

PROMOTING A CULTURE OF HUMAN RIGHTS AND SOCIAL HARMONY THROUGH THE RESOLUTION OF THE NATIONAL QUESTION CAMPAIGN LAUNCH

*South Africa Will
Not Realise A
Culture Of Human
Rights Without A
Collective Sense
Of Belonging*



south african
**human
rights
commission**





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LIST OF ACRONYMS AND GLOSSARY

Botho	Botho is the living philosophy of African people often summarised in Sesotho with the aphorism <i>motho ke motho ka batho</i> . This is commonly translated as ‘a person is a person through other persons’. To be a human being is to affirm one’s humanity by recognising the humanity of others and, on that basis, establish humane relations with them. Some core elements of botho are interdependence, restorative justice, and a striving towards harmony
CODESA	Convention for a Democratic South Africa
DoJCD	Department of Justice and Constitutional Development
FINSA	First Indigenous Nations of South Africa
GDP	Gross Domestic Product
NEC	National Executive Council
OBE	Outcomes-Based Education
PLES Programme	Public Legal Education and Support Programme
SAHRC	South African Human Rights Commission
SHiNE	Social Harmony through National Effort
SMMEs	Small, Medium and Micro Enterprises
STEM	Science, Technology, Engineering and Mathematics
TRC	Truth and Reconciliation Commission
TVET	Technical and Vocational Education and Training
Ubuntu	Ubuntu is the living philosophy of African people often summarised in isiZulu with the aphorism <i>umuntu ngumuntu nga bantu</i> . This is commonly translated as ‘a person is a person through other persons’. To be a human being is to affirm one’s humanity by recognising the humanity of others and, on that basis, establish humane relations with them. Some core elements of ubuntu are interdependence, restorative justice, and a striving towards harmony

EXECUTIVE SUMMARY

The South African Human Rights Commission (SAHRC/Commission), through its Anti-Racism, Justice and Education focal area, convened the national launch of its “Promoting a Culture of Human Rights and Social Harmony through the Resolution of the National Question” campaign, in March 2025. This report documents the proceedings of Day 1 (25 March 2025) and Day 3 (27 March 2025) of the conference.

The “Promoting a Culture of Human Rights and Social Harmony through the Resolution of the National Question” campaign was developed as a tool to strengthen the discharge of the SAHRC’s human rights promotion mandate. The campaign aims to facilitate open and honest discussions on the state of and vision for the nation using a human rights lens and drawing from the past while crafting a human rights-based future where everyone experiences a sense of affective and material belongingness. The hypothesis of this campaign can thus be encapsulated in a tagline: South Africa will not realise a culture of human rights without a collective sense of belonging.

The campaign’s launch, documented in this report, brought together community voices, civil society leaders, academics, state officials, and independent institutions to reflect on the nation’s past, present, and future through a human rights lens.

Day 1 of the campaign featured six panel discussions, each addressing a distinct facet of the national question. The first panel, ‘The Constitution and the (Im)possibility of Constituting a Truly Post-Apartheid Nation’, interrogated whether the Constitution has fulfilled its transformative promise, with calls for a renewed Truth and Reconciliation Commission (TRC) and constitutional evolution to address unresolved colonial and apartheid legacies. The second panel, ‘Nation-Building, Human Rights and the Political Economy’, critiqued South Africa’s macroeconomic model, highlighting structural inequality, youth unemployment, and the need for redistributive policies and rights-based budgeting.

The third panel, ‘Human Rights, Nation-Building and Belongingness’, focused on the exclusion of marginalised communities, including the Rastafari and persons with disabilities, and called for systemic reform and constitutional recognition of indigenous faiths. The fourth panel, ‘The Role of the Creative Arts and Literature in Forging a Human Rights Culture and Nation-Building’, explored the role of the creative arts in healing and nation-building, with speakers emphasising the importance of language rights and cultural restitution. The fifth panel, ‘The Role of Social and Mainstream Media in Nation-Building and Human Rights’, examined the media’s role in shaping national identity and public discourse, raising concerns about media capture, disinformation, and exclusion, and advocating for media literacy and stronger protections for public interest journalism. The final panel, ‘Reparation, Reconciliation, Redress and Nation-Building’, addressed the unfinished business of the TRC, with survivors and activists demanding renewed reparations, access to archives, and psychosocial support.



EXECUTIVE SUMMARY (continued)

Across all panels, floor reflections underscored the urgency of inclusive, community-rooted policy responses and the need to centre lived experiences in the national discourse.

The report for Day 2 (26 March 2025) of the conference, which was hosted by the Commission's Social Harmony through National Effort (SHiNE) initiative, and which focused on engaging young people in higher education institutions on important social issues, is contained in a separate report.

Day 3 convened the SAHRC's two Section 11 Committees of external experts to develop a roadmap for resolving the national question. The workshop surfaced critical reflections on institutional responsiveness, language accessibility, and the need to embed the campaign's insights into strategic planning. Recommendations included the establishment of an intra-SAHRC governance framework, the revival of the Equality Court Review campaign, the enforcement of annual reporting under the Promotion of Equality and Prevention of Unfair Discrimination Act, and the expansion of community education through SHiNE Clubs, town halls, and law clinics. The Committees also called for the integration of indigenous languages and restorative justice into public administration and law reform, and for the SAHRC to leverage technology to improve public engagement and transparency.

The SAHRC, led by Chairperson Chris Nissen and Commissioner Tshepo Madlingozi, affirmed its commitment to embedding the outcomes of the campaign into its five-year strategic plan. The campaign is not intended to be symbolic but a transformative process of justice, memory, and inclusion. This report stands as both a historical record and a strategic call to action for a more just, cohesive, and human rights-centred South Africa.



ACKNOWLEDGEMENTS

The Anti-Racism, Justice and Education focal area of the South African Human Rights Commission – led by the Office of Commissioner Tshepo Madlingozi, which includes Lee-Anne Germanos Manuel and Nangamso Mnwana – wishes to express its sincere gratitude to the Chairperson of the Commission, Reverend Chris Nissen, as well as Commissioners Sandra Makoasha, Nomahlubi Khwinana, and Aseza Gungubele for their attendance and meaningful participation in the campaign launch.

The focal area also extends its appreciation to Provincial Managers Eileen Carter, Zamantungwa Mbeki, and Shirley Mlombo for their contributions to the proceedings, and to all SAHRC Provincial Managers who attended the event.

Special thanks are due to the members of the SAHRC Secretariat, led by Chief Financial Officer Talifhani Khubana, Acting Chief Operating Officer Eric Mokonyama, and Acting Chief Executive Officer Chrystal Pillay, for their support and coordination.

The focal area further acknowledges the SAHRC's Advocacy and Communications (AdvoComm) Unit for collaborating on a year-long National Question and Social Harmony campaign, which was rolled-out at TVET colleges. A special thanks goes to Ntombenhle Ngwane for her leadership, and to Given Makhuvele for capturing the event in photos. We also thank our two Section 11 Committees for their guidance and expertise.



PURPOSE AND STRATEGIC FRAMING



The campaign was convened in recognition that South Africa continues to wrestle with unresolved historical injustices such as structural inequality, land dispossession, cultural erasure and political exclusion. The campaign's intention is not only to listen but to integrate lived realities into the SAHRC's five-year strategic framework, using both testimony and policy to inform national human rights planning and strategies.





“ It was crucial to explore the Constitution’s role in finishing the unfinished work of liberation and decolonisation. ”

Day 1: Panel Discussions and Dialogue

Panel 1: “One Nation, One Constitution?”: The Constitution and the (Im)possibility of Constituting a Truly Post-Apartheid Nation



The SAHRC put together this panel to rigorously examine whether the Constitution has effectively facilitated the

creation of a post-apartheid nation rooted in justice and substantive equality. In the light of persistent socio-economic inequality, service delivery protests, xenophobia and urgent calls for constitutional reform or even constitutional abolition, it was crucial to explore the Constitution’s role in finishing the unfinished work of liberation and decolonisation. Moreover, the panel actively sought concrete solutions to ensure a living and legitimate constitutional order, where the promise of “One Nation, One Constitution” is unequivocally realised and enjoyed by all persons and communities.

This panel interrogated the assumption that the Constitution had resolved the national question. Speakers argued that the Constitution, while visionary, emerged from compromise and must evolve to address unresolved legacies of colonialism and apartheid. Calls were made for a new Truth and Reconciliation Commission (TRC) that centred communities historically excluded from redress and recognition.

Panel 2: “It is the economy, stupid”: Nation-Building, Human Rights and the Political Economy



In framing this panel, the SAHRC aimed to critically examine how the South African political economy had shaped, and been shaped by, the pursuit of human rights, nation-building and shared belonging. Through

discussion of redress policies, and the eventually withdrawn national budget, international financial dependence and youth unemployment, the panel was designed to surface alternative policy directions and economic frameworks that advanced substantive equality. It also sought concrete recommendations for realising the vision of the Constitution and the Freedom Charter, particularly in response to South Africa’s ongoing status as one of the most unequal societies in the world.

The panel critiqued the current macroeconomic model, pointing to widening inequality and structural unemployment. Key contributors noted that GDP growth alone did not reflect social justice and that the economy had to be redirected through redistributive policies, land reform and state accountability. Trade unions and public finance were highlighted as crucial levers for transformation.

