2024 / 2025

REPORT ON ACTIVITIES OF THE SOUTH AFRICAN LAW REFORM COMMISSION

the doj & cd
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

South African Law Reform Commission

South African Law Reform Commission

REPORT ON ACTIVITIES
OF THE

SOUTH AFRICAN LAW REFORM COMMISSION

2024 / 2025

TO: MS MMAMOLOKO KUBAYI, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I have the honour to submit to you, in terms of section 7(2) of the South African Law Reform Commission Act 19 of 1973, the Commission's report on all its activities from 1 April 2024 to 31 March 2025.

Yours sincerely

Justice Chris Jafta
Chairperson of the South African Law Reform Commission

SALRC Commissioners (2024-2029 term)

Justice Chris Jafta (Retired)
Chairperson

Professor Wesahl Domingo
Deputy-Chairperson

Dr Nazreen Shaik-Peremanov
Member of the Commission

Advocate Sejako Senatle , SC
Member of the Commission

Dr Keneilwe Martha Radebe
Member of the Commission

Professor Karthigasen Govender
Member of the Commission

Professor Debbie Collier
Member of the Commission

Advocate Jacob Buti Skosana
Member of the Commission

Professor Tshepo Mongalo
Member of the Commission

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List of Abbreviations

AC	Advisory Committee
ADR	Alternate Dispute Resolution
ADV	Advocate
ALRAESA	Association of Law Reform Agencies of Eastern and Southern Africa
APP	Annual Performance Plan
CEO	Chief Executive Officer
CPA	Criminal Procedure Act 51 of 1977
CPRD	Convention on the Rights of Persons with Disabilities
DG	Director-General
DHA	Department of Home Affairs
DM	Deputy Minister
DOJ&CD/ Department	Department of Justice and Constitutional Development
DWYPD	Department of Women, Youth and Persons with Disabilities
GBVF	Gender based violence and femicide
GBV	Gender based violence
ILO	International Labour Organisation
KZN	KwaZulu-Natal
Legal Aid SA	Legal Aid South Africa
NPA	National Prosecuting Authority
NGO	Non-Governmental Organisation
NPO	Non-Profit Organisation
NTRs	Non-trial resolutions
NSP	National Strategic Plan
OECD	Organisation for Economic Co-operation and Development
OP	Operational Plan
PROF	Professor
SADC	Southern African Development Community
SALRC	South African Law Reform Commission
SAMA	South African Medical Association
SAPS	South African Police Service
SEIAS	Socio-economic impact assessment system
UCT	University of Cape Town
UKZN	University of KwaZulu-Natal
UNISA	University of South Africa
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WC	Working Committee

FOREWORD BY THE CHAIRPERSON

It is my pleasure to give an overview of some of the activities and interventions that the Commission executed during the period under review. This is the first full annual year that the Commission has served since its appointment in January 2024, after a four-month gap after the expiration of the previous Commission's term in September 2023.

Upon appointment, there were several priorities that awaited the Commission. These included:

- Onboarding by the Secretariat to ensure that we understand the processes and working methods of the Commission, including setting up the Working Committee (WC) and allocating members of the Commission to research investigations. Part of this exercise included a resolution by the Commission to carry forward the previous Commission's approved Research programme, which was adopted without any changes. We intended to afford ourselves adequate time to engage and identify investigations that could be included as part of our programme during the remainder of our term. To this end, the Review of the South African Law Reform Commission (SALRC) Act has been identified as one of the priority investigations pending the Minister's approval for its inclusion in the Research programme.
- Introductory meetings with important stakeholders, including the Director-General of the Department, were held as part of our onboarding and to establish a working relationship with the Accounting Officer.
- Establishing relationships with Chairpersons of Advisory Committees (AC) who assumed the role of Project Leaders and researchers who are designated to investigations. This was critical to ensure that investigations are taken through the Commission's processes, reviewed at various levels for input and quality assurance and approved for either publication to solicit public inputs or submission to the Minister.
- Reviewing working methods of the SALRC, particularly to address perceptions that investigations take too long to be completed. In this regard, engagements with the Secretariat assisted in identifying outputs that need rethinking, including whether an issue paper is still necessary as part of the outputs that are produced when an investigation is undertaken.

I am proud to further announce that during the current period, a number of discussion papers and reports were finalised, which are detailed in this report. These include the Review of the Criminal Procedure Act 51 of 1977 (the CPA), which is a subset of the Review of the Criminal Justice System (Project 151). The objective of the investigation is to overhaul the CPA to modernise and align it with the Constitution. The SALRC published four discussion papers to invite interested stakeholders for public comments in February 2025. The discussion papers focused on the pre-trial stage, while research is ongoing for the trial and post-trial stages towards the development of several discussion papers dealing with various topics in the CPA.

The deadline for submission of comments overlapped into the new financial year after the initial closing date was extended due to numerous stakeholder requests. The discussion papers made various legislative proposals to reform:

- the Alternative (Appropriate) Dispute Resolution in Criminal Matters (Discussion Paper 164) framework;
- the Non-Trial Resolutions in Criminal Matters (Discussion Paper 165);
- the Review of the Arrest Dispensation (Discussion Paper 166); and
- the Review of South Africa's Bail Dispensation (Discussion Paper 167).

Furthermore, the final report on Project 100A: Care of and Contact with Minor Children (including family dispute resolution) was finalised and submitted to the Minister with recommendations for the further improvement of the family justice system. The discussion paper on Alternative Dispute Resolution: A Mediation Act for South Africa (Project 94) was published, which developed a generic mediation Bill for civil matters, excluding that of Family matters dealt in Project 100A for public comments; and the reports on the Review of Witchcraft Legislation and the Review of Colonial and Apartheid Legislation administered by the Department of Justice and Constitutional Development were finalised.

I would like to thank members of the Commission, the Secretariat, officials in the Department, Chairpersons of Advisory Committees and members, the media and all our stakeholders who engaged and contributed to the work of the Commission.

Justice Christopher Jafta

Chairperson of the South African Law Reform Commission

SOUTH AFRICAL LAW REFORM COMMISSION MEMBERS PROFILES

The President of the Republic of South Africa appointed the commissioners to serve a 5-year term on 11 January 2024. The Commission is composed of nine members who have extensive legal experience in practice and academia.

JUSTICE CHRIS JAFTA (RETIRED)

Justice Jafta obtained his BJuris and LLB degrees from the University of Transkei (now Walter Sisulu University) in 1983 and 1987. Justice Jafta started his career as a court interpreter in 1983. He was appointed as a prosecutor of District Court at the beginning of 1984 until December 1985 when his authority to prosecute was withdrawn by the Attorney-General at the instance of the Security Police. He was demoted to the position of an Administrative Clerk. This occurred after he had rejected instructions from the Security Police on how he should conduct prosecutions in some cases and had declined to prosecute people who were arrested for walking in the streets at night in contravention of emergency regulations, which were in operation then. He was briefly detained and subjected to an intense interrogation by the Security Police.

In July 1986, he was appointed as a Magistrate. In February 1988, he resigned and joined Mbuqe and Mbuqe, a firm of attorneys, as a candidate attorney. He joined the University of Transkei as a lecturer in August 1988 where he taught Commercial Law and Constitutional Law.

In 1992, he did pupillage at the Johannesburg Bar and commenced practice in Mthatha in January 1993. His practice focused mainly on Labour and Constitutional matters. In 1997, Justice Jafta was appointed Acting Judge of the High Court (Transkei Division) for four months. In January 1999, he became Acting Judge of the same division until November when he was appointed permanently. In June 2001, Justice Jafta became the Acting Judge President of the Transkei Division until June 2003. In 2003, he was appointed Acting Judge of Appeal at the Labour Appeal Court until June 2004. From June to October 2004, he was Acting Judge of Appeal at the Supreme Court of Appeal in Bloemfontein. In November 2004, he was appointed Judge of Appeal at the same court. In December 2007, Justice Jafta was appointed Acting Justice at the Constitutional Court until May 2008 and later served as a Justice of the Constitutional Court from October 2009 until his retirement in October 2021.
The Chairperson is the Project leader for the Review of the Interpretation Act (Project 139) investigation and a member of the Working Committee (WC).

PROFESSOR WESAHL DOMINGO

Professor (Prof) Domingo is the former Executive Dean at the Faculty of Law at the University of Johannesburg (March 2021 – August 2024). She was the Head of the School of Law at the University of Witwatersrand where she was an Associate Professor of Law at the same institution and taught for over 16 years. She has taught a variety of subjects, which include Persons and Family Law, Law of Succession, Constitutional Law, Gender and the Law, International Law Jurisprudence and Islamic Law. She holds an LLM from Columbia University and a Doctor of Juridical Science degree from the University of Wisconsin-Madison.

Prof Domingo is serving a second term and currently serves as the Project leader for the Alternative Dispute Resolution: Contact and Care with Children (Project 100A) investigation; the Single Marriage Act including measures against sham marriages (Project 144) and Domestic Violence: The Criminal Law Response (Project 100F). She is a member of the WC.

DR NAZREEN SHAIK-PEREMANOV

Dr Shaik-Peremanov is an international human rights legal scholar, academic and practitioner and is also active domestically in South Africa for nearly two decades. She is a former University of Cambridge Wolfson's College Scholar and a Human Rights Bradlow Fellow. Dr Shaik-Peremanov teaches law internationally in Tyumen, Columbia and Fort Hare and supervises master's and doctoral studies at South African universities. She has served as a board member for some prominent South African entities. Dr Shaik-Peremanov is also a member of the South Africa-Brazil, Russia, India, China, South Africa CoP.

She is the designated Commissioner on the Domestication of the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) and other SALRC projects. Dr Shaik-Peremanov is a member of the WC.

DR SEJAKO SENATLE, SC

Dr Senatle started working as a farm worker and underground mine labourer before joining the public service as a general clerk and court interpreter in 1982. He worked as a public prosecutor in the Magistrate Court and later in the High Court. As a practitioner, he has a general litigation practice focusing on Constitutional Law, Administrative Law, Civil Law and Commercial Law.

He holds a B Juris (University of Bophuthatswana), LLB (University of North West), LLM (Natal University) and LLD (Potchefstroom University). His research topic was, **Indegency and Access to Justice in a Constitutional Dispensation**. He has received training in Constitutional and Clinical Law; International Trial Advocacy (Keble College, London); Advanced Commercial Arbitration; and Mediation and is an accredited arbitrator and mediator.

Apart from his practice, Dr Senatle chaired the National Tax Board, Built Environment Appeal Tribunal, National Home Builders Disciplinary Council, Property Evaluation Appeal Board, Rental Housing Tribunal; and Township Appeal Board. Dr Senatle also chaired Senatle Commission and was evidence leader in the Khumalo and Maithufi Commissions. He was a member of the Judicial Service Commission for Lower Courts, Audit Committee, National Transport Appeal Board and Sol Plaatjie University Council. He was also appointed a Senior Military Court Judge. Dr Senatle's other appointments include as a Law Lecturer (Technikon Southern Africa), High Court Reporter for the South African Law Reports, Juta; and Deputy Chair, North West Bar Council. Dr Senatle has published articles in reputable law journals and read papers locally and internationally.

In 2014, the State President awarded Dr Senatle a silk status for extraordinary and distinguished achievements in the legal profession. In 2017, the North West University bestowed him a prestigious **Alumni of Excellence** for personal and career achievements, as well as adherence to the highest ethical standards in the public service. He is an activist for transforming court litigation to consensual, expeditious and cheaper access to justice. This has been demonstrated in his doctoral thesis; and his professional development in alternative dispute resolution. Dr Senatle, a commercial farmer and a philanthropist.

He was the project leader for the Review of Witchcraft Legislation (Project 135) before it was taken over by Professor Govender.

PROFESSOR DEBBIE COLLIER

Prof Debbie Collier is a professor in the Mercantile and Labour Law Department and director of the Centre for Transformative Regulation of Work at the University of the Western Cape. Although her focus in research and teaching is predominantly labour and employment law related, she has a broad range of legal interests and expertise in the fields of mercantile and labour law, social justice, and human rights, with an academic career spanning over two decades.

Prof Collier has authored and co-authored numerous journal articles, book chapters, and technical reports, and is co-editor of **Labour Law in South Africa: Context and Principles** (2018). She has previous law reform experience in South Africa and the Southern African Community Development (SADC) region, and her involvement in this regard includes:

- Member of the research team in an International Labour Organisation (ILO) /South African LO/ SADC project team that drafted a SADC Model Framework for Labour Dispute Resolution Systems (2023); and the SADC Model Framework for National Social Dialogue Institutions (2021).
- National Minimum Wage Advisory Panel member (2016-2017).

