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29 May 2026

URGENT

Attention: The Portfolio Committee on Justice and Constitutional Development

Per e-mail: Sahrc@parliament.gov.za

RE: LISTED CANDIDATES FOR SOUTH AFRICAN HUMAN RIGHTS COMMISSION

1. Corruption Watch (“**CW**”) is an anti-corruption non-profit organisation and Transparency International Chapter. Our work is centred around countering corruption and advocating for transparent, accountable, and ethical leadership in both the public and private sectors.
2. Since 2016, we have made written submissions to several committees in Parliament and to Chapter Nine institutions on the transparency of leadership appointment processes in the legislatures and institutions, based on our observations. The aim and spirit of these submissions has been to strengthen and actively contribute to the better functioning of and improved transparency in the appointment processes of Chapter Nine and other related institutions provided for in the Constitution of the Republic of South Africa.
3. We note that the Portfolio Committee on Justice and Constitutional Development (“the Committee”) published notices in the media calling for nominations of interested persons to fill a vacancy on the South African Human Rights commission.
4. On 25 May 2026 the Committee published a list of candidates.
5. We note with great concern that insufficient time has been provided for the public to make meaningful comments on the candidates, particularly given the number of CVs published. According to the official notice published on 25 May 2026, the deadline for submissions is 8 June 2026 at 14h00. This allows the public effectively only **14 calendar days** (or approximately 10 business days) to review the listed candidates' qualifications, conduct any necessary research, and compile substantive submissions. This timeframe is manifestly unreasonable, and potentially unlawful, especially when considering the

Constitutional Court's findings in [*Corruption Watch v Speaker of the National Assembly and Others*¹](#) (2025), where similarly truncated periods for the public participation process were held to be a "further impediment to effective and meaningful public involvement". A period of 14 days, without any extension or indication that extensions may be granted, does not constitute "sufficient time for public commentary" as contemplated by the Constitution and the Court's unanimous judgment.

6. Based on the CVs provided and the Committee's notice, it is unclear whether a further listing process will take place and, crucially, whether the public will be invited to make submissions on any reduced list of candidates. The notice published on 25 May 2026 calls for comments on "the candidates" (presumably all those listed) without specifying if this is the final stage of public participation or if there will be an opportunity to comment on a narrower list after initial screening. In the absence of such clarity, the public is forced to comment on all listed names at once, without knowing which candidates are still under serious consideration. This ambiguity directly repeats the lack of transparency that the Constitutional Court criticised in the 2025 judgment, where the Court found that restricted information and uncertain processes undermine meaningful public involvement.
7. Furthermore, it is unclear from the published notice and list exactly how many vacancies the Committee seeks to fill. The notice calls for nominations "to fill a vacancy" (singular) on the South African Human Rights Commission ("SAHRC"), yet the list contains 95 candidates. While we acknowledge that it is standard practice to list several candidates for a single vacancy, the Committee has not specified whether:
 - 7.1. Only one candidate will ultimately be recommended for appointment;
 - 7.2. There is more than one vacancy (contrary to the singular reference in the notice); or
 - 7.3. The list is intended to fill multiple potential vacancies, including any that may arise or have arisen but not yet been publicly announced.
8. This lack of clarity undermines the public's ability to assess whether the number of candidates is proportionate to the vacancy or vacancies, and whether the Committee is following a transparent and constitutionally compliant process. In the absence of clear information on the precise number of positions to be filled, members of the public and civil society organisations cannot meaningfully evaluate the Committee's rationale for listing a particular number of candidates or assess whether any further listing will occur.
9. In accordance with the principles of transparency and openness, it is imperative that the Committee allows for meaningful public participation by providing sufficient time for public commentary.
10. We respectfully draw the Committee's attention to the centrality of public participation in democratic processes as a constitutional principle. The Constitutional Court held not only that public participation is "integral to an open, transparent and democratic process which seeks to ensure the integrity and

¹ *Corruption Watch (RF) NPC v Speaker of the National Assembly and Others* (CCT 333/23) [2025] ZACC 15; 2025 (10) BCLR 1117 (CC)

legitimacy of the process of governance”² but also that the National Assembly had failed to comply with its constitutional obligation to facilitate reasonable public involvement in recommending persons to be appointed as members of the Commission for Gender Equality in 2022.

11. We are also mindful of the objects³ of the SAHRC being to:

- 11.1 Promote respect for human rights and a culture of human rights;
- 11.2 Promote the protection, development and attainment of human rights; and
- 11.3 Monitor and assess the observance of human rights in the Republic.

12. In the spirit of transparency and openness as well as ensuring that a Chapter Nine institution does not “perform its vital role under a taint of illegality”, we believe that the Committee must comply with the judgments of the Constitutional Court by providing the public sufficient time for meaningful and effective participation in the appointment process.

13. We kindly request that the Committee extend the time for public participation by 14 days.

14. In view of the urgency of the matter, we look forward to your response in this regard by **16h00** on **Monday 1 June 2026**.

Yours sincerely,

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² *ibid* at para 59

³ Section 2 of the South African Human Rights Commission Act, 40 of 2013