Panel 3: “and not actually a slave, but a pariah in the land of their birth”: Human Rights, Nation-Building and Belongingness



This panel was designed to reflect on the lived experiences of historically marginalised communities and persons, particularly in relation to structural

exclusion, structural inequality and social cohesion. Drawing on the SAHRC’s Final Report of the National Investigative Hearing into the July 2021 Unrest in Gauteng

and Kwa-Zulu Natal (2024) and the recent findings of the South African Social Cohesion Index (February 2025), the discussion invited panellists to interrogate whether South Africa functioned as a truly post-apartheid polity or remained defined by neo-apartheid structures. Most importantly, the SAHRC requested that panellists propose solutions or suggest a roadmap toward achieving a universal sense of belongingness and meaningful social cohesion, in line with the spirit of the Freedom Charter and the motto on South Africa's coat of arms: *!ke e:/xarra//ke*.

This panel focused on the marginalisation of the Rastafari community and persons with disabilities, as well as the systemic design of public institutions that continued to alienate vulnerable communities. Panellists called for inclusive planning in education, urban infrastructure, employment and representation, also arguing that “people are not the problem, systems are.” The panel also addressed the continued cultural and spiritual alienation faced by historically marginalised communities, including Rastafari, with a call for constitutional recognition of indigenous and marginalised faiths and practices, not as a gesture or token, but as a matter of justice, dignity and equal citizenship.

Panel 4: “Poets [artists] are the unacknowledged legislators of the World”: The Role of the Creative Arts and Literature in Forging a Human Rights Culture and Nation-Building



The Commission convened this panel to explore how creative arts and literature could function as both a diagnostic tool of critique, a vehicle for the inculcation of a culture of human rights, and healing in South Africa's fractured democracy.

The panel sought to examine how historical and contemporary forms of artistic expression, such as poetry, music and visual art, could highlight social disharmony, stimulate dialogue on suppressed issues, and strengthen social cohesion. Panellists were invited to reflect on whether the current socio-political climate allowed for free, uncensored expression and to propose how the arts might meaningfully contribute to realising the constitutional ideal of unity in diversity, as captured in the national motto: *!ke e:/xarra//ke*.

Speakers emphasised the centrality of land to identity, heritage and healing. This panel included a multilingual poetic performance which anchored the session in Indigenous cosmology, challenging the state's symbolic approach to recognition. Contributors from indigenous communities expressed frustration at continued erasure, calling for language rights, land return and spiritual restitution.

Panel 5: “The media is the most powerful entity on earth”: The Role of Social and Mainstream Media in Nation-Building and Human Rights



This panel was convened to interrogate the role of both mainstream and social media in shaping national identity, belonging and social

harmony. With the rise of misinformation, artificial intelligence abuse, media capture and post-truth politics, the SAHRC aimed to surface critical reflection on whether the media exacerbated division or merely revealed it. The commission also invited panellists to propose strategies for holding media actors accountable, safeguarding public discourse and harnessing the media's power as a conduit for human rights, nation-building and inclusive democracy.

This session examined media ownership, disinformation, and the algorithmic reproduction of bias. Panellists drew distinctions between formal journalism and digital platforms. They stressed the need for media literacy, multilingual digital access and constitutional protections for public interest reporting. Civil society raised concerns about media capture and narrative exclusion.

Panel 6: “The past is in the present”: Reparation, Reconciliation, Redress and Nation-Building



This panel was structured to confront the unfinished business of redress, reconciliation and nation-building in post-apartheid South Africa. The SAHRC invited panellists to reflect on the persistent

injustices that undermined belonging and social cohesion, including the alleged suppression of prosecutions stemming from the TRC process, ongoing land disputes and contestations over memory and nationhood. Drawing from both historical and current cases, such as the January 2025 court challenge by families of murdered anti-apartheid activists, the discussion aimed to address the tension between forgetting and remembering. It aimed to surface solutions toward genuine reparations and transformative justice. Panellists were also asked to reflect on calls for a “second CODESA” or “second TRC” and to suggest a roadmap for healing that met the demands of that historical moment.

This final panel revisited the unfulfilled mandate of the TRC. Survivors and activists demanded a revival of reparations policies and funding, state archives access and psychosocial support. Testimonies reaffirmed that trauma without justice undermined democratic legitimacy. The SAHRC was called upon to actively support reparations and lead the national redress agenda.

CROSS-CUTTING FLOOR REFLECTIONS AND QUESTIONS

Across all panels, floor participants shared testimonies of spiritual, cultural and material harm. Issues raised included displacement, invisibility in the Constitution, language loss and the urgent need for state recognition of communities such as the Khoi and San, Rastafari and persons with disabilities.

These interventions shaped the panel discussions and confirmed the necessity of inclusive policies anchored in lived experiences.





“ Push for the enforceability of annual reporting by all government departments and entities in terms of section 25 of the Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000. ”

Day 3: Strategic Workshop and Recommendations

Day 3 convened the SAHRC's two Section 11 Committees on the National Question and Anti-Racism, and Diversity Education and Sensitivity Training Programme to reflect, strategise and draft actionable recommendations. Key issues raised included the format of engagement (e.g. podium hierarchies), language accessibility and institutional responsiveness. The Commission was urged to document inputs publicly and embed them in measurable strategic planning.

Two breakaway groups presented aligned recommendations, including:

- The establishment of a formal **intra-SAHRC governance framework** that ties together the various focal areas within the SAHRC.
- The resuscitation of the SAHRC's **Equality Court Review campaign**.
- Push for the enforceability of **annual reporting** by all government departments and entities in terms of section 25 of the **Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000**.
- Strategically use and amplify **existing SAHRC projects and programmes** that would contribute to the current Campaign.
- Make use of **community healing circles** in established SHINE Clubs at TVETS, **town halls, local spaces, pamphlets** and **law clinics** to educate people about their human rights, and to empower them.
- **Leverage technology** and improve SAHRC website to communicate with the public and improve its brand or public image.



Conclusion and Institutional Commitment

The Commission affirmed that this campaign will not remain symbolic. Chairperson Chris Nissen and senior leadership committed to embedding the outcomes of this engagement into the SAHRC's five-year strategic plan. The report stands as both a historical record and a strategic call to embed justice, memory and inclusion at the heart of national development.



“ There is no culture of human rights without social harmony. And there is no social harmony without redress, restitution, and reparations. ”

Day 1: Proceedings



Opening Session

Campaign Introduction by Facilitator: Lee-Anne Germanos Manuel



Ms Germanos Manuel welcomed all esteemed guests and introduced the theme of the campaign. She highlighted the Office of Commissioner Tshepo Madlingozi's six-year national campaign titled “Promoting a Culture of Human Rights and Social Harmony through the Resolution of the National Question”. She explained that the aim of the campaign launch was to create an inclusive platform to reflect critically and collaboratively on the nation's future through a human rights lens.

Welcome Address: Commissioner Tshepo Madlingozi



Commissioner Tshepo Madlingozi opened the proceedings with a moment of silence in place of the national anthem, to honour all human rights defenders who had passed on, both during Human Rights Month and in previous years, including the late Hamilton Garishe, a long-standing colleague of the Commission. Commissioner Madlingozi provided the conceptual grounding for the campaign. He emphasised that the Commission's mandate was not confined to legal interpretations of rights but extended to inculcating a culture of human rights from an African perspective: “There is no culture of human rights without social harmony. And there is no social harmony without redress, restitution, and reparations.”

He positioned the campaign within several significant anniversaries:



- 10th anniversary of the #FeesMustFall movement.
- 25th anniversary of the enactment of the Promotion of Equality and Prevention of Unfair Discrimination Act no 4 of 2000.
- 30th anniversary of the establishment of the South African Human Rights Commission.
- 30th anniversary of the enactment of the Promotion of National Unity and the Reconciliation Act no. 34 of 1995 which established the TRC.
- 40th anniversary of the Kairos Document, an anti-apartheid contextual theology statement.
- 60th anniversary of the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- 70th anniversary of the adoption of the Freedom Charter.



“ It was crucial to explore the Constitution’s role in finishing the unfinished work of liberation and decolonisation. ”

He emphasised the need to revisit the root causes of inequality and unrest. Referring to the South African Human Rights Commission's report entitled *July's People: The National Investigative Hearing Report into the July 2021 Unrest in Gauteng and KwaZulu-Natal*, he warned that the unresolved conditions that led to the 2021 unrest persist. He called for the campaign to be an honest and inclusive space that considered diverse knowledge systems such as academic, cultural, faith-based, and artistic.

Opening Remarks: Chairperson Chris Nissen



Chairperson Chris Nissen followed with reflections on the national imperatives of inclusion and harmony. He reminded delegates that the National Question was first articulated by Nelson Mandela, who insisted that the country could not succeed unless all were brought into the process of nation-building.

He recognised the SAHRC's Ntombenhle Ngwane for her work in advancing social cohesion through the Commission's SHiNE initiative. Chairperson Nissen also addressed ongoing challenges such as:

- The Employment Equity Act not having fulfilled its mandate.
- The SAHRC itself struggling with internal diversity.
- Politics continuing to be shaped along ethnic, rather than patriotic, lines.



Chairperson Nissen stressed the importance of honesty, including being open and brutal about the state of the nation and how it must be fixed.

"As long as pit toilets still exist, we cannot move forward."

Citations of Honour: Chairperson Chris Nissen



In a moving recognition ceremony, three individuals were honoured for their enduring contributions to human rights and justice in South Africa:



Mangaliso Robert Sobukwe

Mangaliso Robert Sobukwe was recognised and appreciated for his role as a fearless anti-colonial activist, intellectual and key proponent of total liberation, land justice, and Pan-Africanism. He was instrumental in the 1960 anti-pass campaign, the aftermath of which was the turning point in the struggle against colonial apartheid. His unwavering commitment to African liberation resulted in years of imprisonment and solitary confinement, including a draconian law — "Sobukwe Clause" — enacted specifically to extend his detention without trial. Fifty years ago, in 1975, he was admitted as an attorney. His legacy remains one of courage, Pan-Africanism, anti-racism and non-racialism, and an unyielding pursuit of justice.