- SALRC AC member and researcher on Project 126 Review of the Law of Evidence, 'Discussion Paper 131 on the review of the law of evidence' (2014).
- Consultant to the ILO on Labour Law reform and related developments in Lesotho (2014-2019); Botswana (2019 - 2022); and on the National Minimum Wage (Namibia, 2018); and developments in the regulation of work in the tobacco industry in Malawi (2022 – 2023).
- AC of the SALRC Project 25 appointed to review legislation administered by the Department of Agriculture (2007).

She is the Project leader for the Alternative Dispute Resolution: Generic Mediation Bill for South Africa (Project 94) investigation.

PROFESSOR KARTHIGASEN (KARTHY) GOVENDER

Prof Govender holds law degrees from England, (LLB - London), from South Africa (LLB – Natal - Summa Cum Laude), and from the USA (LLM Michigan). He is a barrister of the Middle Temple (England) and an advocate of the High Court of South Africa. Prof Govender won a Fulbright Scholarship to the University of Michigan and was also the recipient of the Colenso fellowship to St. John's College, Cambridge. He has published in the fields of Constitutional and Administrative law and has presented papers and lectured on six continents. He has been a visiting professor at the School of Law at the University of Michigan on some 20 occasions.

Prof Govender was a professor of law at the University of KwaZulu-Natal (UKZN) for more than 20 years. He currently lectures on an ad hoc basis and is a senior research associate at UKZN.

He was appointed to the South African Human Rights Commission by President Mandela in 1995 and re-appointed for a second term in 2002 by President Mbeki. He was the Chairperson of the Film and Publication Appeal Tribunal for 12 years. In addition, he has acted as a judge of the High Court on a number of occasions.

He currently serves on the adjudicatory panel of the Press Council of South Africa and is a senior arbitrator with the South African Local Government Bargaining Council. Prof Govender was appointed in 2019 by President Ramaphosa to serve as a commissioner of the SALRC and was reappointed for a second term in 2024. In 2023, he was appointed by Chief Justice Zondo to the Chief Justice's Committee on Judicial Governance and Administration.

Prof Govender is serving a second term and is the Project leader for Medico legal claims (Project 141) and took over the finalisation of the report on the Review of Witchcraft Legislation (Project 135).

DR MARTHA KENEILWE RADEBE

Dr Martha Keneilwe Radebe is an academic and admitted attorney of the High Court with 13 years lecturing experience at the University of Pretoria. Her teaching and research areas are Constitutional Law, Media Law, and African Customary Law. Her research and publications have focused on the **following key issues:**

- Judicial transformation in the appointment of judges,
- The conclusion of customary marriages as per the Recognition of Customary Marriages Act,
- The recognition of indigenous languages in the teaching of African Customary Law,
- The Promotion of Gender and recognition of African culture in academia and legal practice,
- The role of Ubuntu in teaching and learning,
- Media censorship challenges in a democracy.

Prior to working as an academic, Dr Radebe served her articles of clerkship at a Law firm in Pretoria and worked for the North West High Court (Mahikeng, Mmabatho) as a Law Researcher.

Dr Radebe has served in various committees (Postgraduate, Research and The Selection and Appointments Committees) at the University of Pretoria. Her teaching and research methods promotes diversity and African customary law practices and the Constitution.

Her experience is thus both academic and legal practice focused and promotes the incorporation of human and social sciences in the teaching of law. Her teaching and research are impact driven and focuses on identifying key challenges in the law and making feasible recommendations in the interpretation and application of the law.

Dr Radebe is a member of the AC on the Review of Colonial and Apartheid Legislation (Project 149) and serves as a Working Committee member.

DR JACOB BUTI (JB) SKOSANA

Dr JB Skosana is serving a second term as a member of the Commission. In his first term, he served as a full-time member of the Commission for the period February 2022 to October 2023. Prior to his appointment to the Commission in February 2022, he served in various positions within the Department of Justice and Constitutional Development (DOJ&CD) including as a public prosecutor, Magistrate, Deputy Director-General responsible for Court Administration and head of Policy in the Department. He also served as Acting Director-General of the DOJ&CD during the period October 2019 to July 2020. He is enrolled as a practising advocate under the Legal Practice Act 28 of 2014 and serves as Arbitrator and Mediator Practitioner focusing largely on land matters. He obtained a Doctor of Philosophy in laws from the University of Fort Hare in 2024.

Dr Skosana serves on the AC on the Review of the Criminal Justice System as the lead designated Commissioner and is the project leader for the AC on the Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry (Project 147).

PROFESSOR TSHEPO HERBERT MONGALO

Prof Tshepo Mongalo is a Professor at the University of Cape Town's Department of Commercial Law since 01 July 2025 teaching Corporation Law (LLB), Corporate Finance (LLM) and Corporate Law and Governance (LLM). Prior to that, Prof Mongalo was an Associate Professor of Law at Wits University School of Law and a sessional lecturer in Business Law at Wits Business School. Prof Mongalo holds BProc (University of Natal), LLB (University of Natal, LLM (University of Cambridge), PhD (University of Cape Town) with 23 years' experience in teaching Corporate and Commercial law. He has published extensively in Corporate and Commercial law and has law reform experience.

He is the project leader for the Review of Aspects of Matrimonial Property Law (Project 100C).

Vision, mission and values of South African Law Reform Commission

Vision

To be a centre for excellence, producing ground-breaking research pivotal to the improvement and renewal of the legal system of South Africa.

Mission

The continuous reform of the law of South Africa in accordance with the principles and values of the Constitution to meet the needs of a changing society operating under the rule of law.

Values

In the execution of its duties the SALRC strives to uphold these values:

- Equality
- Integrity
- Inclusiveness
- Professionalism
- Impartiality
- Excellence
- Responsiveness
- Efficiency, and
- Respect for the dignity of others.

The address of the South African Law Reform Commission is as follows:

Postal address The Secretary South African Law Reform Commission Private Bag X668 Pretoria 0001 Republic of South Africa	**Physical address** Spooral Park Building 2007 Lenchen Avenue South Centurion	**Telephone:** (012) 622 6300 **Fax:** (012) 622 6362 **E-mail:** Reform@justice.gov.za **Internet:** https://www.justice.gov.za/salrc/

CHAPTER 1

OBJECTS, CONSTITUTION AND FUNCTIONING

CHAPTER 1: OBJECTS, CONSTITUTION AND FUNCTIONING

A Establishment of the Commission

The SALRC was established by the South African Law Reform Commission Act 19 of 1973 (the SALRC Act).

B Objects of the Commission

The objectives of the Commission are set out as follows in section 4 of the SALRC Act:
To do research with reference to all branches of the law of the Republic and to study and investigate all such branches in order to make recommendations for the development, improvement, modernisation or reform thereof, including –

- the repeal of obsolete or unnecessary provisions;
- the removal of anomalies;
- the bringing about of uniformity in the law in force in the various parts of the Republic;
- the consolidation or codification of any branch of the law; and
- steps aimed at making the common law more readily available.

In short, the Commission is an advisory body whose aim is the renewal and improvement of the law of South Africa on a continual basis.

C Constitution of the Commission

The President appoints the members of the Commission. In terms of section 3(1) (a) of the SALRC Act, the Commission is constituted as follows:
A judge of the Constitutional Court, the Supreme Court of Appeal or a High Court, or a judge who held the office of judge of the Constitutional Court, the Supreme Court of Appeal or the High Court and who is discharged from active service in terms of section 3 of the Judges' Remuneration and Conditions of Employment Act 47 of 2001, as Chairperson.
Not more than eight persons who appear to the President to be fit for appointment on account of the tenure of a judicial office or on account of experience as an advocate or as an attorney or as a professor of law at any university, or on account of any other qualification relating to the objects of the Commission.

D Powers and duties of the Commission

The powers and duties of the Commission are set out in section 5 of the SALRC Act. Section 5 directs the Commission to draw up a research programme that includes, in order of preference, the various matters that in the Commission's opinion require consideration. The programme must, however, be submitted to the Minister of Justice and Constitutional Development (the Minister) for approval. The Commission may include any suggestion for investigation relating to the Commission's objectives received from any person or body.

The SALRC is required to investigate the matters which appear on its research programme as approved by the Minister and may consult any person or body during the investigations. The SALRC also prepares draft legislation if it is of the opinion that legislation ought to be enacted regarding the matter investigated.

E Committees

Section 7A of the SALRC Act provides for the establishment of committees of the Commission. There are two categories: committees appointed by the Commission and consisting of members of the Commission only (such as the Working Committee), and committees consisting of members of the Commission and persons who are not members of the Commission. The Minister appoints the latter.

The object of the second category of committees, referred to as Advisory Committees is to utilise the expertise of persons outside the Commission to harness academic, governmental and civil society expertise to collaboratively seek context specific solutions to matters on the SALRC programme. These types of committees perform functions that the Commission assign and are subject to the Commission's directives.

1 Working Committee

The Commission has established a Working Committee (WC) which consists of not more than four members of the Commission in terms of section 7A(1)(a) of the SALRC Act. This Committee is serves as the Executive Committee of the Commission with the Secretary, the Assistant Secretary and the Deputy Director-General: Legislative Development and Legal Service being attendees of the meeting of the WC.

The WC is seen as the executive committee of the Commission. In accordance with the Commission's directives, this committee attends to routine matters on a continual basis and other matters that require urgent attention. The WC may exercise all functions of the Commission, excluding the approval of reports.

The WC also considers the inclusion of new investigations in the Commission's programme. Furthermore, this committee plans and manages the activities of the Commission's Secretariat.

The members of the Commission who serve in the WC are:

1. Justice Chris Jafta
2. Professor Wesahl Domingo
3. Dr Nazreen Shaik-Peremanov
4. Dr Keneilwe Radebe

The WC amongst others, makes recommendations to the Commission to consider and approve draft papers whether it be at proposal, issue, discussion paper stage including reports.

A total of seven meetings were held as follows:

- 13 April 2024
- 07 June 2024
- 07 August 2024 (meeting with the Director General of the Department)
- 30 August 2024
- 25 October 2024
- 22 November 2024
- 25 January 2025
- 22 February 2025

2 Advisory committees

The Commission from time makes recommendations to the Minister for the appointment of experts to serve in an advisory committee in respect of investigation that are in the approved research programme.

The role of AC is to assist with investigations and to advise the Commission where necessary as provided for in section 7A (1) (b) of the SALRC Act). The names of the members of the current ACs appear in **Annexure B** of the annual report.

3 Project leaders

Although the SALRC Act does not specifically refer to the appointment of project leaders, it is the

Commission's practice to appoint a project leader for each investigation on its research programme. A project leader could be a Commissioner, a member of an AC appointed by the Minister (section 7A (1) (b) (ii)), or any other person who is neither a Commissioner nor a member of an AC (section 8(2)).

The main task of a project leader is to guide the designated researcher by providing advice, direction and evaluating the research. If the project leader is the designated chairperson of a committee as envisaged in section 7A (3) of the SALRC Act, he or she will also guide the proceedings of the AC.

F Secretariat of the Commission

A Secretary and full-time Secretariat consisting of officials employed by the DOJ&CD assist the Commission in carrying its mandate. The Secretariat is composed of a research component and an administrative component.

The Secretary, appointed at the level of Chief Director, is the head of the Secretariat and the head of office. The SALRC is one of the four Chief Directorates of the Legislative Development and Legal Services branch of the Department. Mr Tshisamphiri Nelson Matibe is the Secretary of the Commission. Ms Aifheli Dzebu is the Assistant Secretary (Director level).

G Research component

Law reform cannot be delivered without high quality research. The in-house researchers (State Law Advisers) at the SALRC are qualified legal professionals, the majority of whom have vast experience in the law reform environment. The result has been the development of scholarly research publications and the involvement of the researchers in various activities as described in Chapter 4.

The State Law Advisers are appointed at State Law Adviser, Senior State Law Adviser and Specialist State Law Advisers level, with the latter two performing supervisory functions. Their task is to conduct the necessary research under the guidance of project leaders appointed by the Commission to consult with interested parties to compile proposal papers, consultation papers, issue papers, discussion papers, and draft reports as well as carrying out other assignments of the Commission.

The research component of the Secretariat consists of 18 State Law Advisers in the approved organogram. Due to resignations, retirement and National Treasury cost-containments that only allows the filling of critical posts, the research component has 11 researchers.

The SALRC Research component is composed of the following state law advisers:

Ms Lowesa Roberts	Principal State Law Adviser
Mr Pierre van Wyk	Principal State Adviser (retired end of February 2025)
Dr Dellene Clark	Principal State Law Adviser
Mr Fanyana Mdumbe	Principal State Law Adviser
Mr Linda Mathe	Senior State Law Adviser
Ms Joleen Ritcher	Senior State Law Adviser
Ms Aura Mngqibisa	State Law Adviser
Ms Tania Prinsloo	State Law Adviser
Mr Simon Maphanga	State Law Adviser
Ms Veruksha Bhana	State Law Adviser
Ms Ronel van Zyl	State Law Adviser
Ms Wendy Barendze	State Law Adviser (from February 2025)

H Administrative component

The Administrative component of the Secretariat is responsible for the provision of Administrative and Secretariat services to the Commission. These include library, project management, finance, human resources, and procurement services with some of these being centralised at the DOJ&CD.

