



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement

20 September 2016

Motshekga shuns public participation

CASAC is very concerned about the manner in which the Portfolio Committee on Justice and Correctional Services is processing the nominations for filling vacancies in the South African Human Rights Commission.

The undue haste with which the process is unfolding detracts from any meaningful public participation as envisaged in section 59(1) (a) of the Constitution, which provides that “The National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees.”

Nominations for these vacancies closed on Friday 16 September and the Committee intends to meet on Thursday 22 September to shortlist candidates.

The Committee has not yet published the list of nominees and their supporting documents (CV’s etc.) and says that it will do so sometime today. If they do so, this will leave members of the public and civil society organisations with less than 48 hours in which to consider and comment on the nominees. The Committee has indicated that it intends conducting interviews on 5-6 October 2016.

This stands in stark contrast to the open and inclusive way in which the Ad Hoc Committee to appoint the Public Protector recently carried out its work.

There was a period of two and a half weeks between closing of nominations and the shortlisting and a further month before the interviews took place.

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The Committee made available the details of the nominees as soon as nominations closed and ahead of the shortlisting. This provided a reasonable opportunity for the public to comment on the candidates.

The Chairperson of the Ad Hoc Committee, Dr Makhosi Khoza said at the time “Soliciting views from the public is in keeping with our Constitutional obligation, hence our unanimous decision to allow members of the public an opportunity to make their comments or objections on whether a particular name is fit and proper to be considered for the position of the Public Protector”.

The Chairperson of the Portfolio Committee on Justice and Correctional Services, Dr Mathole Motshekga has taken a very different approach. He has refused to take up an offer from CASAC to meet with him to discuss how we could co-operate with the Committee.

This does not demonstrate a willingness by Dr. Motshekga to “facilitate public involvement in the recommendation processes of the National Assembly and its committees”, and undermines any commitment to openness.

CASAC urges the Speaker of the National Assembly to intervene and ensure that the Portfolio Committee respects its constitutional obligations.

Enquiries

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