As the SAHRC upholds human rights and non-discrimination, the Commission asserted during the citation that Mangaliso Robert Sobukwe's legacy would forever guide the Commission's work and inspire future generations to defend human rights and fight against discrimination. The SAHRC was honoured to celebrate Mangaliso Robert Sobukwe as a promoter, protector and defender of human rights and believed that his lasting impact and contribution would shape South Africa's journey towards a more just and equal society.



Gareth Prince

Gareth Prince was recognised and appreciated for his role as a legal trailblazer and human rights advocate known for his persistent fight to decriminalise cannabis in South Africa. As a lawyer and member of the Rastafari community, he challenged prohibitive laws that infringed on religious and personal freedoms, playing a crucial role in the landmark Constitutional Court ruling that decriminalised private adult use, possession and cultivation of cannabis. His struggle against state overreach is not only a struggle for the decriminalisation of a plant his faith considers a sacrament, but a noble struggle to restore the dignity of a historically oppressed and marginalised community. His advocacy has reshaped South Africa's legal landscape, reinforcing constitutional rights and individual freedoms.

As the SAHRC is an institution that upholds human rights and non-discrimination, the Commission asserted that Gareth Prince's legacy would forever guide the Commission's work and inspire future generations to defend human rights and fight against discrimination. The SAHRC was honoured to celebrate Gareth Prince as a promoter, protector and defender of human rights and believed that his lasting impact and contribution will shape South Africa's journey towards a more just and equal society.



Nomarussia Bonase

Nomarussia Bonase was recognised and appreciated for her role as a dedicated human rights activist and gender justice advocate. Her work with the Khulumani Support Group and Khulumani Galela Campaign, where she has advocated tirelessly for the rights of apartheid-era survivors, especially women affected by political violence, has been exemplary.

She has been a vocal advocate against gender-based violence, playing a pivotal role in empowering women through storytelling and community activism, ensuring that historical injustices are neither forgotten nor repeated. Her relentless struggle for reparation, redress, and reconciliation reminds the nation of the unfinished business of nation-building, collective healing, and social cohesion.

Grounded in its commitment to human rights and non-discrimination, the SAHRC asserted during the citation that Nomarussia Bonase's legacy would forever guide the Commission's work and inspire future generations to defend human rights and fight against discrimination. The SAHRC was honoured to celebrate her as a promoter, protector and defender of human rights and believed that her lasting impact and contribution would shape South Africa's journey towards a more just and equal society.

Keynote Address



Dr. Mmatshilo Motsei (Executive Director, Afrika Ikal-afe Pluriversity)

Dr. Motsei delivered a stirring keynote that grounded the campaign in historical trauma, spiritual recovery and collective memory. She reflected on the visible and invisible legacies of apartheid that are still present in spatial design, institutional culture and the collective psyche.

“That which once bound us together has now ripped us apart. And yet we are still here. That, too, is a cause for celebration.”

She spoke of the need to reweave the soul of this land, noting that democracy alone has not repaired the humanity eroded through centuries of oppression. Drawing on African Indigenous philosophy, she proposed that human rights must be reclaimed through *botho*—the moral, relational fabric that affirms shared dignity.

Dr Motsei called for:



- The revival of indigenous governance and cosmologies.
- The return of land as a spiritual imperative.
- The creation of community healing circles, designed like the body's cells in order to help restore individual and collective memory.

She highlighted the potential of TVET SHINE Clubs as spiritual and intellectual centres of youth leadership and healing.

“Young people are not the leaders of tomorrow. They are the leaders of today.”

Throughout the keynote, she was accompanied by her son, Onkgopotse, whose live saxophone performance intertwined with her address. The two alternated between spoken word and music, creating a rhythm of reflection and resonance that deepened the emotional and intergenerational impact of her message.

She warned against the over-legalisation of transformation, cautioning that a technical reading of the Constitution risks obscuring the emotional and ancestral wounds that still shape people's realities. “We cannot legalise healing,” she stated, urging institutions to embrace approaches grounded in love, storytelling, ritual and spiritual justice.

Reflecting on her work with women in rural communities and survivors of state violence, Dr. Motsei drew attention to the everyday expressions of historical trauma. She described how pain is inherited, coded into the body and reenacted in families, schools and institutions. Healing, she argued, must include confronting silences, rituals of mourning and the return of names erased from memory.

Drawing on African womanist thought, she also invited the audience to move beyond frameworks of victimhood. “We are not merely wounded,” she said. “We are also wisdom-keepers.”

Her address closed with a reminder that reclaiming the soul of the nation requires not only justice but joy and that that joy, too, can be an act of resistance.

She concluded with a call for each participant to become a thread in the weaving of a renewed national fabric.

Respondents to the Keynote Address



Commissioner Rajendran Govender (Commission for the Promotion of the Rights of Cultural, Religious and Linguistic Communities)



Commissioner Govender responded by expanding on Dr Motsei's themes of healing and memory, posing the powerful question:

“What kind of nest are we building for our future?”

He underscored that re-membling is a revolutionary act and the return of land is not only a political or legal demand but a spiritual imperative which is vital for restoring sacred connections between people and place. He explored how community healing circles can be institutionalised through community dialogues and intergenerational spaces. He also urged the use of digital platforms to revive and transmit indigenous knowledge to younger and urban generations.



Professor Rozena Maart (SARChI Chair on the National Question)



Professor Maart offered a deeply personal response, recounting the psychosomatic trauma of forced removals and describing the experience of developing physical hives annually as a reminder of displacement.

“Trauma doesn’t leave. It lives in the body, in the muscle.”

She challenged the audience to reject Western frameworks and think through an African lens. African struggles, she argued, cannot be resolved through European solutions.

She concluded by stating that the work of healing and restoration must begin not with government programmes, but with a calling to ancestors, a return to spiritual grounding and an embrace of grassroots wisdom.

Panel 1 – “One Nation, One Constitution?": The Constitution and the (Im)possibility of Constituting a Truly Post-Apartheid Nation



Moderator: Commissioner Tshepo Madlingozi (South African Human Rights Commission)

Adv. Lloyd Lotz (Department of Justice and Constitutional Development)

Adv. Lotz reflected on the Department of Justice and Constitutional Development’s (“DoJCD”) role in constitutional transformation. He highlighted the timeliness of this national campaign, particularly as it aligns with efforts to deepen social cohesion and ensure that human rights are not simply theoretical promises but lived realities.

He quoted Wangari Maathai:

“Human rights are not put on the table for people to enjoy. They are things people fight for and protect.”

He described DoJCD’s initiatives such as the PLES Programme, which expands legal empowerment through Community Advice Offices and through ongoing justice system reforms to ensure inclusive access and accountability. He identified current opportunities for strengthening legal access, including the need for the DoJCD to support other government departments in implementing the recommendations and mandates of constitutional bodies, particularly those outlined by Chapter 9 and Chapter 10 institutions. He further highlighted the importance of Chapter 5 initiatives by emphasising the role of the DoJCD in advancing constitutional development strategies through proactive coordination, policy guidance and public legal education.

GOAK’XOAB Danub, Zheven Heitsi Ebib (NEC Chairperson, Khwe/xam Insiba)

GOAK’XOAB Danub offered a spirited and layered critique of Roman-Dutch Law, which he characterised as fundamentally incompatible with African worldviews. He argued that the legal foundations of the country are still anchored in colonial jurisprudence, systematically erasing indigenous epistemologies, identities, and sovereignty.

He challenged the post-1994 state’s reclassification of people into apartheid-era categories, such as “Coloured,” calling this a betrayal of liberation ideals. He noted the absence of Bushman land claims in restitution processes and asked why Indigenous land claims are not more fully integrated into the public discourse. He also raised concerns about South Africa’s international legal status by citing claims that the country is registered as a private entity abroad and asked what implications this had for sovereignty and citizen agency.

Calling for a comprehensive Truth and Reconciliation Commission, one that includes historically overlooked communities, GOAK’XOAB Danub said,

“We pretend everything is normal, but many communities have never truly been welcomed into this nation. We still have no land. We still have no language recognised.”

He ended with a call to interrogate the founding terms of the post-apartheid state, including transparency around the CODESA negotiations. He asked:

“Our ancestors were hunted like animals. We carry that pain from 1510, 1624, 1924, 1950... We were silenced, our tongues cut out. You hear the clicking in our language, but do you hear the stories behind it?”

Dr Sanele Sibanda (Senior Lecturer, Department of Jurisprudence, University of Pretoria)

Dr. Sibanda argued that the Constitution, often presented as a completed solution, must be scrutinised as a living document born from political compromise. He posed the question:

“Can there be a national question if the Constitution is supposedly the answer?”

He traced how world-making projects such as imperialism, apartheid and now post-Apartheid constitutionalism, each attempt to organise society, but not all with justice at their core.

He noted that the current democratic dispensation was meant to symbolise freedom, but even our national symbols, such as the flag, have not succeeded in uniting the nation. Liberation, he argued, was never only about voting or a legal framework but it was about restoring Ubuntu as a living social ethic.