The Assistant Secretary is responsible for managing the Administrative component of the SALRC with the support of the following Administrative staff:

Ms Johanna Msiza	Assistant Director
Mr Rivoningo Ndhambi	Copy Editor
Ms Nelisiwe Moledi	Secretary (to the Head of Office)
Mr Jacob Kabini	Administrative Officer: Projects
Ms Patricia Moumakwe	Administrative Officer: Procurement
Ms Khomotso Mogotlane	Administrative Officer: Finance
Ms Rosinah Nkuna	Principal Librarian
Ms Portia Bobodo	Senior Librarian
Ms Chantelle Krebs	Administration Clerk: Procurement
Ms Edith Louw	Administration Clerk: Finance
Mr Vusi Mavuso	Administration Clerk: Projects
Ms Reitumetse Mofoka	Administration Clerk: Projects
Ms Nomfundo Mhambi	Administration Clerk: Finance
Mr Koos Mahlangu	Machine Operator
Mr Mpolokeng Ledwaba	Food Service Aid (temporary Personal Assistant to the DDG Legislative Development effective from April 2025)
Mr Gift Mpho Sambo	Messenger
Ms Dipuo Nkosi	Administrative Clerk:

Ms Nomfundo Mhambi's secondment to Legislative Development and Implementation Chief Directorate to provide admin support from 01 September 2022 ended on 31 March 2025.

I Internal committees

Three internal committees have been established to assist the SALRC with the execution of its functions.

1 Library Committee

Members	Purpose	Activities
Ms Aifheli Dzebu (Chairperson) Mr T.N Matibe Ms S Nkuna Ms P Bobodo Ms T Prinsloo Dr D Clark (as of 25 June 2024)	The Library Committee is responsible for considering the acquisition of publications to ensure the relevance of the holdings of the SALRC library. The committee also liaises, via its librarians, with librarians at the DOJ&CD and elsewhere.	The library committee met on 22 October 2024 and 27 March 2025 to consider acquisition of publications and matters pertinent to the efficient administration of the library.

2 Occupational Health and Safety Committee

Members	Purpose	Activities
Chairperson: Mr T.N Matibe Mr J Chauke Ms K Mogotlane Mr R Ndhambi Mr G Sambo Ms R Seepi	The Occupational Health and Safety (OHS) Committee was established on 11 April 2007 in terms of section 19(1) of the Occupational Health and Safety Act 85 of 1993.	Members of the Committee attended a Safety, Health, Environment and Risk Policy & Procedures information session.

J Financing of the SALRC

The SALRC's budget for the financial year commencing 1 April 2024 to 31 March 2025 was R33 231 900.00, broken down as follows:

- Personnel expenditure R28 657 900.00
- Current expenditure R4 099 000.00
- Capital expenditure R372 000.00
- Household R103 000.00

K Research Programme

It is the responsibility of the Commission from time to time, to draw up a programme of investigations, which is subject to the Minister's approval. The SALRC also receives proposals for law reform from any person or body. In each case, the Commission considers the merits of a proposal. In some instances, a preliminary inquiry is instituted to determine whether the inclusion of a matter in the Commission's programme is justified. The Commission may also include matters in the programme of its own accord.

Every effort is made to dispose of urgent matters as quickly as possible. However, the Commission must follow certain procedures that may take considerable time. The availability of funds and skilled research capacity, the nature and extent of the inquiry and the need for consultation all determine the time spent on a project. Consultation is time-consuming, but the Commission regards it as an indispensable part of the law reform process.

L Working Methodology

Research is done to determine, authoritatively, the existing legal position and to identify shortcomings or deficiencies that need to be rectified. Consultation takes place between the researcher, project leader, AC (where one exists), the general public, stakeholders and persons with knowledge about the matter under investigation. Comparative studies are performed so that the Commission can draw on experiences from elsewhere in the world.

The consultation process is guided by the Commission's policy, which has been in place since 1996. According to this process, an issue paper is compiled as the first step. The issue paper outlines problems encountered with a particular area of the law and invites submissions on possible solutions. The paper is distributed as widely as possible for general information and comment, and where appropriate may be supplemented by workshops. Responses to an issue paper, coupled with further

intensive research, form the basis for preparing a discussion paper.

A discussion paper contains essential information on the investigation and the Commission's tentative proposals for reform. It includes a statement of the existing legal position and its deficiencies, a comparative survey and a range of possible solutions. In most cases, the discussion paper also includes a draft Bill. Members of the public are informed of the availability of discussion papers through media releases and media conferences. In addition, copies are distributed to organisations and sometimes to individuals whose views on the subject under discussion the Commission particularly wishes to canvass. Responses to the provisional proposals are studied carefully before final decisions are made. The Commission also hears oral evidence in certain instances.

The Commission's recommendations are written up as comprehensive reports, which are submitted to the Minister. In making its recommendations, the Commission bears the following imperatives and needs in mind:

- to provide access to justice for all;
- to protect the rights of all parties, especially women, children and poor people;
- to make legal processes affordable;
- to make the law less complicated; and
- to give effect to the values and principles underlying the Constitution.

The SALRC strives to maintain a high standard of legal research and welcomes feedback in this regard. The law faculties of several South African universities regularly prescribe SALRC research publications for their students at both undergraduate and postgraduate levels. The numerous valuable comments and proposals received about the Commission's recommendations on various projects, as contained in SALRC reports, indicate the effectiveness of the research methods. These methods ensure that the Commission's final recommendations are well substantiated and the product of thorough debate. The working methods also facilitate the enactment of the Commission's proposed legislation, in which the final recommendations are embodied.

M Commission papers and Working Committee papers

Commission papers and committee papers are internal documents that are not ordinarily made accessible outside of the Commission. These papers typically contain proposals for the inclusion of matters in the Commission's programme, research results (intended to inform the Commission or Committee for its consideration), draft issue papers, discussion papers, and reports, and a variety of other matters in respect of the functioning of the Commission or Committee. The papers are numbered in sequence as they serve before the Commission or Committee each year.

N Commission publications

In the course of its activities, the Commission publishes various documents. **Annexure A** contains a list of publications that the SALRC published during the 2024/25 performance period. The document series of the Commission is as follows:

1 Issue papers

The Commission generally publishes an issue paper as the first step in the consultation process. The purpose of an issue paper is to announce an investigation, clarify its aim and scope, and suggest options for solving existing problems and to involve the community actively at an early stage of an investigation. The process will only be followed for complex investigations.

2 Discussion papers

Discussion papers, previously referred to as working papers, are documents that contain the Commission's preliminary research results. In most cases, a discussion paper also contains draft legislation. The main purpose of these documents is to test public opinion on solutions identified by the Commission. Consultations with key stakeholders and members of the public in the form of workshops are critical.

3 Reports

The SALRC Act requires the Commission to prepare a full report on any matter investigated by it and to submit such reports, together with draft legislation (if any), to the Minister for consideration. All reports of the Commission are official documents, but not all are published. Where reports deal with other departments, the relevant Ministers are informed.

4 Annual report

The SALRC annual report is compiled every financial year in terms of section 7(2) of the SALRC Act 19 of 1973. The annual report is submitted to the Minister and to Parliament.

5 Consultation papers

The purpose of a consultation paper is to consult with the state department concerned. If the legislation in question affects more than one department, the paper is submitted to all departments involved. Consultation papers are not published for public consumption.

6 Papers in the Commission's research series

This series has been used mainly for publications intended to make the common law more readily available and contains translated common-law sources and noters-up.

7 How to obtain Commission publications

The SALRC documents are available to the public free of charge and are obtainable from the Commission's offices. In addition, all documents published since 1996 are available on the SALRC website (https://www.justice.gov.za/salrc/). Additionally, the SALRC has a library at its premises in Centurion.

O Various meetings of the Commission

1 Meetings of the Commission

During the performance period, the Commission met three times to consider and approve the 10 papers that the SALRC had committed to achieve during the performance period. The meetings of the Commission are scheduled towards the end of each quarter to consider and approve the papers for each quarter that count towards the achievement of targets.

Meetings of the Commission were held on the following dates:
Ordinary meetings of the Commission:

- 22 June 2024
- 28 September 2024
- 13 December 2024
- 15 March 2025.

Special meetings of the Commission were held to consider and approve draft discussion papers on the Review of the Criminal Procedure Act as follows:

- 08 August 2024
- 09 November 2024.

2 Meetings of the Working Committee

The ordinary meetings of the WC are held monthly except on the last month of the quarter when the meetings of the Commission are held. The meetings considered and dealt with research programme related challenges as well as agenda setting for the meetings of the Commission. The WC report is tabled for information and noting at each meeting of the Commission. The WC does not consider and/or approve any of the submissions of papers.

3 Meetings of Advisory Committees

A number of meetings were held in person and virtually with members of the various ACs appointed in respect of the SALRC's research programme. The purpose of these meetings include reviewing the draft outputs produced by the researchers and members of the AC for deliberation. One key outcome of these meetings is the recommendation of papers (issue papers, discussion papers and draft reports) to the WC for recommendation for tabling before the Commission. When papers are not recommended to the Commission by the Working Committee or approved by the Commission, it is the AC's responsibility together with the researcher to give effect to the feedback prior to the papers being retabled for consideration and approval.

For the meetings of the Advisory Committee on Project 151: Review of the Criminal Justice System with a focus on the Review of the CPA, attendees include Project Partners and officials from the DOJ&CD from Court Administration branch and Legislative Drafting and Implementation Chief Directorate. These attendees are not members of the ACs.

The meetings were held as follows:

PROJECT NAME	MEETING DATE
Alternative Dispute Resolution: Generic Mediation Act	3 May 2024
	5 July 2024[1]
	15 July 2024
	5 August 2024
	2 October 2024
	14 October 2024
	22 January 2025
	6 February 2025
	24 February 2025
	26 February 2025

Domestication of the UNCRPD	20 -21 April 2024
	23 April and 2 May 2024
	20 May 2024
	11 June 2024
	25 June 2024
Care and Contact with Children: Alternative Dispute Resolution in Family Matters	22 April 2024
	13 June 2024
	1 July 2024
Care and Contact with Children: Alternative Dispute Resolution in Family Matters joint meeting with Project 94	5 July 2024
Care and Contact with Children: Alternative Dispute Resolution in Family Matters	18 October 2024
	25 October 2024
Care and Contact with Children: Alternative Dispute Resolution in Family Matters with the Working Committee	22 November 2024
Review of Aspects of Matrimonial Property	22 May 2024
Review of the Criminal Procedure Act	19 April 2024
	14 June 2024
	12 July 2024
	02 August 2024
	18 October 2024
	15 November 2024
	14 March 2025

CHAPTER 2

2024/5 PERFORMANCE REPORT

CHAPTER 2: 2024/5 performance report

A Research programme of the SALRC

The SALRC research programme for 2024 to 2029 commenced when a new Commission was appointed by the President of the Republic of South Africa in January 2024.

One part of the annual report focuses on the performance – the activities that were undertaken from 01 April 2024 until 31 March 2025. It must be noted that due to the resignation and retirement of some researchers, some of the projects have been in abeyance. These are marked with an asterix (*). As such, the report does not contain any narrative as no project activities were undertaken.

For the year under review, the research programme of the SALRC was as follows:

Project	Title	Project leaders & Chairpersons of Advisory Committees	Responsible researcher
94	Alternative dispute resolution	Prof Debbie Collier, project leader (from 24 February 2024). Judge President Dunstan Mlambo, chairperson from 4 April 2017 until 31 May 2023). Prof Wesahl Domingo, project leader (from 25 June 2022 to 4 October 2023). Advocate Anthea Platt, project leader (April 2017 until February 2022).	Dr Dellene Clark (from 1 April 2025). Mr Pierre van Wyk (from April 2023 until 28 February 2025). Mrs Ananda Louw (from 2016 to 30 November 2021).

