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Commission for the Promotion and Protection of the
Rights of Cultural, Religious and Linguistic Communities.

33 Hoofd Street Forum IV, Braampark
Braamfontein, Johannesburg
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**CRL Rights Commission Presentation to
the Portfolio and Select Committees on
Co-operative Governance and Traditional
Affairs on the Traditional and Khoi-San
Leadership Bill: 03-02-2016**



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POLICY MANDATE OF THE CRL RIGHTS COMMISSION

- The Constitution of the Republic of South Africa, 1996, Sections (30 & 31), 185 and 186.
- Act No. 19,2002 Commission for the Promotion and Protection of the Rights of cultural, religious and linguistic communities Act, 2002

HIGHLIGHTS OF SECTIONS 30 & 31

- The right to use the language and to participate in the cultural life of their choice
- Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community-
- to enjoy their culture, practise their religion and use their language and



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HIGHLIGHTS OF SECTIONS 30 & 31 CONTINUED...

- to form, join and maintain cultural, religious and linguistic associations and other organs of civil society



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MANDATE OF CRL RIGHTS COMMISSION

- Promote and Protect the Rights of Cultural, Religious and Linguistic Communities in support of Constitutional Democracy

LEGISLATIVE MANDATE OF THE CRL RIGHTS COMMISSION

- **The objects of the Commission are-**
 - (a) to promote respect for and further the protection of the rights of cultural, religious and linguistic communities;
 - (b) to promote and develop peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;

LEGISLATIVE MANDATE CONTINUED.....

- **(c) to promote the right of communities to develop their historically diminished heritage**

On the basis of the above, our inputs to the Bill is confined to the reflections given from the articulated mandates

LEVEL OF RECOGNITION

- Principle of equal treatment

Section 3 (3)(a) of the Bill- The President recognises the leaders of the community whereas in section 5 (1)(a) recognition is given to the Khoi – San leaders by the Premier. This creates a scenario of inferior and superior leadership.

We suggest one centre of approval.

THE ROLE OF TRADITIONAL LEADERS

- The Bill is silent on the role of Traditional Leaders as custodians of religion and language, it only emphasises culture

Our recommendation- where culture is reflected-religion and language should be inserted.

36 (1) (Viii) – insert (dd)- which reads as follows:
promoting and protecting the rights of cultural, religious
and linguistic communities

GUIDING PRINCIPLES 2 (1)

- Emphasis should also be given to cultural, religious and linguistic rights as well.

We suggest that 2 (1) (d) be inserted and it should read as follows: promoting and protecting the rights of cultural, religious and linguistic communities.

INCLUSIVENESS OF THE BILL

- We acknowledge the inclusiveness of the Bill in terms of its title, however, by emphasising the Khoi-San community, vigilance has to be maintained to make sure that it is based on equality rather than exclusivity. The title of the Bill could create the perception of setting the two groups apart which may have unintended consequences – a threat to unity and social cohesion.

CHALLENGES

- The attempts of the Bill to recognize Khoi-San community is critical. However, it has to take into cognisance that the Khoi-San community has been displaced, uprooted, and dispersed from their cultural environment for a very long time. The challenge though is that - in order to give effect to this Bill, the Khoi-San community should be rebuilt and restored as per the requirement of the Constitution.

CHALLENGES CONTINUED...

- The above mentioned challenges bring to the fore the issue of diminished and diminishing heritage of communities and the urgent need to restore and promote particularly for the Khoi-San community.



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- I must emphasise that the issue of restoring the diminished and diminishing heritage of communities is part of the CRL Rights Commission mandate, we therefore are more than ready to assist this community.



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THANK YOU VERY MUCH

