system which allows for border hopping and illegal migration.
- Additional SAHRC activities related to social cohesion include:
 - Hearings on racism in the media
 - Public hearings on transformation at SA institutions of higher learning
 - Roll back xenophobia campaign
 - Report on investigation into use of rule of law, justice and impunity arising out of the 2008 public violence against non-national report
 - SAHRC S11 meetings on migration and race issues, persons with disabilities; older persons, children etc.
 - Hearings into Rights of Indigenous communities
 - Access to health care fir detainees at Lindela Repatriation Centre
 - Role in National Intervention Strategy for LGBTI Task Team
 - NHRI shadow reports

Recommendations

- **SAHRC ACT and implementation:**
 - Regulations governing this Act must be passed.
 - Clarify processes for the renewable term of Commissioners in the Act.
 - Provide adequate funding for ISDs.

- Increase measures to ensure adherence to recommendations made by SAHRC. They have to use their subpoena power to get departments to provide them with information or to adhere to recommendations.
- More should be done to improve Parliamentary oversight over the SAHRC as well speed in ensuring appointments of Commissioners when vacancies arise.
- **PEPUDA:** Outstanding sections of PEPUDA should be brought into effect and regulations passed.
- **NAP:** Should be finalised urgently.
- **International Treaties:** Should be domesticated
- **Article 33 mechanism under CRPD**

Requests for additional information from SAHRC:

- Country Report
- 2008 Report on Xenophobia
- NHRI shadow report
- Section 28(2) PEPUDA reports- Annual Equality Reports
- Written submission on measures to improve parliamentary oversight