Project	Title	Project leaders & Chairpersons of Advisory Committees	Responsible researcher
100	Family Law and Law of Persons		Various
100A	Care and contact with minor children	Prof Wesahl Domingo/ Judge Deon van Zyl	Dr Dellene Clark
100E	Review of Aspects of Matrimonial Property Law	Prof Tshepo Mongalo/ Prof Helen Kruuse	Ms Joleen Richter
100F	Domestic violence: the criminal law response	Prof Wesahl Domingo	Dr Dellene Clark
135	Review of witchcraft legislation	Professor Karthigasen Govender	Mr Linda Mngoma
139	Review of the Interpretation Act	Justice Chris Jafta	Mr Pierre van Wyk until 28 February 2025
140*	The Right to Know One's Own Biological Origins		-
141	Medico-Legal Claims	Prof Karthigasen Govender	Ms Ronel Van Zyl
144	Single Marriage Statute including measures against sham marriages	Prof Wesahl Domingo / Prof Christa Rautenbach	Mr Pierre van Wyk until 28 February 2025.
145*	Investigation into a Model to Enforce Decisions of Minmec for Social Development	NA	Mr Fanyana Mdumbe
146*	Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	Prof Nico Steytler	Mr Fanyana Mdumbe

147	**Review of laws regulating funeral parlours and related services industry**	**Adv JB Skosana**	**Mr Simon Maphanga**
148	**Domestication of the United Nations Convention on the Right of Persons with Disabilities**	**Dr Nazreen Shaik-Peremanov (from February 2025)**	**Ms T Prinsloo until May 2025.**
149	**Review of Colonial and Apartheid Legislation (Laws Administered by the DOJ&CD Impacting on Expressive Rights)**	**Prof Shannon Hoctor Dr Keneilwe Radebe (designated Commissioner)**	**Mr Fanyana Mdumbe**
150*	**Review of the Civil Justice System**	**No AC appointed by the Minister.**	**Mr Linda Mathe**
151	**Criminal Procedure Reform Project (Review of the Criminal Procedure Act. 1977)**	**Judge MF Legodi Advocate JB Skosana (designated Commissioner)**	**Mr Fanyana Mdumbe Ms Lowesa Roberts Mr Simon Maphanga**
152	**Criminal Liability of Healthcare Professionals**	**Prof Karthigasen Govender**	**Ronel van Zyl**

1 Project 94: Alternative Dispute Resolution (ADR): Generic Mediation Act

This investigation aims to consider the development of legislation to promote the optimal use of mediation, and to provide citizens with an additional avenue to access to justice. In some quarters there has been a move away from the phrase "alternative dispute resolution" (ADR) to the phrase "dispute resolution" (DR).

Significant progress made during the reporting period in the development of the draft discussion paper and the draft Mediation Bill under Project 94 and is detailed below.

During the months of May and July, the meetings of the AC convened during this period focused on engagements with Legal Aid South Africa on the funding of mediation costs. The researcher also liaised with Adv Brett Philips of the Road Accident Fund about the investigation and mediation in road accident matters.

On 5 July 2024, a joint meeting of the ACs on Projects 94 and 100A met to consider the inclusion of transitional provisions in the Project 100A draft Family Dispute Resolution Bill for purposes of advancing the draft Report on Alternative Dispute Resolution in Family Matters.

Other key activities that were undertaken leading up to the Commission's approval of the discussion paper were as follows:

- On 5 August 2024, the AC considered a further draft of the discussion paper for which it recommended to serve before the Working Committee.
- On 30 August 2024, the WC considered the draft discussion paper and approved its submission to the Commission for its 28 September 2024 meeting, subject to the AC shortening the length of the paper.
- The Commission considered the draft discussion paper at its meeting on 28 September 2024. The Commission raised several issues for the AC to revisit before the paper could be published for comments.
- On 25 October 2024, the note which the AC developed to explain the amendments it effected pursuant to the Commission's September 2024 meeting. The WC approved the submission of the draft discussion paper to the Commission for its meeting held on 13 December 2024.
- On 13 December 2024, the Commission approved the publication of the draft discussion paper, subject to minor amendments. The researcher made the amendments to the paper and submitted the paper to the editor for editing.
- The Commission released Discussion Paper 168 and a media statement on 28 January 2025 for public information and comment.
- The AC's public consultation conducted on Discussion Paper 168 from February to March 2024 is set out below in Chapter 3.

There are a number of proposals that the SALRC made in the discussion paper. In summary:

- It was proposed that community mediation within communities and at local government level should be promoted by the proposed legislation. However, the proposed legislation did not attempt to exhaustively regulate the community and further discussions with community mediators and local authorities should be undertaken.
- Questions posed in the discussion paper for stakeholders input included:
    - Could funding be allocated at local government level to support and grow existing community mediation programmes in our community, like the Sri Lankan model we note in the discussion paper? Codes of conduct or code of ethics have been adopted in Nepal, Sri Lanka, and Trinidad and Tobago, which apply to community mediators.

- A further question posed was whether stakeholders agree with our view that the envisaged Mediation Council be tasked with the adoption of a code of conduct for community mediators, and if so, what issues should it address?

- Stakeholders who are active in the community mediation field were invited to engage on the regulation and funding of community mediation and on promoting mediation in resolving our community disputes.

2 Project 100A: Care of and Contact with Minor Children

During the reporting period, the researcher dedicated efforts to finalising the draft report and draft Family Dispute Resolution Bill for Project 100A. Key milestones and engagements throughout the year are summarised below.

- On 22 April 2024, the Project 100A AC met at the Office of the SALRC to analyse and integrate comments received from respondents into the draft report and draft Bill.

- On 6 May 2024, the researcher participated in a meeting with DOJ&CD vulnerable groups in respect of ADR in domestic violence in light of the circular issued by the DOJ&CD that mediation may not occur in domestic violence following referrals when applying for a protection order. She provided an overview of the SALRC's two investigations on Project 94 and 100A, and the gist of the latter project and the clauses relating to domestic violence. The researcher initiated a joint meeting between the AC Committees of Project 100A and Project 94 to discuss the introduction of transitional measures into the draft Family Dispute Resolution Bill to facilitate the progression of the draft Report.

- A virtual AC meeting was held on 1 July 2024 to discuss the proposed Chapter 4 on mediation and the revision to provide for interim measures until the Mediation Bill is promoted and promulgated.

- A joint virtual meeting was held on 5 July 2024 with Project 94, where the draft chapter on mediation was tabled for discussion. At this meeting, it was decided that going forward, both researchers would be invited to AC meetings with a watching brief in order to facilitate alignment between the two projects.

- On 15 July 2024, the researcher attended the meeting convened by Project 94 with Legal Aid SA in respect of costing and fees. Senior officials of the Legal Aid Board and the Project 94 AC attended this meeting.

- On 5 August 2024, the researcher attended the Project 94 AC meeting.

- The researcher presented an overview of Project 100A at the South African Association of Mediators (SAAM) conference on 29 August 2024.

- On 2 October 2024, the researcher attended a virtual Project 94 meeting. 18 October 2024, the AC met in person at the office of the SALRC to consider the draft chapters of the report and the revised draft Bill.
- A virtual AC meeting was held on 25 October 2024 to further update the draft Bill.
- On 31 October and 1 November 2024, the researcher attended the Johannesburg Family Law conference with a view to keeping the research in the draft report current.
- On 6 November 2024, the final draft of the draft report and draft Bill were disseminated to the AC for its consideration and approval. The draft report and draft Bill were submitted to the WC on 12 November 2024. The draft report was approved for tabling before the Commission by the WC at this meeting.

The draft report was tabled before the Commission on 13 December 2024 and approved by the Commission, subject to small changes.

On 22 January 2025, attended the Google Meet meeting with Project 94 to plan for the workshops on the draft discussion paper, which was also approved by the Commission for publication on 13 December 2024. On 30 January 2025, the researcher finalised and submitted the initial complex Socio-Economic Impact Assessment (SEIAS) report to the Presidency for certification. On receipt of the SEIAS certificate on 17 February 2025, the draft press release, the SEIAS interim report and certificate were submitted to the Secretary.

Post the approval by the Commission, the report was submitted to the Department for processing and routing to the Minister.

3 Project 149: Review of Colonial and Apartheid Legislation

In July 2024, the Commission published a discussion paper calling for inputs to its penultimate recommendations regarding the compatibility of laws falling within the mandate of the DOJ&CD with expressive rights contained in sections 15-19 of the Constitution. The closing date for comments was 30 September 2024. This discussion paper generated a lot of interest and received immense media coverage with Commissioners and officials designated to the project participating in interviews.

The Commission received insightful comments based on which a final report was prepared. In December 2024, the Commission approved its report pertaining to this inquiry, in which it proposed the repeal of the remaining Sunday observance laws in their entirety; the law that established the Goldstone Commission, and indemnity laws.

A comprehensive review of other laws administered by the DOJ&CD, including the Commissions Act of 1947; the SA Law Reform Commission Act of 1973, and the Criminal Procedure Act of 1977, is currently underway.

The report has not yet been submitted to the Department pending the SEAIS report.

4 Reform of the Civil Justice System of South Africa

In his letter dated 31 March 2021, the Minister of Justice and Correctional Services, Mr Ronald Lamola, MP, requested the SALRC to review the civil justice system.[1] The Minister's letter was accompanied by draft terms of reference prepared by the DOJ&CD for this purpose. Paragraph 3.2 of the Draft Terms of Reference for the Civil Justice Reform Project states as follows:

> **"3.2 The Scope of the Civil Justice Reform Project**
>
> The review will extend to, but not be limited to the following:
>
> (a) Development of a legislative framework to regulate substantive civil law, including the development of common law in line with constitutional imperatives.
> (b) Alternative dispute resolution mechanisms and the legislative reform to support it, particularly with regard to the dissolution of marriages entered into in terms of customary law.
> (c) The e-Justice System, modernisation, E-Rules, Case-lines and virtual hearings.
> (d) Personal injury cases and the impact of the policy on restructuring of the Road Accident Fund on a no-fault basis to curb the spiralling cost of cases arising from vehicle accidents which contribute to the congestion of the court roll in the High Courts.
> (e) Family law disputes, including divorce and matrimonial disputes, which are prolonged by the fragmented court system.
> (f) The role and the jurisdiction of Small Claims Courts and the Traditional Courts in relation to certain civil disputes.
> (g) Debt management/ administration including liquidations, insolvencies and the administration orders and the overall impact of the National Credit Act, 2005 on the adjudication of civil disputes.
> (h) Medical injuries claims against government, which needs to investigate the challenges that huge pay-outs are made to parents and in some instances children die a short while later whereas the payment to the family was **in lieu** of the cost of specialised medical care for the child's estimated lifetime.
> (i) The administration of wills and deceased estates; and
> (j) Legislative framework for (legal) representation **in-person** in civil matters."

A proposal paper on the reform of the civil justice system was approved by the Commission at its meeting held on 24 September 2022, subject to the development of an issue paper that clearly defines the scope of this investigation and the availability of funds to undertake such reforms. On 20 October 2022, a memorandum requesting approval for inclusion of this investigation in the Commission's research programme was submitted to the Minister for approval which approval was granted on 18 August 2023.

At its meeting held on 24 February 2024, the Commission took a decision to suspend the investigation due to lack of capacity to undertake the project. This decision meant that no AC for the project could be appointed until such time that vacant positions in the establishment of the Secretariat of the Commission are filled.

5 Project 100D: Relocation of Families with Reference to Minor Children

The report has been submitted to the Department for processing and routing to the Minister.

6 Project 100E: Review of Aspects of Matrimonial Property Law

Following the publication of the discussion paper, and after the hosting of national workshops and closure of the public comment period, a new researcher was assigned to take the project forward. Activities included collating the public and expert comments received and finalising the project documentation for submission to the Commission. Notably, the discussion paper did not include a draft Bill, and it was deemed necessary to extend the consultation process beyond the official comment deadline. Experts in specific fields were approached to provide additional insights where gaps in knowledge had been identified, or where further clarity was needed on complex aspects of the subject matter.

The researcher attended a range of events and engagements to enhance the project with relevant and up-to-date research. These included:

- A WC meeting held on 22 February 2025 to discuss and review the project timeline.
- The launch of a research paper by Socio-Economic Rights Institute of South Africa (SERI) on the Customary Family Home on 6 August 2024.
- A Department of Home Affairs workshop on Life Partnerships on 15 November 2024.
- A webinar on Islamic Divorces held on 27 November 2024.

In preparation for finalising the project for submission to the Commission by June 2025, several targeted meetings and workshops were held. These are summarised below:

- 22 May 2024: Planning meeting with the AC to determine the way forward.
- 4 July 2024: Meeting with international expert Prof. Jens Scherpe on matrimonial property regimes.
- 22 July 2024: Meeting with international expert Prof. Vikram Khanna on religious marriages.
- 10 October 2024: Discussion on the necessity of further consultation and a workshop on religious marriages.
- 16 October 2024: AC meeting to review collated comments and plan evaluations.
- 20 & 22 November 2024: Evaluation meetings focusing on Private International Law, Default Matrimonial Position, Putative Marriages, and Career Assets. The team also discussed extending the submission deadline and finalising arrangements for a religious marriages workshop.
- 27 November 2024: Workshop held on religious marriages.
- 11 December 2024: AC meeting to evaluate the topic of Unmarried Life Partnerships.
- 27 January 2025: Continuation of Life Partnerships evaluation.
- 7 February 2025: AC meeting to discuss the default matrimonial regime.
- 27 February 2025: Evaluation of Chapter 4 of the discussion paper, including Antenuptial Contracts, changes to the matrimonial property system, and redistribution.
- 7 March 2025: Evaluation of Customary Marriages.
- 14 March 2025: Review of matrimonial homes, trusts, Private International Law (with one section outstanding), and pensions.
- 17 March 2025: Expert consultation with Karin McKenzie and Hugh Harnett to address gaps in commentary on pensions.