Dr Sibanda’s address culminated in a provocation about belongingness which he argues must centre any discussion about the national question. Dr Sibanda asked the following questions:

“What do we mean by belongingness and what do we seek to achieve by promoting it? How do we foster a positive sense of belongingness? What would it look like? What would it take to allow everyone to feel that their sense of belonging is recognised and affirmed whilst forthrightly and positively addressing the question of redistributive justice. If we imagine belonging as all of us having a bag of goodies, what would be in that bag?”

Floor Reflections and Questions



The discussion drew an engaged and critical response from the floor, with participants challenging the panel on themes of dignity, belonging and redress.

One participant stood and said: “We speak of restoring dignity, but how do we restore Black pride and foster an African renaissance in a country where the colonial imprint still lives in our schools, our courts and our communities? The legacy of white supremacy is not just policy. It is psychological. We are taught to be ashamed.”

Another posed: “There is talk of transformation, but I still see the continued erasure of my people. When we speak of identity, who counts? I’m Khoi and San, but I’ve been labelled ‘Coloured’ since birth. Where do we belong in this democracy?”

A speaker from the First Indigenous Nations of South Africa (FINSA) said, “We are still treated as though we do not exist. Are we not indigenous enough? Why are we not part of national dialogues on land, law and identity? We don’t want symbolic gestures, but we want justice in courts that understand our history.”

Responses from Panellists



GOAK’XOAB Danub responded by reaffirming the importance of naming and language, emphasising that the label “Coloured” remains a powerful tool of exclusion and alienation. He spoke directly to the Khoi and San question, calling for cultural and constitutional recognition.

“We cannot be one nation when marginalised groups are disenfranchised in the country of their birth. We recognise Zululand, but we do not recognise Bushmanland, Griqualand East or Griqualand West.”

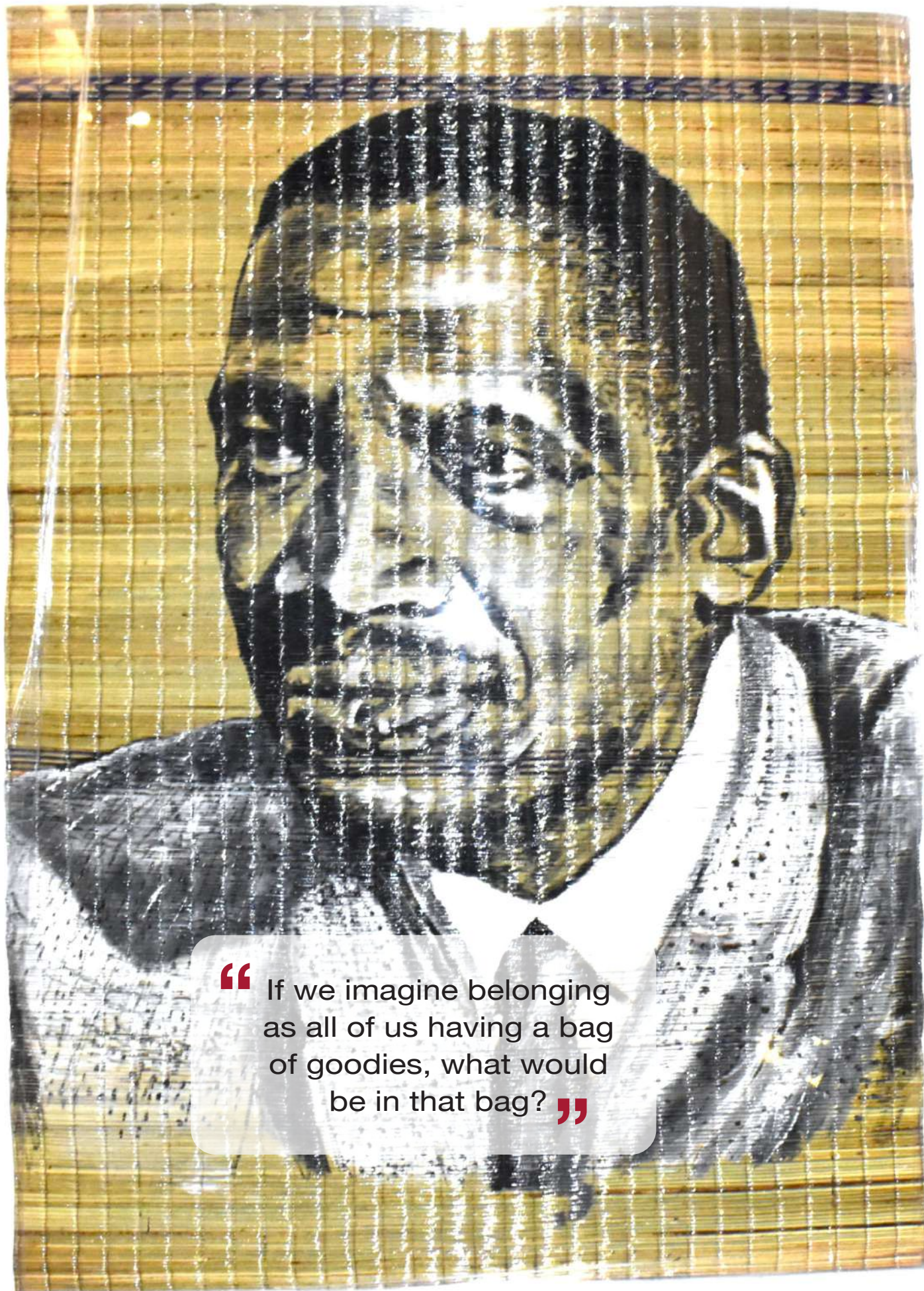
He reiterated that the TRC did not reach many communities and called for a new, broader reckoning,

“We need a TRC for all, not just those who were visible.”

Dr. Sanele Sibanda responded by acknowledging the gravity of historical trauma raised by the audience. He stated that the Constitution must be revisited not just as a legal framework but as a site of healing, redistribution and cultural transformation. He emphasised that justice must go beyond policy and enter the emotional and symbolic spaces that apartheid fractured. He called on institutions like the SAHRC to be more deliberate about linking jurisprudence to lived experience.

Commissioner Madlingozi concluded the discussion by affirming that the National Question is not only a legal issue but a cultural and existential one. He reminded participants that this campaign was created to surface the wounds that legal frameworks often ignore. He said:

“This campaign is about memory, justice, and the reweaving of our broken nation.”



“ If we imagine belonging
as all of us having a bag
of goodies, what would
be in that bag? ”

Commissioner Madlingozi expressed appreciation for the honesty of the questions and stated that the SAHRC will continue to create spaces where difficult truths can be spoken and heard. He closed with a call for researchers, communities and Chapter 9 institutions alike to co-create this journey toward dignity and inclusion.

Panel 2 – “It is the economy, stupid”: Nation-Building, Human Rights and The Political Economy



Moderator: Commissioner Sandra Makoasha (South African Human Rights Commission)

Commissioner Makoasha opened the second panel by grounding the conversation in the realities of South Africa's current economic climate. She referenced the 2025/26 Budget Address, raising key questions around whether the South African economy is inclusive and who it ultimately serves. She highlighted the persistence of poverty, structural exclusion and the failure of transformative economic policies to shift the material conditions of the majority. She also encouraged panellists to reflect on whether BBBEE, land reform and skills development have met their constitutional and moral obligations.



Dr. Azar Jammie (Director and Chief Economist, Econometrix)

Dr. Jammie provided a sobering economic overview, noting the country's stagnant growth, high rate of unemployment and low investor confidence. He attributed much of the decline to state capture, poor governance and the degradation of the education system. He highlighted that over the past 15 years, South Africa has undergone extraordinary economic changes, pointing specifically to the turning point around 2007/8, when a series of failed policy reforms, the collapse of public investment in education and poor infrastructure planning led to long-term structural stagnation.

He cited the performance of the economy between 2004 and 2008 as relatively strong before sharply declining. Contributing factors to the decline included the abolishment of teachers' colleges, overly ambitious education reforms such as Outcomes-Based Education (OBE) and poorly managed retrenchment packages. These policy failures, he argued, have resulted in a generation of young people with limited opportunities. For example, he pointed out that while 1.2 million learners enter the education system, only about 50% complete it. Of those, only 12% write final exams in STEM subjects and of the same group, just 30% achieve a pass mark above 60%. These figures illustrate a deep systemic failure in delivering both equity and quality in education, which undermines long-term employment and skills development outcomes.

Dr. Jammie was particularly critical of the state's inability to foster the growth of SMMEs. He underscored the limits of the national budget as a short-term corrective measure. He emphasised that economic justice cannot be achieved by adjusting policy in a single year. What is required are deep structural amendments, ranging from curriculum reform to labour market redesign in order to begin reshaping society into one that is genuinely inclusive and equal.



Duma Gqubule (Columnist and Independent Economist)

Duma Gqubule critiqued the current macroeconomic framework, calling it overly rigid, austerity-driven, and disconnected from the lived realities of the majority. He proposed a rights-based budgeting model, wherein the budget is shaped around the fulfilment of socio-economic rights enshrined in the Constitution. He argued for more activist fiscal and monetary policies that invest in health-care, education, housing and employment as constitutional obligations, not market preferences.

Mr Gqubule described the 30 years since democracy as a “wasted opportunity” to redesign an economy rooted in apartheid structures. He lamented the absence of bold structural reforms and pointed to the dismantling of industrial capacity and failures to support SMMEs as key contributors to persistent unemployment and inequality. He also reflected on the inefficacy of policies like OBE, arguing that they were implemented with good intentions but lacked grounding in practical educational needs.

Mr Gqubule warned against using trade unions as scapegoats for economic inertia, arguing instead that unions are critical stakeholders who often reflect the anger of working people. He pointed out that only around 20% of workers in South Africa are unionised, cautioning against generalisations that suggest that unions have disproportionate power. Rather, their marginalisation from key economic decision-making spaces has contributed to disillusionment and weakened collective bargaining. He shared conversations that he has had with trade union leaders, who expressed frustration at being sidelined from national planning dialogues. His desired outcome, he emphasised, was an inclusive economic consensus shaped through social compacts, policy realism and constitutional fidelity.

He also appraised the Reserve Bank’s inflation-targeting regime and called for the state to play a more interventionist role in development.

He challenged the use of GDP as a reliable indicator of national well-being, stating that it is an imperfect tool for measuring living standards. Mr Gqubule contrasted the economic performance under each president since 1994, pointing out that under President Mandela, GDP growth averaged 2.7%, under President Mbeki it rose to 4.5%, then fell to 1% under President Zuma and has hovered at around 0.5% under President Ramaphosa. He argued that the National Treasury and the South African Reserve Bank bear responsibility for managing the economy, not just government ministries.

Responding indirectly to Dr. Jammie’s comment that the education system produces unemployable graduates, Mr Gqubule asserted that if graduates were truly ‘unemployable’, then the economy would not be characterised by such high unemployment but rather, vacancies would go unfilled due to a lack of skilled labour. Instead, he argued, that the crisis is one of economic demand and structural inequality, not educational failure alone.

Mark Heywood (Founder, Justice Activism Hub)



Mark Heywood drew from his experience in social justice advocacy to connect economic rights with lived realities. He argued that South Africa’s Constitution was meant to be a social contract for dignity and inclusion, but that the economy continues to produce exclusion and indignity. He emphasised that we cannot solve inequality within the current macroeconomic framework.

Mr Heywood posed the central question:

“What does the Constitution have to do with this?”

To which he provided layered answers. First, the Constitution sets out the socio-economic rights that define a dignified life, and second, it binds the government to design economic policy in a manner consistent with these rights. Economic decisions, he argued, are not separate from constitutional obligations.

He challenged the tendency to treat economics as neutral, warning that decisions framed as ‘technical’ often shield injustice. He stressed the importance of public involvement, stating that:

“People need to see themselves in the economic direction of this country.”

He noted that if South Africans feel disempowered and disconnected from economic decisions, then even the most progressive legal framework will falter in practice.

Mr Heywood underscored that rights-based economic transformation requires civic participation, transparency and accountability. Without active public involvement, he warned, the Constitution becomes a document of broken promises and eroded trust.



Alexandria Hotz (South African Lead Coordinator, WoMin African Alliance)



Alexandria Hotz framed her contribution through the lens of historical injustice and ongoing economic violence. She opened by acknowledging the anniversary of the “Rhodes Must Fall” and “Fees Must Fall” movements, reminding the room of young people’s continued struggle for dignity and access. Ms Hotz described South Africa’s economic architecture as not only unequal but actively anti-Black and anti-poor.

She argued that neoliberal economic policies have entrenched exclusion and dispossession, with land reform reduced to a transactional, market-driven process that does not address historical theft. She introduced the idea of “green colonialism,” describing how environmental policies are increasingly used to exclude indigenous and marginalised communities from land access under the guise of conservation.

Ms Hotz was especially critical of the lack of political will to redistribute power and resources in meaningful ways. Communities, she said, are still treated as burdens rather than as co-creators of the country’s future and are often pained by the democratic process instead of feeling a part of it. She raised concerns over South Africa’s regressive tax system and advocated for tax justice as a non-negotiable element of redistribution.

Ms Hotz challenged the room to abandon GDP as the only lens through which success is measured and to rethink economic frameworks that centre people, dignity and ecological sustainability.

Floor Reflections and Panel Responses



The floor discussion engaged directly with themes of land, inequality, gender and structural change. One participant

raised a compelling question about why, despite the growing number of female graduates, women remain under-represented in the workforce. Another questioned whether the philosophy of Ubuntu, once a deeply rooted moral and cultural ideal, has been co-opted into an empty framework and asked provocatively:

“If we moralise the economy, does that make unemployment a moral failure?”

Mark Heywood responded by affirming that economic decisions are moral and political acts, not just fiscal ones. He noted that unemployment in South Africa cannot be understood without addressing the moral responsibility of the state to its citizens.

A sharp question was directed at Dr. Jammie about economic racism in both policy and perception. He responded by clarifying the limitations of traditional economic models and acknowledged that structural inequality often intersects with racial disparities.

To Duma Gqubule, a participant posed a question about whether economic sabotage could explain some policy outcomes. Mr Gqubule rejected this framing, stating that while sabotage might be an oversimplification, persistent elite capture and policy avoidance have had comparable effects.

Other questions addressed the prioritisation of mining over agriculture, and how these sectors could be better aligned for development. There was also a deep and introspective moment when one participant (Nomarussia Bonase) asked whether the panellists had reflected on what exactly we as a country inherited in 1994:

“Did we inherit the meat or just the bones of the economy?”

Ms Bonase further probed what it would take to work with what we have.

The panellists concluded by reiterating the need for systemic transformation. Mr Heywood, in closing, returned to the Constitution as a living document that mandates equity, not just through courts, but through collective political will.

Ms Hotz called for centring excluded voices in every step of the economic process. Mr Gqubule emphasised economic literacy for communities to hold leaders accountable, and Dr. Jammie stressed pragmatic policymaking that meets people where they are.

Commissioner Makoasha thanked the panellists and audience for the depth and honesty of the engagement. She noted that the conversation revealed critical tensions between economic policy and social outcomes and emphasised that these discussions must inform the Commission’s ongoing work.

She reflected on the complexity of the economic challenges outlined by the speakers and welcomed the diversity of perspectives offered. Commissioner Makoasha committed to ensuring that the insights gathered would shape how the Commission approached policy recommendations and stakeholder engagement going forward. She closed by acknowledging the emotional depth of the dialogue and reiterated the Commission's role in advancing socioeconomic justice through responsive and informed action.

Panel 3 – “...not actually a slave but a pariah in the land of their birth”: Human Rights, Nation-Building And Belongingness



Moderator: Commissioner Nomahlubi Khwinana (South African Human Rights Commission)



Commissioner Khwinana opened the panel by thanking the Sign Language interpreters for their important presence and urged the audience to consistently acknowledge and appreciate their contribution as part of building an inclusive space. She then welcomed the panel by recognising the significance of the theme and encouraged participants to engage deeply and truthfully. Her remarks set the tone for a discussion about the persistent exclusion of marginalised communities and the need to centre dignity, identity and voice in nation-building.

Gareth Prince (Spokesperson, Rastafari Nation Council)



Gareth Prince delivered a powerful, spiritually grounded critique of post-apartheid exclusion. He opened by naming the erasure of Indigenous and Rastafari identities from constitutional recognition and the betrayal of communities that helped secure South Africa's democracy. Mr Prince emphasised that despite their long-standing presence on the land, communities like the Khoi, San and Rastafari remain marginalised by law, policy and mainstream culture.

He questioned the meaning of freedom in a country where those who were here first are still treated as intruders:

“We were here before apartheid. Before the Constitution. Before the colonial state. Why must we still beg to exist in our own land?”

He described how cannabis is central to Rastafari spiritual life, yet it was criminalised as a means of social control and used to delegitimise their identity. He argued that the post-1994 government failed to dismantle colonial legal frameworks and continued to police African identity.

Mr Prince spoke of the potential of cannabis as a spiritual and economic asset:

“They criminalised our sacrament, but today they extract profit from it while our people sit in jail.”

He explained how cannabis could be used to produce bio-diesel and serve as a vehicle for land-based economic transformation. His call was not only for legal reform but for a constitutional shift, one that centres on African cosmology, indigenous governance and ecological sustainability.



Patrick Mahlakoane (Chairperson, Disabled People South Africa)



Patrick Mahlakoane delivered a sharp and slogan-rich intervention that centred on the lived experience of persons with disabilities. He reminded the audience that the Constitution speaks of equality, dignity, and access, but these remain unrealised for many.

“We are not asking for favours. We are demanding justice. Nothing about us, without us!”

he declared, drawing applause.

He critiqued how disability is still treated as a charity issue, not a rights issue. He challenged the prevailing narrative of ‘living with a disability,’ arguing that it implies disability is something that can be stepped in and out of.

“We do not ‘live with’ disability, we live in a society that disables us.”

Inaccessible schools, transport systems and job markets are not inconveniences, he said, they are violations. He highlighted unemployment among people with disabilities, linking it directly to physical inaccessibility:

“We are unemployed not because we are unskilled, but because there are no ramps to the places where decisions are made.”

Pointing to the stage setup itself, he noted that even the podium lacked a ramp and shared that he had to struggle just to get up there and speak.

He challenged the Commission to ensure that persons with disabilities are included not just in documents, but in budgets, leadership and implementation structures. Mr Mahlakoane raised the alarm on how many people with disabilities live in poverty, invisibility and neglect. He called for reparative policies, stronger enforcement of existing laws and the recognition of disability as a cross-cutting human rights issue that touches every sector.

Floor Reflections and Panel Responses



The floor discussion featured poignant testimonies and probing questions. A delegate from an Indigenous community spoke about ancestral dispossession and the trauma of state erasure. Another asked how South Africa could claim diversity without recognising the plurality of spiritual traditions within its borders. A third participant encouraged the room to reflect on how human rights are framed concerning vulnerable communities, particularly those often excluded from mainstream discourse, including persons with disabilities, asylum seekers and economic migrants. The speaker stressed that inclusivity must extend beyond citizenship to embrace everyone living within the country’s borders.