7 Project 100F: Domestic Violence: the Criminal Law Response

This investigation is framed against the background of significant changes to the legislative framework dealing with gender-based violence (GBV). The purpose of which is to, among others, extend additional protection to vulnerable groups, improve the pathway of services to victims of GBV, prevent secondary victimisation, address legislative gaps and remove implementation barriers. Law reform was identified as one of the vehicles through which clear and effective steps could be taken to address the seemingly endemic nature of gender-based violence and femicide (GBVF) in South Africa.

The need for a specific crime of domestic violence is being investigated against the backdrop of the recommendation contained in the 2017 Report of the High Level Panel on the Assessment of Key Legislation and The Acceleration of Fundamental Change, and the finding in 2021 by the United Nations Committee on the Elimination of Discrimination against Women that South Africa was guilty of a systematic violation of rights under the Convention on the Elimination of Discrimination against Women (CEDAW) for knowingly omitting to, among other omissions, specifically criminalise domestic violence and femicide and implement ex officio prosecutions.

A discussion paper was approved by the Commission at its meeting held on 24 June 2023 which was published on 4 August 2023. A national workshop was held on 5 September 2023 and on 6 September 2023. After the collation of the comments received on the discussion paper, the focus of the researcher shifted over the period 2024/2025 to finalising the Project 100A Report on Care and Contact with Children: Alternative Dispute Resolution in Family Matters. The investigation is currently in abeyance.

8 Project 135: Review of Witchcraft legislation

The draft report on Project 135: Review of the Witchcraft Suppression Act, 1957 was not approved by the Commission at its meeting of 24 June 2024. A number of issues were raised regarding definitions that the researcher, Mr Mathe, was requested to work on before the amended draft report is resubmitted to the WC and the Commission for reconsideration.

The AC met on 26 July 2024 to consider amendments to the draft report considering the Commission's comments following the June meeting. On 26 July 2024, the AC meeting chaired by the new Chairperson for the project, Prof Govender, was held. Professors Bilchitz and Petrus were in attendance. On 30 July 2024, the researcher circulated the amended draft report to Prof Govender, Justice Jafta and Dr Shaik-Peremanov for information. On 13 August 2024, Prof Govender requested the Chairperson of the SALRC and Dr Shaik-Peremanov to reflect on the suggested changes and determine whether the amendments adequately address their concerns. The report was resubmitted and approved by the Commission at its meeting held on 28 September 2024, subject to changes.

On 11 November 2024, the Socio-Economic Impact Assessment system (SEIAs) and Quality Assurance Sign-Off Form was approved by the Presidency. In December 2024, a memorandum was submitted to the Minister requesting approval for the report and its publication for general information. The memorandum that was submitted to the Minister in December 2024 was returned in February 2025 for changes to be effected.

The report has been submitted to the Department with recommendations.

9 Project 139 – Review of the Interpretation Act

It has been reported in previous annual reports that the evaluation by the DOJ&CD of the Commission's recommendations made in the draft report is in progress. The report is still being processed by the Department before its finalisation for routing to the Minister. It is envisaged that the Ministry will be able in the 2025 – 2026 financial year to provide comment to the Commission on its draft recommendations. The Commission will, at that stage, be able to frame its final recommendations, evaluate the comments by the Ministry, and consider a draft report to finalise this investigation.

10 Project 141: Medico-Legal Claims

The Report on Project 141: Medico-Legal Claims, which includes draft legislation, was submitted to the Department on 4 February 2025 to be routed to the Minister for consideration.

Project 141: Medico-Legal Claims was included in the SALRC's research programme pursuant to requests from the National Department of Health and the Minister of Justice and Correctional Services to the SALRC to investigate medico-legal claims, especially claims against the State. The investigation into medico-legal claims has identified the need for law reform in this area of the law. Excessive medico-legal litigation against the State is impacting the constitutional right of access to health care services, especially in relation to vulnerable groups (women, children, persons with disabilities, low-income groups, rural households and older persons) who utilise public health care services. The huge outflow of money from provincial departments of health to pay for medico-legal claims, mostly medical negligence claims, is severely affecting the quality of public health care services and the budget available for public health care service delivery.

11 Project 144: Enacting a Single Marriage Statute including measures against Sham Marriages

On 21 August 2024, the Secretariat submitted a memorandum to the DOJ&CD, which requested the Minister to consider the Project 144 report, to submit the report formally to the Minister of Home Affairs and to consider approving the publication of the report to the public.. The Commission envisages that the Minister will refer its report to the Minister of Home Affairs in due course. and that the Commission will be able to publish its report for general information shortly thereafter, once that Ministry has had the opportunity to study the Commission's report.

12 Project 148: Domestication of the United Nations Convention on the Rights of Persons with Disabilities

The Republic of South Africa became a signatory to the United Nations Convention on the Rights of Persons with Disabilities (the CRPD) and its Optional Protocol on 30 November 2007. Project 148 is the process of domesticating the CRPD into South African legislation.

During the reporting period, following the consideration and subsequent publication of the discussion paper on Project 148, the SALRC published on 1 October 2024, Discussion Paper 163 on the Domestication of the United Nations Convention on the Rights of Persons with Disabilities: Project 148 for general information and public comment on 01 October 2024. The initial closing date of 04 December 2024 was extended on two occasions for the 31st of January 2025 with the second closing date of the 30th of April 2025 falling in the 2025/6 reporting period.

At the end of the financial year, the SALRC had received 24 written submission with a number of stakeholders who had initially sent written submissions having indicated their intention to submit supplementary written comments.

13 Review of the Criminal Justice System

The SALRC has been working on this investigation following a request from the then Minister of Justice and Correctional Services in August 2020 to include the review of both the criminal and civil justice systems in its programme. The Criminal Procedure Reform (CPR) Project, in particular, seeks to transform and modernise the Criminal Procedure Act 51 of 1977 (CPA) to bring it in line with the Constitution and its values.

Principles and values guiding the Criminal Procedural Law Reform are summarised as follows:

(a) Advancement of equality and respect for human rights;
(b) Advancement of social justice imperatives;
(c) Access to Justice;
(d) Speedy resolution of criminal trials;

(e) A victim-centred system that focuses on the vulnerable, especially women, children, and people living with disabilities;
(f) The infusion of policies and principles emanating from the National Development Plan Vision 2030 including policy imperatives aimed at the establishment of a victim friendly and gender compliant criminal justice system.

It was only at its meeting of 24 September 2022 that the Criminal Procedure Act Review project was included in its research programme. The Minister thereafter appointed eight members of the AC chaired by retired Judge President MF Legodi.

During the performance period, focus was on conducting research mainly leading to the publication of discussion papers focus on the pre-trial of the criminal justice system covering the thematic areas as discussed below. All the four discussion papers were published on 20 February 2025 for general information and inviting members of the public to submit written comments.

(a) Discussion Paper 164: Appropriate (Alternative) Dispute Resolution in Criminal Matters

Discussion Paper 164 deals with Appropriate (Alternative) Dispute Resolution in Criminal Matters (ADR) administered by the DOJ&CD. This review seeks to propose law reform in employing pre-trial ADR to redirect criminal cases away from the courts by submitting them to processes capable of being finalised expeditiously in support of abbreviated and cost-effective processes.

The Commission has made the following proposals in the discussion paper:

- To formalise the use of ADR and diversion in criminal matters involving adults by way of legislation;
- To provide for the legislative regulation of both conditional withdrawals of prosecution and adult diversion;
- To align the admission of guilt fines regime so that it works in synergy with the overarching principles of pre-trial ADR;
- To amend the guilt fines regime in this regard by removing all penalty provisions;
- To re-investigate plea and sentence agreements, but only to determine outlined implementation challenges and whether the agreements are being utilised as a way of expediting the finalisation of cases in a way that supports both the public interest and the effective administration of justice; and
- To ensure that related principles of pre-trial ADR (embodying, as it does, those of restorative justice) apply with equanimity, and to include additional conditions over and above the payment of reparation, for example, by providing for participation of an offender into a community service programme.

A draft Bill which, if enacted and promoted by the Executive, would give effect to the Commission's recommendations has been included in the paper.

(b) Discussion Paper 165: Non-Trial Resolutions

Discussion Paper 165 outlines the Commission's preliminary research findings and puts forward proposals for possible solutions. The Zondo Recommendations: Deferred Prosecution Agreements. The Judicial Commission of Inquiry into State Capture recommended the introduction of deferred prosecution agreements (DPAs) as an alternative to criminal prosecution for companies implicated in economic crimes. This "entails an agreement between prosecutors and the accused corporation in which the corporation admits facts from which criminal liability could be inferred and agrees to engage in specific conduct in the near future. In exchange, the prosecutor defers the criminal charges – provided that the corporation adheres to the terms and conditions of the agreement. If the corporation complies with the DPA, the charges are dropped, but if it fails to comply, the prosecution will proceed."

(i) The international use of Non-Trial Resolutions for corruption cases

The SALRC intends to build on the strong foundation of the Zondo Recommendations. As such, it has conducted further research into the international use of DPAs and similar legal instruments. It has widened the scope of its inquiry to consider the wide use of Non-Trial Resolutions (NTRs), of which DPAs are one sub-type. NTRs are 'any agreement between a legal or natural person and an enforcement authority to resolve bribery cases without a full trial on the merits of the allegations either before or after conviction (e.g. plea deals) or a non-conviction mechanism (e.g. non-prosecution or deferred-prosecution agreements)'.

NTRs are a form of public-private cooperation, an anti-corruption strategy prescribed by the United Nations Convention Against Corruption (UNCAC), which South Africa has signed and is bound to uphold. Public-private cooperation is an essential strategy for fighting corruption because it is a uniquely complex crime to prosecute. Articles 12, 37 and 39 of the UNCAC provide that States Parties 'shall' consider encouraging cooperation between law enforcement authorities and legal and natural persons in exchange for leniency.

Article 39 calls on states to encourage corporations to cooperate with anti-corruption enforcement authorities by supplying information or depriving offenders of the benefits of corruption. Article 37 provides that forms of cooperation could include the mitigation of punishment (Art. 37(2)), granting a form of immunity (Art. 37(3)), and cooperation in multijurisdictional cases (Art. 37(5)).

South Africa is a signatory of the Organisation for Economic Co-operation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.

The 2021 OECD Anti-Bribery Recommendation recommends that Member States consider using NTRs to resolve corruption cases without a full trial. The OECD recommends that Member States develop frameworks to provide for NTRs incorporating the following principles: transparency, accountability and due process of law.

Non-Trial Resolutions for corruption are used in many countries across the world including Brazil, Canada, France, Germany, Kenya, Malaysia, Singapore, the United Kingdom and the United States of America. One example of these global resolutions is the recent payment of $5 billion in penalties to different countries by investment bank Goldman Sachs for its role in the Malaysian 1MDB scandal.

South Africa already uses NTRs in the form of plea bargains. The SALRC is currently researching the use of non-conviction-based NTRs for corruption cases. In exchange for leniency, companies will have to: (1) admit responsibility for corruption; (2) hand over information about individuals implicated in corruption to the authorities, so they can be prosecuted; (3) pay substantial penalties; and (4) improve their corruption detection and prevention systems.

NTRs would save prosecuting authorities the time and expense of a full trial, which can take up to ten years in complex corruption cases. They would give South Africa a seat at the table where law enforcement agencies from other countries resolve corruption charges with a multi-national company – and a share in the penalties. They can save companies from bankruptcy that is often a consequence of a finding of guilt – saving jobs and share value. Not all companies would be eligible for an NTR – only those who demonstrate the capacity for reform.

The NPA recently adopted a policy directive (the Corporate Alternative Dispute Resolution directive – C-ADR) to provide for a simple form of NTR, i.e. a non-prosecution decision. This instrument is designed to incentivise companies to co-operate and remediate in corruption cases. It involves the simple exercise of prosecutorial discretion not to prosecute an implicated party when it is in the public interest to do so, in accordance with criteria in the directive. Introducing a fuller range of NTRs to South Africa will require legislative amendments.

These legislative amendments must embody the principles of transparency, accountability and fairness in the OECD Anti-Bribery Recommendation and the South African Constitution. Release of Discussion Paper 166 On The Review Of The Arrest Dispensation: Project 151

Discussion Paper 166: Review of the Arrest Dispensation for general information and public comment. The Discussion Paper outlines the Commission's preliminary research findings and puts forward proposals for possible solutions.

The purpose of arrest is to ensure the attendance of accused persons in court. In certain instances, however, the police may need to arrest someone without a warrant, although the purpose of the arrest

is not solely to ensure the person's court appearance. These instances include arresting suspects in order to protect them, arresting persons who are in the process of committing an offence in order to stop the commission of the offence, arresting persons who refuse to provide their full name and address as contemplated in section 41(1), and arresting persons who refuse to cooperate for the purpose of ascertaining their bodily features.

However, the high number of litigation and judgments on unlawful arrests have a significant impact on the fiscus and point to a misuse of the provisions on arrest. Therefore, the Commission recommends that the new Criminal Procedure Act should refine the provisions on arrest to provide that a person may not be arrested for any reason other than ensuring his or her attendance in court, for reasons outlined in section 41(1) or to ascertain his or her bodily features as contemplated in sections 36A to 37, if he or she refuses to cooperate. Further, the CPA should allow for arrest in cases where failure to do so will likely result in harm to the suspect or a witness, the continuation of an offence, the interference with evidence or the undermining of the interests of justice. The Commission believes that this will ensure that those authorised to make arrests only do so in accordance with the law and not for any other reason. It is also important that an arrest must comply with the requirements for a lawful arrest. These are: the arrestor must be a peace officer; the arrestor must entertain a suspicion; the suspicion must be that the suspect committed an offence referred to in Schedule 1; and the suspicion must rest on reasonable grounds.

Besides arrest, the attendance of accused persons in court can also be secured through a section 56 written notice, a summons (lower court) and an indictment (high court). However, police officials seldom utilise the option of a summons as it usually takes too long to obtain one. This is because the time frame for issuing summonses depends on several factors. These include the workload of prosecutors, the complexity of the case, the amount of evidence that needs to be reviewed, the need for further investigation, and the time required for the investigating officer to conduct further investigations. Also, the written notice procedure is meant for minor offences for which a fine not exceeding R5000 may be imposed. Hence, a police official cannot give an accused a written notice if a higher fine may be imposed. Due to these challenges, police officials often choose to arrest accused persons instead.

Securing the attendance of accused persons in court through a summons is ideal as it avoids unnecessary arrests that could result in unlawful arrests. Hence, the Commission recommends that the National Prosecuting Authority should review its internal processes to ensure that dockets assigned to prosecutors for deciding whether to issue summonses do not remain with them for an excessively long period.

The Commission recommended that the number of unnecessary arrests should be reduced by expanding the use of the written notice procedure to cover more offences. This includes amending section 56 to provide that the amount of the fine be reviewed every five years.

Reviewing this amount regularly will bring more offences within the ambit of section 56. The Commission further recommends amending section 40(1)(b) to exclude from arrest the offences of theft, fraud, forgery or uttering a forged document knowing it to have been forged, and offences relating to coinage, as contained in Schedule 1. This is because these offences do not involve physical violence. However, a police official should be able to arrest a person for any of these offences under specified circumstances. The Commission further recommends that the offences excluded from section 40(1)(b) should be incorporated under section 56(1) to broaden the offences for which a written notice can be issued.

Police officials are uncertain about the offences for which they can give a written notice because there is no uniform list of offences for which a section 56 written notice can be given. The Commission therefore recommends that the Minister of Justice and Constitutional Development should publish the list of offences for which a suspect may be given a written notice, by notice in the Gazette.

Furthermore, the Commission recommends that the new CPA should provide that if a police official requests a suspect to accompany him or her to a police station to receive a written notice and the suspect complies or if the police official arrests the suspect for this purpose, this action should not be construed as an arrest.

(ii) The Commission also makes the following specific recommendations:

Although section 73 of the CPA provides that accused persons are entitled to legal representation from the time of their arrest, it came to the Commission's attention that arrested individuals are not provided with legal representation before their first court appearance, indicating that this provision is not being effectively implemented in practice. Hence, the Commission recommends that section 39 of the CPA should be amended to require a police official who makes an arrest to inform the suspect that he or she may apply for legal representation as provided for in section 73 of the CPA and assist the suspect in contacting the local office of Legal Aid South Africa.

A private person who arrests a suspect must ensure the safety of the suspect while in his or her custody and, without unreasonable delay, hand over the suspect to a police official. Furthermore, a police official who takes custody of the suspect must, within twelve hours, consider the circumstances surrounding the arrest with the aim of determining whether the arrest may be unlawful and release the person immediately if he or she suspects that the arrest may be unlawful and, if necessary, hand to the person a written notice in terms of section 56.

The Commission recommends amending section 49(2)(a) to make it clear that an arrestor may use deadly force only if the suspect poses an immediate threat to the life of the arrestor or any other person or an immediate threat of grievous bodily harm to the arrestor or any other person.

Furthermore, section 49(2)(b) should be repealed as it could be considered as authorising extrajudicial killings because it allows police officials to kill a suspect who is resisting arrest if there are no other means, including the use of force, to overcome such resistance. The Commission believes that, given the proposed amendments to section 49(2)(a), section 49(2)(b) is unnecessary.

Section 334(1)(a) gives the Minister powers to expand the definition of peace officer by declaring additional categories of persons as peace officers. This is tantamount to amending the definition, which is perceived as plenary legislative powers of Parliament. Hence, the Commission recommends amending the definition of peace officer to encompass all relevant categories of individuals who should be considered peace officers. The Commission further recommends amending section 334 so that the Minister can no longer have the authority to declare persons as peace officers. Instead, the Minister will now only be able to specify which powers of peace officers can be performed by those included in the definition. The Commission further recommends that the completion of training at an institution or centre accredited to provide training for peace officers should be a requirement for issuing a certificate of appointment as a peace officer.

The Commission recognises the need for serving summonses as well as witness subpoenas electronically. The Commission is of the view that electronic service of summonses and subpoenas should be the exception to personal service of such documents and should only be permitted under specific circumstances. Hence, the Commission recommends that section 54 of the CPA be amended to allow for the service of a summons by electronic mail or facsimile transmission. The section should provide that a summons served in this manner has the same force and effect as a summons served in person, provided that the person identified in the summons acknowledges to the sender of the electronic mail or facsimile transmission that he or she received the summons and identifies himself or herself using his or her identification card or driver's license card. Section 144 should likewise be amended.

The Commission recommends broadening the definition of aggravating circumstances to include an imitation or toy firearm.

(c) DISCUSSION PAPER 167 ON THE REVIEW OF SOUTH AFRICA'S BAIL DISPENSATION

The discussion paper provides a review of South Africa's bail regime as part of the review of the criminal justice system in general and the overhaul of the Criminal Procedure Act 51 of 1977 including preliminary findings and proposals for law reform.

While South Africa's law on bail (Chapter 9 of the CPA), has been extensively revamped, particularly after the advent of constitutional democracy in 1994, to align it with constitutional injunctions and to address the scourge of violent crime and other shortcomings in the system, the assessment conducted by the Commission has unearthed areas, deficiencies or gaps in the statutory framework that require urgent attention.

These are:

1. Improving participatory rights of victims of crime (and by extension complainants and witnesses) in the criminal justice system in general and bail proceedings;

2. postponement of bail proceedings, refusal to grant bail and delays in the finalisation of criminal matters and resultant lengthy pre-trial detention and overcrowding in correctional facilities;

3. affordability of bail;

4. fixed residential address as a prerequisite for bail;

5. strengthening police powers to grant bail;

6. regulating bail pending appeal;

7. granting bail to foreign nationals.

To address these gaps, the Commission has made the following recommendations in the discussion paper to which it requires comments and input from members of the public and interested parties:

(a) The inclusion in the CPA or law enacted to substitute it, of a chapter containing enforceable and justiciable provisions (rights) expressly stipulating how the victims of crime generally should be treated by organs of state operating in the criminal justice system and providing remedies for infractions of these injunctions. In relation to bail, the Commission has proposed that the victim must be informed of bail proceedings and outcome thereof; and that his or her views, particularly about his or her need for protection, must be solicited and considered. Importantly, the Commission has recommended that these rights must be vindicated in court if grievances by the victim about the protection, promotion and enforcement of his or her rights have not been resolved satisfactorily by the organ of state concerned.

(b) The analytical framework regulating postponements of bail applications and delay in sections 56(6)(b) and 342A of the CPA respectively be strengthened. For example, in respect of section 56(6)(d) the Commission recommended the inclusion of a requirement that the postponements of bail proceedings contemplated therein must not, considered cumulatively, be unreasonable or exceed reasonable time; and that where the court has found a delay to be unreasonable, it must consider whether it would not be in the interests of justice to release the accused on bail. In addition, the Commission has recommended that custody time limits (the maximum amount of time an accused may be held in custody during the pretrial stage and from the time the charge is laid to the completion of the trial

should be 120 or 90 days, depending on the nature and gravity of the offence. Beyond this time limit, the incarceration, postponement or delay of the finalisation of the accused trial must be considered presumptively unreasonable and the accused must be released on bail unless the court orders otherwise.

(c) Serious consideration be given to:

- the incorporation of property bail – pledging movable or immovable property the values of which is commensurate with bail amount set by the court as security for bail. The Commission has further included in the discussion paper detailed provisions regulating how property bail should be implemented by the court should such an approach find favour with government and Parliament. To this end, the Commission has recommended, inter alia, that it should be the responsibility of the court to assess eligibility for and sufficiency of property for bail; that it should be an offence to deliberately and intentionally provide false information on the basis of which the court makes a determination of sufficiency of the bail and approves the release of the accused.
- Scrapping pre-trial detention for certain offences, for example, an offence for which punishment prescribed by the legislature is a fine (fine-only offence); or an offence for which more than two years' imprisonment may not be imposed; or a statutory offence for which a fine is prescribed as an alternative to imprisonment.
- Indigency be recognised as a basis for the variation of bail decisions and release of an accused on own recognizance.

(d) That section 50 of the CPA which stipulates procedure after arrest be amended by placing a duty on police officers to verify the address of the accused within 24 hours after arrest to obviate what has been described as 'the alarming rate of postponements of bail proceedings to verify the address of the accused before bail is granted.' Secondly, for the sake of legal certainty, the Commission has recommended that the requirement of fixed address be expressly incorporated into the law. Thirdly, that to ensure that an accused who does not have a fixed address is traceable and contactable while out on bail, the court should impose, inter alia, electronic monitoring condition – that the accused should wear a device that will detect and monitor his or her movements while out on bail.

(e) That police powers regarding bail be completely overhauled to-

- Give the power to grant bail only to a police officer of or above the rank of sergeant;
- Impose conditions that the accused must comply with while out on bail;
- Record his or her decision concerning bail;
- Render a bail decision reviewable by a senior police officer; and
- Require a police officer releasing an accused on bail to take all reasonable steps to inform the victim of the offence or complainant of the decision to release the accused, conditions imposed, and date of appearance of the accused in court.

(f) With the exception of an accused in a schedule 6 or 7 offence, which are regulated by section 58 of the CPA, in all cases where the accused has been convicted and/or sentenced and is appealing against same, he or she must prove to the court that it would be in the interests of justice to release him on bail.

In respect of foreign nationals, the principles regarding bail currently in force seem adequate. More so, because section 60(4)(b) of the CPA expressly provides that the court could deny bail if it is probable that the accused will abscond.

(i) Legislative Drafting

Proposed draft provisions in the CPA Bill have been included from the draft provisions that have been dealt with in the discussion papers dealing with ADR in Criminal Matters, NTRs, arrest and bail. The Legislative Drafting team from Legislative Development and Implementation Chief Directorate have been providing additional legal drafting capacity to the Advisory Committee. Other amendments that have been included in the draft bill are definitions that are obsolete.

14 Project 152: Criminal Liability of Healthcare Professionals

The SALRC received requests for a review of the law of culpable homicide and the application thereof in a health care setting from various professional healthcare organisations and related bodies listed below:

- Medical Protection Society;
- Association of Surgeons of South Africa;
- Federation of South African Surgeons;
- Radiological Society of South Africa; South African Medical Association;
- South African Medico-Legal Association;
- South African Private Practitioners Forum;
- South African Society of Anaesthesiologists; and
- South African Society of Obstetricians and Gynaecologists; and
- EthiQal, an insurance company providing medical risk protection.

The Minister approved the inclusion of this investigation in the SALRC research programme on 27 June 2023. The investigation was included in the SALRC research programme as Project 152: Criminal Liability of Healthcare Professionals.

A draft issue paper was served before the Commission at its meeting of 15 March 2025. The Commission decided that the issue paper should be converted to a discussion paper, which is currently being developed.