In response, Mr Prince reaffirmed the call for spiritual equality, stating that the Constitution must evolve to embrace indigenous and non-Western belief systems as fully legitimate. He reiterated that Rastafari and other marginalised communities are not seeking special treatment, but equal recognition and protection under the law.

Mr Mahlakoane responded with a call for intersectionality in human rights practice, stressing that disability should not be treated in isolation from race, class, or migrant status. He reminded the audience that the denial of accessibility is a denial of humanity. He also noted that solidarity with all vulnerable communities must be the starting point for genuine transformation, not an afterthought.

In response, Mr Prince reaffirmed the call for spiritual equality, stating that the Constitution must evolve to embrace indigenous and non-Western belief systems as fully legitimate. Mr Mahlakoane highlighted the importance of inclusive nation-building, stressing that rights are not aspirational but implementable and must be designed with those most marginalised in mind.

Commissioner Khwinana closed the panel by thanking the speakers for their thoughtful inputs and the audience for their engagement. She reflected briefly on the importance of listening, affirming that these conversations reveal how much work remains to be done. She noted that the Commission would carry the voices shared forward and ensure they inform ongoing dialogue and advocacy.

Panel 4 – “Poets [artists] are the unacknowledged legislators of the world”: The Role of the Creative Arts and Literature in forging a Human Rights Culture and Nation-Building

Moderator: Commissioner Aseza Gungubele (South African Human Rights Commission)



Commissioner Gungubele opened the session by drawing attention to the role of art, poetry and cultural expression in articulating truth, pain, resistance and identity. He reminded the audience that constitutional values are not just embedded in policy but that they must be lived, felt and expressed. The panel would reflect on how artists shape national consciousness and challenge dominant narratives.

Lebogang Marishane (Strategic Support Manager, Constitution Hill)



Lebogang Marishane grounded her presentation on the role of Constitution Hill as both a symbolic and active space for the preservation of democratic memory. She noted that Constitution Hill was not just a museum but a civic site of conscience where young people, creatives and community organisers come together to imagine futures rooted in justice. She described how art installations, music and dialogue forums at the site have become vehicles for healing and constitutional education.

She warned against reducing the Constitution to a bureaucratic tool, calling instead for it to be reclaimed as a living cultural document that resonates with people's lived experiences. Ms Marishane urged cultural institutions to meet communities where they are and to centre language, memory and creativity in their work.

She argued that institutions must reflect the pain and the aspirations of those they serve:

“People are not disengaged because they don't care, they're disengaged because the system doesn't speak to their realities.”

She also noted that young people are not apathetic but are often excluded by inaccessible systems and uninspired civic messaging.



Prof. Pitika Ntuli (Sculptor, Poet, Writer & Scholar)

Prof. Pitika Ntuli brought an intellectually rich and emotionally charged contribution to the panel. He opened his address with a linguistic demonstration that showcased the linguistic resonance between Sepedi and isiZulu counting systems, illustrating how African languages and worldviews are interlinked. This act served as a profound metaphor for African unity and a critique of colonial divisions.

He followed with a powerful multilingual poem that seamlessly wove together several of South Africa's official languages. The poem invoked ancestral wisdom, spiritual longing, historical trauma and cultural defiance. Through rhythm and cadence, he reminded the audience that the soul of the nation is embedded in its languages, not in imported systems.

Prof. Ntuli then transitioned to a reflection on the deeper purpose of art. He asserted that the arts are not ornamental to the Constitution, they are central to its interpretation and survival. He argued that poetry is a form of jurisprudence, carrying truths that precede and outlast legislation. His work challenged the audience to confront amnesia, to remember what colonialism sought to erase and to embrace artists as moral architects of the nation.

He closed by urging the nation to listen to the voices of its poets and creatives, not for entertainment, but for survival. His final remarks were a reminder that healing, redress and truth-telling are incomplete without the arts.



Floor Reflections and Panel Responses



Participants from the floor raised a range of concerns. A young woman challenged the education system, asking why Shakespeare and Western texts continue to dominate school curricula while African literature remains sidelined. She described it as a form of cultural colonisation. Another speaker questioned the geographic equity of arts funding and whether rural and township-based creatives receive adequate support.

A youth participant reflected on how their creativity is often interpreted as rebellion rather than activism:

**“We call it resistance through rhythm.
They call it noise.”**

Others advocated for the creation of community-based creative hubs and the decentralisation of cultural spaces beyond major cities.

Prof. Ntuli responded by urging society to regard African knowledge systems and creative expression as legitimate sources of wisdom and political insight. He noted that cultural expression is not peripheral to democracy, rather it is at its centre. Ms Marishane echoed this, stating that young creatives should be recognised as constitutional actors and that storytelling is a legitimate form of civic participation.

Commissioner Gungubele responded by affirming the constitutional right to culture and language. He acknowledged the importance of cultural expression in advancing human rights and civic participation and noted that the SAHRC recognises the role of the arts in fostering democratic dialogue.

The session closed with final remarks from Commissioner Gungubele who reaffirmed the importance of listening to the voices of cultural practitioners, and reminded the audience that rights-based transformation includes the domain of the arts.



Panel 5 – “The media is the most powerful entity on earth”: The Role of Social and Mainstream Media in Nation-Building and Human Rights



Moderator: Eric Mokonyama (Acting Chief Operations Officer (ACOO), South African Human Rights Commission)

ACOO Mokonyama opened the panel by acknowledging the media’s influence in shaping public opinion and national identity. He emphasised that access to information is a fundamental human right and highlighted the role of journalists, editors, and content producers in either deepening social cohesion or entrenching polarisation. He invited the panel to reflect critically on how the South African media ecosystem contributes to nation-building or undermines it.



Prof. Steven Friedman (Director, Centre for the Study of Democracy, University of Johannesburg)

Prof. Friedman argued that the media often mirrors existing societal inequalities rather than interrogating them. He noted that coverage is frequently biased toward elite perspectives, urban interests, and sensationalism while neglecting rural issues, poor communities, and systemic injustice. He urged media practitioners to reconsider whose voices are consistently platformed and whose realities are rendered invisible.

“We keep hearing from the same voices. When do the unheard get a turn to speak?”

He also critiqued the notion of ‘objectivity’ in journalism, asserting that neutrality is often a mask for the status quo.

“If journalism only speaks to power, it ends up speaking for power,” he warned. He added, “They [poor and marginalised communities] are spoken about, never spoken to.”

Prof Friedman called on the media to shift from commentary to inclusion, cautioning that when journalists act as arbiters of legitimacy, they risk undermining democracy:

“When you decide who gets to be taken seriously, you’re not reporting, you’re ruling.”

According to Prof Friedman, good journalism does not mean standing above the fray, it means being ethically committed to exposing inequality and holding power to account. The media, he said, must serve as a vehicle for democratic inclusion and not an echo chamber for those already in power.

Dr. Eileen Carter (National Coordinator, Human Rights & Developing Technologies, South African Human Rights Commission)



Dr. Carter examined the evolution of human rights abuses in the digital age, particularly how forms of violence such as Gender-Based Violence (GBV) – historically viewed as crimes against women by men – now manifest increasingly online. She highlighted how digital platforms and social media, while instrumental in amplifying voices, often become exclusionary spaces where marginalised communities, including women, migrants, and LGBTQ+ individuals, face intensified harassment, hate speech, and online violence. Dr. Carter stressed that ethical guidelines alone are insufficient; social media companies and media houses must be held to enforceable human rights standards to address these violations effectively.

She emphasised that most hate speech and harassment matters received by the SAHRC originate from online interactions, underlining the urgency of creating inclusive and safe digital spaces where marginalised communities can authentically participate. Dr. Carter argued that only by fostering equitable digital environments could meaningful contributions be made toward answering the national question of inclusive nation-building.

Further, Dr. Carter called for robust redress mechanisms to address current and future harms arising from disinformation and artificial intelligence (AI). These mechanisms, she argued, would urge media and technology companies to proactively prepare for accountability and remedy. Recognizing media’s critical role in confronting disinformation narratives, Dr. Carter urged stakeholders to acknowledge the extensive reach and influence of digital platforms among all

South Africans. Dr. Carter concluded by advocating for an online ecosystem that not only safeguards human rights but also actively repairs harm when digital technologies infringe upon the dignity and rights of communities, thus contributing substantively to social cohesion and democratic resilience.

Dianne Hawker (Gauteng Regional Convenor, South African National Editors Forum)



Dianne Hawker reflected on the role of independent media in sustaining democratic accountability. She drew on her years of experience in investigative journalism to highlight the real risks faced by journalists exposing corruption and state capture. She explained that independent journalists often operate under financial constraints, legal threats and public distrust, making their work both essential and precarious.

Ms Hawker pointed out that digital platforms while expanding access to information, have also become fertile ground for misinformation and ideological polarisation. She cautioned against conflating journalism with social media, stating that the two serve fundamentally different roles.

“We must stop treating social media platforms like they are newsrooms. They are not. Journalism has ethics, verification processes and accountability. Platforms do not.”

She criticised the decline in support for public interest journalism, warning that market-driven models often leave critical voices without a platform.

She stressed that:

“A democracy can’t function without trusted media. But trust doesn’t come from being neutral; it comes from being accountable.”

Ms Hawker strongly emphasised the urgent need to safeguard media freedom in South Africa, particularly in an era of growing threats to press independence and rising disinformation. She advocated for stronger, enforceable media ethics frameworks, greater transparency in media ownership, and targeted public funding to safeguard independent journalism.