15 Review of the South African Law Reform Commission Act,

The Commission has tasked three Commissioners to work on the review of the South African Law Reform Act, the current Policy Guide and other issues related to the working methods.

The work focuses on research regarding:

- Absence of specific statutory law revision mandate in the Act
- Absence of a statutory provision providing for a procedure in the Commission's constituting Act that would guide the law reform processes;
- Weak institutional and governance mechanism which affect the Commission's productivity;
- Absence of strategic interface by the Commission with the Department's overall strategic plan and the National Development Plan 2030 (NDP).

The SALRC Policy Guide needs an update with a focus on the following areas:

- Four stage of the SALRC methodology for investigations
- Enhancing the Commission's capacity
- Funding model

During the period under review, the Committee focused on conducting research on best practices in other law reform agencies including in-depth internal engagements with the Secretariat towards the generation of a draft report on the findings and recommendations.

CHAPTER 3

PUBLIC RELATIONS

CHAPTER 3: PUBLIC RELATIONS

A Public consultation

The SALRC relies extensively on the cooperation of institutions and persons who have an interest in its investigations. The input of these external stakeholders contributes enormously to the efficient functioning of the SALRC. To ensure the best possible involvement of interested parties, the SALRC policy requires that we inform members of the South African public of new investigations that we initiate, and of issue papers and discussion papers that are published for general information and comment. SALRC issue papers and discussion papers are released by way of media statements to ensure good coverage. However, the SALRC also directly sends issue papers and discussion papers to institutions that have an interest in specific investigations. Responses to these documents form an indispensable link in the process of law reform and play an important role in the eventual recommendations made by the Commission in its reports.

B Interaction with foreign law reform bodies and institutions

1 Visits by foreign delegations

(a) Visit by the Namibia Department of Justice Delegation

The Director-General (DG) of DOJ&CD hosted a delegation from the Department of Justice in Namibia from 13 – 17 May 2024. The SALRC formed part of the programme which afforded the delegation to benchmark on a number of topics. These included witness protection, the legislative drafting process and some operational processes (Finance and IT). The delegation was led my Ms Gladice Pickering (Executive Director) and Dr John Shimani (Deputy Executive Director) and accompanied by Mr Humphrey Aino (Counsellor, Namibia High Commission). Seven officials were also part of the delegation from various business units including Legal, Human Resources and a police officer.

In his opening remarks, Mr Matibe (Secretary of the SALRC) indicated that the Law and Development Commission Namibia is a member of the Association of Law Reform Agencies of Eastern and Southern Africa (ALRAESA) and had been tasked with developing a new programme for law reform with the University of Namibia.

A presentation on the SALRC Act and processes mapped how the consultation processes against a discussion on language as a barrier in the context of translation to meet language needs of citizens who are consulted on law reform. The SALRC shared that in some instances, the SALRC utilises its staff members, including admin support staff, conversant in the language spoken in a particular area to assist with translating presentations and helping with deliberations at the workshops.

In the opening remarks, Ms Pickering indicated that Namibia plans to embark on an exercise to review their statute book, especially with a view to dealing with dated and redundant legislation. The SALRC researchers provided some insights into the SALRC's Project 25: Statutory Law Review, explaining that the project was done in stages, first reviewing the statute book to establish what Acts are on the statute book and then determining which departments were responsible for which Acts. The SALRC shared that the process took 10 years and resulted in more than 30 reports. However, the uptake of the SALRC recommendations by the various state departments were not as positive as had been hoped. This was mainly due to thereto that the recommendations and proposed legislation were not considered as urgent and a lack of capacity and resources in the departments.

The meeting will pave the way for further engagements by the SALRC with the Law and Development Commission of Namibia.

(a) Chief Justice Pius Langa Legal Essay Writing Competition 2023 Edition

The SALRC has partnered with Juta & Co, who sponsor the prizes for the winners and runners-up for both the LLB and LLM categories. The awards ceremony took place on 27 September 2024 in Pretoria, at Brigitte Mabandla Justice College in Pretoria.

The winning essays were as follows:

LLB CATEGORY

- Winner: Joshua van Rhyn (University of Cape Town) - The Rationalities of Reasonable Publication
- Runner-up: McNiel Zimri (Stellenbosch University) - The phenomenon of 'epistemic injustice' in adversarial court proceedings, a retrial on linguistic barriers to section 34 of the Constitution

LLM CATEGORY

- Winner: Cherity Mathe (University of Limpopo) - Legal reform as a measure to eradicate childhood statelessness in South Africa
- Runner-up: Caitlin Stoltz (Rhodes University) - Enhancing workplace harmony severing the link between harassment and unfair discrimination

The awards ceremony was attended by Commissioners, members of the Langa family, officials from the DOJ&CD, Juta and Co guests, SALRC staff, some competition entrants, and winners and their families.

C Electronic and printed media and liaison

The SALRC maintains good relations with the electronic and print media sectors. Information that, in the SALRC's opinion, is newsworthy is supplied to the media and enquiries are replied to fully and promptly.

The Secretary deals with enquiries about the work of the SALRC which emanate from media representatives, other state departments, professionals, universities, NGOs, and members of the public. In addition to dealing with routine enquiries on a regular basis, researchers and AC members participate in various programmes and discussions relating to their research projects. These take the form of, among others, interviews at radio stations, television appearances, articles in law journals, and liaison with individuals and institutions.

The SALRC holds extensive workshops and briefings in respect of relevant investigations, which is in line with the Commission's policy of broadening its consultation base. An effort is made to host the workshops and present briefings in as many different locations (urban and rural) as possible. The participants include state departments, parliamentary committees, relevant NGOs, the legal fraternity, relevant experts, and the community in general.

Researchers and AC members often participate in activities that are initiated by organisations other than the SALRC, both nationally and abroad. These include other government departments, NGOs, and institutions. In addition, they are frequently requested to present papers or lectures on the research projects that they are involved in or have been involved in. This approach facilitates cooperation between the SALRC and other role players, serves to publicise the SALRC's activities, and helps to avoid duplication of research initiatives.

D External conferences, workshops, briefings, consultative meetings and expert meetings

The Secretary of the Commission deals with enquiries from various stakeholders about the work of the SALRC on a regular basis. While some are dealt with through his office, other enquiries are delegated to researchers who are project-specific, which may require such researchers to attend engagements that take many forms. Advisory committee members and Commissioners also assist when requested to do so.

2 Engagements with stakeholders

Engagements with stakeholders are a key part of the processes and procedures of the SALRC. Although some of the investigations have been long completed, the SALRC provides after-sales services which entail expert presentations as and when requested by various stakeholders.

(a) SALRC engagements with the Deputy Minister

The Secretariat of the SALRC met the Deputy Minister on 22 January 2025, as part of a series of introductory meetings that the DM held with various branches in the Department as part of his onboarding. The meeting was attended by Ms Pillay, Mr Matibe, Ms Aifheli Dzebu, Mr Fanyana Mdumbe and Ms Lowesa Roberts.

The SALRC research programme was discussed for information purposes.

(b) Review of the Criminal Procedure Act, 1977

Following the publication of the four discussion papers on 20 February 2025, the DM invited the SALRC to presents papers at a press conference which the Deputy Minister hosted at the Government Communication and Information System CIS Centre in Pretoria on the same day. The DM was joined by some of his colleagues in the Justice, Crime Prevention, and Security (JCPS) Cluster, including the Deputy Minister of Social Development, Mogamad G.E. Hendricks.

The platform provided an engagement platform for the SALRC to present its proposals and for further engagement with the media which was streamed live on social media. Various interviews were conducted with the DM, researchers and advisory committee members on news platforms such as Newzroom Afrika, EyeWitness News (702), and the South African Broadcasting Corporation. Articles on the discussion papers appeared on the Sowetan, News 24, Power FM news, including digital platforms.

(c) Project 152: Criminal Liability of Healthcare Professionals

Ms Ronel van Zyl, the researcher assigned to this investigation, on 30 September 2024, presented an overview of the requests received and issues for consideration in relation to medico-legal claims and criminal liability of healthcare professionals as part of a medico-legal webinar series hosted by the South African Medical Association.

(d) Project 100F: Domestic violence: The Criminal Law Response

The SALRC was represented by Dr Clark, the researcher for the project, on the following:

- The GBVF NSP pillar 3 meetings were held on 26 June 2024 in response to the Public Protector Report; on 31 July 2024; 27 September 2024; 21 November 2024, and on 31 January 2025.
- On 27 and 28 June 2024, engaged with the CPA team to populate the intervention "overhaul of the CPA to make it victim-centric".
- On 6 May 2024 meeting of the DOJ&CD task team on mediation and domestic violence. Provided an overview of the SALRC's two investigations on Project 94 and 100A and the gist of the latter project and the clauses relating to domestic violence.
- On 21 May 2024, MS Teams meeting by the Inclusive Violence and Crime Prevention Program "municipal case studies engagement on collective thinking" hosted by GiZ and Barbara Holtmann of FIXED.
- On 27 June 2024, ISS Webinar "Can the South African Police Service keep us safe?"
- 11 September 2024 virtual attendance of the CGE The State of Gender Equality in 30 years of democracy.
- On 17 October 2024 attended Basadi Ba Moshito GBV Seminar "Unmasking GBV and its many faces"
- On 7 November 2024 attended the Scottish Law Reform Commission Webinar on the Discussion Paper on Civil Remedies for Domestic Abuse
- On 14 January 2025 virtual meeting with the Scottish Law Commissioner Prof Gillian Black and her team to discuss the South African and Scottish law on domestic violence both civil and criminal.
- The Violence Prevention Forum (VPF) Driver Group on 4 November 2024; 4 December 2024 (virtually); and on 10 February 2025 in person.
- On 6 and 7 June 2024 Dr Clark attended the 18th VPF meeting.
- Attended the 20th VPF meeting on 13 November 2024 in person.

(e) Project 107 Sexual Offences: Criminal Law (Sexual Offences and Related Matters Amendment Act) 32 of 2007

During April 2024, Dr Clark engaged with DOJ&CD regarding its request to comment on the application brought by the Centre of Child Law against section 56(2)(a) of SORMAA in respect of the defence that a child had mislead a person in respect of their age; and met with the DOJ&CD and the Centre for Child Law in October 2024 on this matter.

On 7 March 2025, attended the Implementation of the Petty Crimes Principle into the Legal Framework Regulating Criminal Law virtual meeting with the SAHRC, DDG, CD of LD and CD SALRC and Commissioner Skosana.

(f) Project 107 Sexual Offences: Pornography and Children

The researcher attended the following meetings and engaged with stakeholder to provide after sales (this service is provided after an investigation has been completed) on the above project.

- Engagement with Women and Men Against Child Abuse regarding the status of the proposals contained in the SALRC 2022 Report on Sexual Offences (Pornography and Children) during February and March 2025.
- Attended the webinar by INHOPE: European Virtual Forum (EVF) under the theme 'A network of Trusted Flaggers' that took place on 30 April 2024.
- Attended the 2024 ISPCAN's Collaborative Response Framework for Child Sexual Abuse webinar on 18 September 2024.
- Attended the ICMEC We Protect Global Alliance Exploring the Model National Response to Child Sexual Abuse and Exploitation on 23 September 2024.
- Attended the 7th annual INHOPE Summit on the latest trends in CSAM held on 8 October 2024.
- Attended the Institute of Security Studies and the INSPIRE Working Group and the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) Webinar on Good practices in using the law to keep children safe hosted on 10 December 2024.
- Interviewed by Dr Basson of the Bureau for Market Research on the development of South Africa's Model National Response (MNR) strategy for children's online safety on 13 February 2025.

(g) Project 94: Alternative Dispute Resolution

During the performance period, the Advisory Committee held several meetings with stakeholders following the publication of the discussion paper as follows:

- A meeting with Legal Aid SA representatives was held on 15 July 2024 to discuss funding of civil and commercial mediation.
- In May, June and August 2024, the AC engaged with Adv Brett Phillips on the investigation and mediation in road accident matters.
- A virtual workshop with High Court Judges; Magistrates; officials from the DOJ&CD, Solicitor-General and the heads of the provincial offices of the DOJ&CD was hosted on 17 February 2025.
- A virtual workshop with DOJ&CD officials based in the Legal and Treaty Affairs Chief Directorate; and a Department of International Relations and Co-operation official on the requirements and benefits of the Singapore Convention regarding the enforcement of international settlement agreements arising from mediation. The workshop was held on 25 February 2025.
- An in-person workshop was held at the SALRC offices on civil and commercial mediation on 6 March 2025.
- A virtual workshop for Chief Magistrates and Prof Hiro Aragaki, Professor of Law and Director of the Center for Negotiation and Dispute Resolution at the University of California College of the Law, San Francisco, United States of America. The workshop took place on 11 March 2025.
- Two virtual civil and commercial mediation workshops were hosted on 13 and 20 March 2025.
- On 13 March 2025, Barrister Samantha Phumaphi and Dr Dellene Clark met with representatives of the Traditional Queens Forum in a meeting arranged by Prof Cori Wielenga of the Centre for Mediation in Africa at the University of Pretoria.
- The AC liaised from February 2025 with traditional leaders, Department of Cooperative Government and Traditional Affairs officials, and community mediation representatives, to plan the hosting of community mediation workshops, which we envisage will be hosted early in the next performance cycle.