She concluded with a call to see journalism, not only as a watchdog function, but as a civic service.

“The press doesn’t just report on democracy. It is part of the infrastructure that makes it possible.”

Floor Reflections and Panel Responses



The floor discussion raised a range of urgent and nuanced concerns. A youth delegate asked how the media could be expected to support democracy when it consistently marginalises young people’s voices and concerns, especially outside of urban centres. Another participant asked the panel to reflect on the media’s role in either fuelling or countering xenophobia, especially in light of rising anti-migrant sentiment in local reporting.

A speaker from the education sector raised the lack of critical media literacy in schools, warning that this gap leaves many vulnerable to disinformation. One speaker challenged the structural power held by large media conglomerates and questioned whether true editorial independence can exist when ownership is concentrated in the hands of a few.

Prof. Friedman responded by emphasising that structural bias in media reflects broader inequalities and that real change requires editorial and institutional shifts. He reiterated that it is not enough to change the faces in the newsroom if the structures that shape the news remain the same.

Dr. Carter responded to the concerns of youth and migrants by stating that both are often cast as social risks rather than social actors. She emphasised that intersectional storytelling must become standard editorial practice, not an exception. She supported the call for national media literacy campaigns and stressed that the SAHRC has a role to play in leading this advocacy.

Ms Hawker addressed the concern around editorial independence, agreeing that ownership concentration is a serious barrier to press freedom. She argued for public policy interventions to decentralise media ownership and enhance funding for community media, which she described as a “lifeline for local accountability.”

ACOO Mokonyama closed the session by thanking the panellists and participants. He acknowledged the critical role of media in either deepening democracy or reinforcing exclusion and stated that conversations like this are essential for charting a rights-based approach to media transformation. He reiterated that the Commission remains committed to media freedom and access to information; and that the Commission will use insights from this

discussion to inform its future work and engagements with stakeholders across sectors.

Panel 6 – “The past is in the present”: Reparation, Reconciliation, Redress and Nation-Building



Moderator: Shirley Mlombo (Provincial Manager (PM), South African Human Rights Commission’s North West Provincial Office)



PM Mlombo opened the final panel of the day by acknowledging that many communities in South Africa continue to live with the unresolved legacies of apartheid and colonialism. She emphasised that the panel was not merely about reflection, but about confronting the unfinished business of justice. He framed the conversation within the context of the National Question and asked how we can meaningfully move forward without addressing the past as it continues to shape the present.

Shirley Gunn (Chairperson, South Africa Coalition for Transitional Justice)

Shirley Gunn opened by acknowledging the personal and collective weight of the unresolved trauma in South Africa. She reflected on the limitations of South Africa’s Truth and Reconciliation Commission, stating that while the TRC played a symbolic role, its work was left unfinished. Thousands of victims and survivors, particularly in rural and working-class communities, were excluded from the process.

She described the pain of those who testified only to receive no follow-up or justice. She emphasised that the TRC’s recommendations were ignored or selectively implemented, leaving families with broken expectations. Ms Gunn stressed the need for a new national initiative rooted in grassroots truth-telling, not another TRC, but a

people-led platform for justice and memory. She called for both material reparations and symbolic recognition.

“When a country doesn’t remember, it fails the future,” she said, underscoring the importance of memory work in rebuilding society.

Ms Gunn also criticised the state’s failure to pursue perpetrators and to release the full archives related to apartheid-era crimes. She described how families are left to conduct their own investigations, and how survivors are retraumatised by being ignored by the democratic state. She called for political will to match the courage shown by victims and their families, and asked the SAHRC to use its institutional power to convene a renewed reparations and justice agenda.

Konehali Gugushe (Daughter of Mapetla Mohapi)

Konehali Gugushe delivered a powerful and personal reflection on the intergenerational toll of injustice. She shared the story of her father, Mapetla Mohapi, who was killed in detention in 1976. She spoke of the void left in her family and the long silence that followed. A silence not just in her home but in public memory. She described how her mother raised her and her siblings with dignity despite the grief and abandonment by the state.

Ms Gugushe recounted visiting the site of her father’s detention and death on 21 March 2025, Human Rights Day, where she symbolically ‘collected his spirit’. This act was both personal and political, reclaiming memory in a space marked by erasure. She described it as an effort to reconnect across time and to honour her father’s life amidst the state’s long silence. She reminded the room that her family never received justice; that no one had been held accountable; and that the burden of remembrance had been placed on the survivors.

She spoke about the significance of Human Rights Day and how for many, it remains a day of pain and absence.

“They asked us to forgive before they told us the truth,” she said, highlighting the emotional violence of state silence.

Ms Gugushe called for official recognition of the psychological impact of unresolved trauma and said justice must include access to information, dignity and space for mourning.



Nomarussia Bonase (Coordinator, Khulumani Galela Campaign)



Nomarussia Bonase brought the voices of survivors and grassroots activists into the room. She described how members of Khulumani, primarily women from working-class and rural communities, continue to carry the wounds of apartheid in their bodies, homes and communities.

She criticised the state’s abandonment of the TRC’s final recommendations and highlighted that many survivors still live in poverty and with untreated trauma. She stressed that these survivors have not been integrated into the post-apartheid social fabric and asked:

“Where is the restorative justice that was promised?”

Ms Bonase discussed the impact of living in a democracy without justice, calling it an illusion for many who still fight for access to medical support, employment, housing and education.

She highlighted the long-term mental health impact among survivors, including trauma flashbacks, depression and a pervasive sense of abandonment. She referenced multiple letters sent to Parliament and the executive over the years – letters that received no response. She called for reparations to be institutionalised and budgeted annually within government departments, not treated as ad hoc or discretionary. She called out government departments that continue to deny that apartheid-era injuries are the responsibility of the democratic state.

She stated that without addressing these harms, nation-building remains a myth.

“You cannot speak of nation-building when the wounded are left behind.”

Ms Bonase called on the SAHRC to actively support campaigns for the implementation of the TRC’s reparations policy and to demand timelines and action from Parliament. She ended with a plea for justice that speaks to the daily realities of survivors – not just policy reforms but healing on the ground.

Floor Reflections and Panel Responses



The floor discussion was emotionally charged and grounded in lived experiences. One participant asked why the TRC's recommendations were never followed through and whether the government had abandoned the reparations process entirely. Another asked why some families are still searching for their loved ones' remains decades later.

A speaker questioned the integrity of post-apartheid justice, asking: **"If the TRC was the beginning, where is the continuation?"**

Others noted that 30 years into democracy, survivors feel erased and the term 'transformation' has not translated into their lived realities. One delegate questioned whether the SAHRC has mechanisms to hold the state accountable.

In response, Shirley Gunn reiterated that transitional justice must be understood as an ongoing process. She called for the creation of a new, people-driven body that can revive the truth-telling process and compel the state to act. She expressed solidarity with the participants and acknowledged that community-led remembrance efforts are doing the work that the government has failed to do.

Konehali Gugushe stressed that justice requires more than symbolism, it needs structural accountability, including access to state archives and full disclosure about apartheid-era crimes. She emphasised that the emotional toll of waiting for justice must be recognised as harm in itself.

Nomarussia Bonase reaffirmed that grassroots survivor movements have never stopped fighting. She urged the SAHRC to join them in pressuring Parliament and the executive to revive the reparations debate and to develop monitoring mechanisms for implementation. She said that until reparations are budgeted and enforced, transformation will remain a slogan.

PM Mlombo closed the session by thanking the panelists and participants for their honesty and courage. She acknowledged that nation-building cannot proceed without reckoning with historical injustice and stated that the SAHRC recognises the importance of keeping these struggles in the public discourse and policy frameworks.





“ They asked us
to forgive
before they
told us the
truth. ”



“ If the Commission fails to carry the pain and demands expressed here into the strategic core of its work, then it has failed its mandate.”

Day 3: Report: Section 11 Committees National Question and Social Harmony Roadmap Development Workshop – 27 March 2025

Recap of Days 1 and 2

Presented by: Naleli Morojele (Research Advisor, South African Human Rights Commission)



Naleli Morojele opened the final day with a detailed and emotionally anchored reflection on the previous two days of the conference. She reminded participants that the campaign is surfacing deeply rooted structural wounds through public testimony, strategic insight and honest critique. Ms Morojele stressed that the National Question cannot be reduced to a conceptual debate or policy footnote, but it is an existential question tied to land, memory, culture, justice and belonging.

She walked the room through each major session, beginning with Dr. Mmatshilo Motsei's keynote, which she described as a critical moment of anchoring the campaign in African-centred healing and embodied justice. She acknowledged the urgent tone from survivors and community representatives across Panels 1 to 6, who called for land restitution, transformation of education, youth inclusion and economic redress. She also underscored the theme of inclusivity, returning to Nomarussia Bonase's question: "Whose economy? What economy?" These questions challenged the notion that economic transformation can occur without cultural and historical reckoning.

Ms Morojele critiqued the superficial treatment of social cohesion by government actors and reminded the Section 11 Committee members that assigning value to human beings is a deliberate political act. She warned against language that masks exclusion and called for a redefinition of Human Rights Day as a space for living justice. "If the Commission fails to carry the pain and demands expressed here into the strategic core of its work, then it has failed its mandate," she said.

She concluded with a call for all present, especially Section 11 Committee members, to position themselves as guardians of memory, implementers of justice and architects of solidarity.

Development of Roadmap for Resolution of the National Question

The Commission is empowered, in terms of section 11 of the South African Human Rights Commission Act no. 40 of 2013, to establish committees of experts on specific subjects. The Office of Commissioner Madlingozi has two such committees, namely the Section 11 Committee on the National Question and Anti-Racism, and the Section 11 Committee on Diversity Education and Sensitivity Training Programme.

The two committees consist of the following members:



- Athi Stoto (Auditor-General of South Africa)
- Lesa Bradshaw (Bradshaw LeRoux Consulting)
- Sianne Alves (Office for Inclusivity and Change, University of Cape Town)
- Ayhan Cetin (Turquoise Harmony Institute)
- Rajendran Govender (Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities)
- Thandeka Khathi (Centre for Applied Legal Studies)
- Li'Tsoanelo Zwane (University of Western Cape)
- Quinton Apollis (Office for Inclusivity and Change, University of Cape Town)
- Adanma Yisa (Black Coconut Consulting)
- Letlhogonolo Mokgoroane (Centre for Applied Legal Studies)
- Lufuno Sadiki (University of Cape Town)
- Sanele Sibanda (University of Pretoria)
- Zulaikha Patel (Dare To Change NPC)
- Mazibuko Jara (Zabalaza Pathways Institute)
- Christi van der Westhuizen (Centre for Advancement of Non-Racialism and Democracy)
- Felicity Harrison (Institute for Justice and Reconciliation)
- Victoria Collis-Buthelezi (Centre for the Study of Race, Gender and Class)
- Kneo Mokgopa (Flow Communications)
- Charmika Samaradiwakera Wijesundara (Wits University)

Both of these committees were invited to all three days of the campaign launch, with the third and final day being a workshop for them.



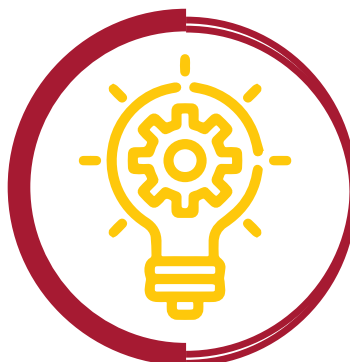
Presenter: Commissioner Tshepo Madlingozi (South African Human Rights Commission)

Commissioner Madlingozi formally opened the Section 11 workshop by grounding its importance in the legal and political framework of the SAHRC. He stated that while policy reform is critical, the role of these Committees is to deepen the campaign's moral, historical and cultural foundations.

“This campaign is not a project of fixing, it is a project of re-membering, rethinking and reconstructing,” he said.

He emphasised that the voices heard during Days 1 and 2, especially those from historically silenced communities, must not be symbolically archived but actively placed at the centre of nation-building. Commissioner Madlingozi described the SAHRC as both a constitutional body and a space of political imagination, tasked not with defending the status quo but reshaping it.

In introducing the breakaway process, Commissioner Madlingozi called on the two Section 11 Committees to structure their proposals across three timelines: short-term, medium-term, and long-term. He noted that each category should link to actionable reforms within government, legal and social domains and SAHRC internal planning. He urged the groups to think systemically and relationally, not in silos.



Deliberations: Reflections and Proposals by Section 11 Committee Members

Deliberations were wide-ranging, extensive and rigorous. Committee members opened by acknowledging the powerful testimonies shared during the campaign launch and insisted these voices must not be diluted or selectively quoted in the final report. They highlighted the importance of representing pain not as anecdotal but as a legitimate form of knowledge production that must inform strategic outcomes.



There was a strong emphasis on the need to move beyond ‘speaking truth to power’ to ‘embedding truth in policy’. Several members raised concerns about the dominant use of English in both the campaign and in SAHRC engagements, calling for future convenings to normalise Indigenous languages as a mode of expression and archive.

The format of panel discussions was criticised as reinforcing a “podium culture” that reintroduces hierarchical barriers between speakers and participants. One member remarked, “The podium sets up an ‘us vs them’ dynamic. It distances the people from the process.” Members requested that future events reduce performative presentations in favour of open, circular, dialogical formats. The lack of scheduled breaks on Day 1 was also raised as a barrier to meaningful engagement, with several members noting the fatigue experienced due to a tightly crammed programme.

Other reflections included:



- Highlighting spatial injustice and the role of local government in maintaining historical inequities.
- A proposal for the SAHRC to work with planners and public works departments in developing rights-based urban development frameworks.
- A call for documenting oral testimonies from the campaign launch into a public-facing SAHRC digital archive.
- A comment from Shirley Mlombo, the Provincial Manager of the North West office of the SAHRC, raised serious concerns about chronic understaffing in that province. She explained how the lack of human resources has directly undermined the Commission’s ability to respond to rights violations and conduct community outreach effectively. While this was a personal reflection, it underscored broader concerns about uneven institutional capacity across provinces.
- Recommendations for listening circles with Commissioners deployed in specific provinces and formalised engagements with traditional leaders and grassroots groups.

A recurring point was the need to ensure that discussions and demands are not lost in institutional translation. Members urged the Commission to publicly share its methodology for synthesising, storing and acting on the campaign launch’s content.

Before transitioning to the breakaway groups, there was a strong consensus that the National Question is not a purely legal problem but a layered ethical, historical and human challenge.

Breakaway Sessions and Presentation of Recommendations



Two breakaway groups were tasked with consolidating reflections into tangible recommendations. Each group spent time refining immediate, mid-range, and long-term priorities. Their presentations were pointed and rooted in lived realities, policy critique and future-state thinking. During the feedback session, members interrogated the practicality of implementation timelines, coordination with other institutions and monitoring tools. The discussion included clarifications and consensus around scope, resourcing and accountability.



Groups 1 and 2 Recommendations:



RECOMMENDATIONS FOR THE SAHRC

No.	Group 1 Recommendations	Group 2 Recommendations
1.	Establishment of a formal intra-SAHRC governance framework that ties together the various focal areas within the South African Human Rights Commission.	SAHRC should use career days to engage with the youth on human rights, and the issues that they face as a group.
2.	SAHRC should partner with external stakeholders to take advantage of the pro bono legal hours required by the Legal Practice Council of South Africa.	SAHRC should collaborate with the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities to address the injustices carried out by the Office of the Master of the High Court when it comes to proper distribution of inheritance.
3.	Information on access to justice must be centralised.	SAHRC should develop effective whistleblower mechanisms for improved accountability.
4.	The SAHRC must finalise its Diversity and Sensitivity Training Manual which will allow the Commission to tackle issues of diversity in public and private spaces in South Africa through the provision of diversity training to external stakeholders.	SAHRC should audit the public and private sectors to ensure that they comply with the country's diversity laws and policies, and pursue sanctions against those that do not.
5.	SAHRC should leverage technology more to communicate with the public and improve its website.	Maximise the efficacy of the SAHRC's Section 11 Committees. SAHRC Section 11 Committee members should be exposed to the work of the Commission personnel who are on the ground so that the Section 11 Committees can make recommendations based on work that is actually being carried out by the Commission.
6.	SAHRC should contribute to the resuscitation of the Equality Court Review Committee. The Chairperson of the SAHRC is a member of the statutorily established Equality Review Committee in terms of section 32 of the Promotion of Equality and Prevention of Unfair Discrimination Act no. 4 of 2000, which requires the regular submission of reports to the Minister of Justice and Constitutional Development on the operation of the Act.	SAHRC should address the issue of the lack of basic amenities at TVETs.
7.	SAHRC should conduct an audit of the institution's current projects and programmes. It should restructure itself to strategically use and amplify existing SAHRC projects and programmes that would contribute to the current Campaign. The audit process must commence by January 2026.	SAHRC should make use of town halls, local spaces, pamphlets and law clinics to educate people about their human rights, and to empower them.
8.	Community healing circles should be introduced in TVETs where SHINE Clubs have already been established.	SAHRC must improve its public image.
9.	Land claims need to be expedited by government and the SAHRC must consider conceptualising a structural interdict to compel same.	SAHRC needs to use and enforce its subpoena powers more.
10.	SAHRC should engage the Khulumani Galela campaign to properly understand what their demands are in terms of redress to be able to provide direction and advice on the correct forum that that should be approached in order to achieve same.	
11.	Push for the proclamation of the enforceability of section 25 of the Promotion of Equality and Prevention of Unfair Discrimination Act no. 4 of 2000 to make enforceable annual reporting by all government departments and entities on the promotion of equality and the eradication of unfair discrimination. These reports should be debated publicly and contribute to a national transformation index. Additional indicators of social cohesion and belonging should be integrated into departmental performance assessments.	
12.	There must be an integration of indigenous languages, philosophies, restorative justice mechanisms and cultural practices into the justice system, public administration training and law reform agendas.	

Closing Reflections and Commitments



Lee-Anne Germanos Manuel synthesised the inputs and underscored the alignment between both group presentations. She affirmed that the shared call across the day was for actionable, transparent, and community-rooted implementation. She reminded the Commission of its constitutional and ethical obligation to ensure that the campaign does not become symbolic.

Commissioner Madlingozi closed by acknowledging the collective spirit and weight of the discussions. He thanked participants and committed the SAHRC to incorporating the roadmap into its five-year strategic planning process. He emphasised that justice delayed continues to undermine the democratic promise and pledged that his office will champion the outcomes of the campaign in every institutional forum available.



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**PROMOTING A CULTURE OF HUMAN RIGHTS AND SOCIAL HARMONY THROUGH
THE RESOLUTION OF THE NATIONAL QUESTION CAMPAIGN LAUNCH**

*South Africa Will Not Realise a Culture of Human Rights Without a
Collective Sense of Belonging*

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