Other activities include participation by the research and project leader at the following fora:

- •Prof Collier-Reed and Mr Van Wyk participated in a Select Panel Mediation Discussion on 17 and 18 July 2024 at the Nelson Peace Centre in the Paarl.
- •Prof Collier and Mr Van Wyk participated on 29 August 2024 in the South African Association of Mediators mediation conference hosted in Midrand, Johannesburg.

(h) Project 148: Domestication of the United Nations Convention on the Rights of Persons with Disabilities

The SALRC participate in various meeting for the preparation of the South Africa country report hosted by the Department of Women, Youth and Persons with Disabilities.

- In June 2024, Ms Prinsloo (researcher) attended a virtual meeting hosted by the DOJ&CD and the DWYPD on South Africa's reports to the United Nations on the CRPD. The SALRC provided input on the country report.
- Ms Prinsloo attended the Capacity Building workshop on 13 and 14 August 2024 to provide information to be used for the compilation of the United Nations Combined 2nd, 3rd, and 4th Periodic Country Report hosted by the DWYPD.
- The validation workshop hosted by DPWYD on 31 January 2025 for the Eighth Annual Progress Report on the implementation of the White Paper on the Rights of Persons with Disabilities and draft 2 of the UN 2nd ,3rd, and 4th periodic country report on the List of issues was attended as a follow up.
- The Secretariat attended a webinar hosted by the (DWYPD) on 20 November 2024. Ms Dzebu and Ms Tania Prinsloo attended on behalf of the SALRC. Mr Benny Palime, who is a member of the AC on the project presented the discussion paper and draft Bill with the SALRC invited to provide technical support which included responding to both technical and process issues. There were over 161 attendees from non-government organisations and government departments. Ms Prinsloo will provide a report on the webinar. Comments were noted and the SALRC committed to extend the closing date as reasonable accommodation has not been adequately provided.

Some of the submissions received were from various organisations in the disability sector, academia, medical experts, local government and individuals.

CHAPTER 4

PUBLIC RELATIONS

CHAPTER 4: ACKNOWLEDGEMENTS

The work of the Commission would not be possible without the various stakeholders that contribute to the work of the Commission.

The SALRC extends condolences to the following AC members families and colleagues who have passed away and to acknowledge their contributions to the deliverables of the advisory committees they were members of:

- Mr John Baloyi (retired Magistrate court judge) was a member of Project 151 AC at the time of his death in August 2025. He brought a wealth of practice experience at magistrate courts to the various Subcommittees that he was a member of.
- Professor Charles Ngwena (AC member until 2 August 2023) on Project 148 passed away on 31 January 2025.

The SALRC and the Chairperson of the AC on the Review of the Criminal Justice System is grateful for the participation and input which informed the proposed legal reform on the discussion papers that were published in December 2025 for public comments. The Project Partners representatives from the following organisations and departments are acknowledged:

- National Prosecution Authority
- Integrated Justice System
- Civilian Secretariat for Police Services
- Department of Correctional Services
- South African Police Service

A number of stakeholders submitted written inputs on the discussion papers that were published for information and to invite public comments (Projects 151, 94 and 148. The SALRC extends its gratitude to the individuals, practitioners, NGOs, government departments (local, provincial and national), academic whose contributions are invaluable in shaping legal reform.

A number of the SALRC investigations were discussed in various media platforms which afforded us the opportunity to inform and engage with various audiences. We thank all the officials, members of the Advisory Committee and Commissioners who were interviewed for radio and television interviews.

A number of media queries on some of the ongoing investigations were received which afforded the SALRC a platform to clarify and inform audiences about its work.
The SALRC extends its sincere gratitude to Mr Pierre van Wyk, who retired at the end of February 2025

after more than 30 years of dedicated service as a researcher. His commitment, professionalism, and depth of expertise have left an enduring legacy within the Commission. We honour his decades of service and wish him well in his retirement.

The South African university community (law students and lecturers) who interacted with us on the 2024 edition of the Legal essay writing competition. We are grateful to our ongoing partnership with Juta & Co on this important competition as the prize sponsor and publisher of the winning essays in a special 10 years edition.

ANNEXURE A: 2024/2025 PUBLICATIONS

Discussion Papers (DP)

DP No	Pr No	Project Names	ISBN	Publication date	Closing date for Comments
162	149	Review of Colonial and Apartheid Era Legislation (Laws administered by the DOJ&CD)	978-177997-027-5	01 July 2024	30 September 2024
163	148	Domestication of the United Nations Convention of the Rights Persons with Disabilities	978-1-77997-309-2	01 October 2024	04 December 2024. 31 January 2025 (first extension). 30 April 2025 (second extension).
164	151	Review of the Criminal Justice System: Alternative Dispute Resolution in Criminal Matters	978-177977-374-0	20 February 2025	31 March 2025 Closing date extended to 14 May 2025
165	151	Review of the Criminal Justice System: Non-Trial Resolutions, Deferred Prosecution, Alternative Dispute Resolution and Non-Prosecution- Pre-Trial Processes	978-177977-375-7	20 February 2025	31 March 2025. Closing date extended to 14 May 2025.

166	151	Review of the Criminal Justice System: Reform of The Arrest Dispensation	978-177997-376-4	20 February 2025	31 March 2025 Closing date extended to 14 May 2025
167	151	Review of South Africa's Bail Dispensation	978-177997-3771-1	20 February 2025	Initially 31 March 2025 Closing date extended to 14 May 2025
168	94	Alternative Dispute Resolution: A Mediation Act for South Africa	978-177997-454-9	27 January 2025	30 April 2025

Reports

Pr No	Project Names	ISBN	Publication date
161	Domestic Violence: the Criminal Law Response	7978-0-621-51291-5	June 2024

ANNEXURE B: RESEARCH INVESTIGATIONS ADVISORY COMMITTEES AND MEMBERS

Project	Members	Organisation
Project 94 Alternate Dispute Resolution	Prof Debbie Collier-Reed (Project leader) since 24 February 2024	Professor in the Mercantile and Labour Law Department and director of the Centre for Transformative Regulation of Work, University of the Western Cape.
	Judge Zukisa Tshiqi (Until 28 September 2023, re-appointed on 12 June 2024)	Judge of Supreme Court of Appeal
	Deputy Judge President Aubrey Ledwaba	Deputy Judge President, Gauteng Division of the High Court of South Africa.
	Judge Cassim Sardiwalla until 7 October 2024	Judge of the High Court
	Prof David Butler	Emeritus Professor, US
	Adv Hendrik Kotze	Director, Nuvalaw
	Adv P Pretorius SC	Johannesburg Bar
	Barrister Samantha Phumaphi (from 7 Oct 2024)	Barrister (advocate) of the High Court of South Africa and Court of Appeal of England and Wales
	Mr Pat Mkhize (from 7 Oct 2024)	Mandulo Foundation
	Mr Ebrahim Patelia (from 7 Oct 2024)	Mediate Works (Pty) Ltd and a legal consultant at Cliffe Dekker Hofmeyr

Project	Members	Organisation
Project 100A Care of and contact with minor children	Judge Deon van Zyl (Chairperson)	Former Judge of the Western Cape High Court
	Prof Wesahl Domingo (Project leader)	SALRC Deputy Chairperson
	Adv Francis Bosman SC	Advocate of the High Court Former Chief Family Advocate
	Ms Neliswa Cekiso	Department of Social Development
	Prof Madeleen de Jong	Mediator, Retired Professor, UNISA
	Ms Karabo Ozah	Centre for Child Law, University of Pretoria
Project 100 Review of aspects of matrimonial property law	Prof Tshepo Tong-Mongalo	Designated SALRC Commissioner
	Prof Lea Mwambene	University of the Western Cape
	Prof Anthony Diala	University of the Western Cape
	Prof Waheeda Amien	University of Cape Town
	Prof Helen Kruuse (Chairperson)	Rhodes University
	Prof E Bonthuys	University of the Witwatersrand
Project 100F Domestic Violence: the criminal response	Prof Wesahl Domingo (Project Leader)	SALRC Deputy Chairperson
Project 135 Review of the Witchcraft Suppression Act	Dr Theodore Petrus	University of Fort Hare
	Prof David Biltchitz	University of Johannesburg
	Dr Sibusiso Masondo	University of KwaZulu-Natal
	Ms Likhapha Mbatha	National Movement for Rural Women
	Judge J Kollapen	Judge of the North Gauteng High Court

Project	Members	Organisation
Project 144 Enacting a Single Marriage Statute including measures against sham marriages	Project leader: Prof Wesahl Domingo (since November 2018)	Deputy Chairperson, SALRC
	Ms Mothokoa Phumzile Mamashela	Emeritus senior researcher of the University of Kwa-Zulu Natal
	Mr Motseotsile Clement Marumoagae	University of the Witwatersrand
	Prof Elsje Bonthuys	University of the Witwatersrand
	Prof Christa Rautenbach	North-West University
	Prof Amanda Barratt	University of Cape Town
	Judge of Appeal Mahomed Solomon Navsa	Supreme Court of Appeal
Project 145 Investigation into a Model to Enforce Decisions of Minmec for Social Development	Prof Victoria Lynn Bronstein	University of the Witwatersrand
	Prof Ethel Denise Malherbe	University of the Western Cape
	Dr Tlogane Douglas Mailula	University of South Africa
	Prof Ramos Emmanuel Mabugu	School of Economic and Management Sciences, Sol Plaatje University
Project 146 Review of Regulatory, Compliance and Reporting Burden Imposed on Local Government by Legislation	Prof Anél du Plessis	Faculty of Law, North-West University
	Prof Mbuzeni Mathenjwa	University of South Africa
	Prof Jacobus Wilhelm (Jaap) de Visser	Community Law Centre/Dullar Omar Institute, University of the Western Cape
	Prof Nicolas Christiaan Steytler	Community Law Centre/Dullar Omar Institute, University of the Western Cape

Project	Members	Organisation
Project 147: Review of the laws regulating Funeral Parlours, Crematoria, Cemeteries and Related Services Industry	Mrs Hlaleleni Kathleen Matolo-Dlepu	Molefe Dlepu Inc
	Prof David Warren Freedman	Faculty of Law, University of KwaZulu-Natal
	Prof Tanya Ann Woker	Faculty of Law, University of KwaZulu-Natal
	Advocate Thembelihle Sibusiso Sidaki	Member of the Cape Bar
	Ms Thembela Nqini	Rooth and Wessels Inc
	Adv JB Skosana	Designated SALRC Commissioner
Project 148: Domestication of the UNCRPD	Dr Nazreen Shaik-Peremanov (Project Leader since 24 February 2024)	Designated SALRC Commissioner Senior Lecturer, University of Fort Hare
	Judge D Pillay (member since 2 August 2023)	Retired Judge
	Mr AK Dube (Chairperson)	CEO - Africa Disability Alliance
	Prof I Grobbelaar – Du Plessis	Associate Professor – Department of Public Law - University of Pretoria Faculty of Law
	Ms C Fransolet	Member & Founder – UN Inclusive Design Company
	Ms P Strasheim	Managing Consultant – DLM Advisors & Consultants – Johannesburg
	Mr B Palime	Department of Women, Youth and Persons with Disabilities

Project	Members	Organisation
Project 149: Review of Colonial and Apartheid Era Legislation	Prof Shannon Hoctor	University of Stellenbosch
	Adv Ishmael Semenya, SC	Pitje Chambers, Johannesburg
	Dr Keneilwe Radebe	University of Pretoria/designated SALRC Commissioner
Project 150: Review of the Civil Justice System	Not yet appointed	N/A
Project 151: Review of the Criminal Justice System – Review of the Criminal Procedure Act	Judge F Legodi (Chairperson)	Retired Judge President
	Adv JB Skosana	Designated Commissioner, SALRC Advocate of the High Court
	Prof Nina Mollema	University of South Africa
	Prof Lukas Muntingh	University of the Western Cape
	Prof Tina Lorizzo	University of the Western Cape
	Dr Mabona Mokoena	University of South Africa
	Mr John Baloyi	Retired Magistrate Judge
	Ms Colette Ashton	Institute of Security Studies
	Ms Matshego Ramagaga	Matshego Ramagaga Attorneys

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