

Ms Thokozile Didiza
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National Assembly
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By email: speaker@parliament.gov.za

Dear Ms Didiza

INVESTIGATION OF CRL CHAIR MRS MKHWANZANI-XALUVA AND PROPOSALS TO REGULATE RELIGION

Western Cape Religious • National Faith Delegates

Issued: 11 February 2026

We, the undersigned leaders representing Christian churches, religious formations, traditional leadership bodies, advocacy networks and community structures in the Western Cape and across South Africa, request Parliament to investigate the conduct of the Chairperson of the Cultural, Religious And Linguistic (CRL) Communities Rights Commission Ms. Thoko Mkhwanazi-Xaluva in terms of S17 of the CRL Rights Act, 2002.

1. The CRL Chair has made multiple public statements that warrant investigation. These include statements that are misleading, disrespectful to religious beliefs, divisive, intimidating and discriminatory to religious communities, and proposing extension of the CRL powers (to enable it to authorise or prohibit religious practitioners) which are outside of the constitutional mandate of the CRL (S185) or any other organ of state (see quotes in attached Annexure 1), and thus are an attempt to contravene S41(f) of the Constitution.
2. The Chairman of the S22 Committee appointed by the CRL, Prof Musa Xulu made multiple public allegations against the CRL Chair in his public resignation letter on 15 January 2026 that warrant investigation. These include interference including chairing the processes of the S22 Committee while sidelining the actual chair, holding private meetings with certain members after publicly promising its independence and coopting new committee members without consultation or clear process (see quotes in attached Annexure 2).
3. The CRL Chair's repeated reckless actions and statements are causing division undermining harmony and tolerance in the religious communities that the CRL Commission is mandated to protect, and undermine the credibility of the CRL Rights Commission contrary to the requirements of S15 of the CRL Act and S185 of the Constitution. This compromised credibility undermines the legitimate mandated functioning of the Commission.

We have attempted unsuccessfully to engage with the Chair directly to resolve our concerns.

We request an enquiry into the conduct of the CRL Chair in terms of the S15 of the CRL Rights Act, 2002, by a committee of the National Assembly and that if on investigation she is found in contravention, that a recommendation be made to the President for her be removed in terms of S17 of the CRL Act and S194(2)(b) of the Constitution (see relevant excerpts from the CRL Act in attached Annexure 3).

We believe that the S22 committee should be disbanded.

To support these concerns we append some examples of public statements made by the CRL Chair.

We request the opportunity to orally present our case and play the video excerpts of her statements to an investigating committee of the National Assembly.

As Christian leaders we are willing to abide by the laws of the country applicable to everyone regardless of religious belief, but we reject any special laws or regulations or state structures to regulate religious practitioners or church institutions.

Organisations requesting this Parliamentary investigation include:

African Religious & Traditional Leaders Council (ARTLC); The Anti-Regulation of Religion Summit (ARRS); Khayelitsha Development Forum (KDF) Religious Forum; Without Walls Apostolic Ministries Network; Christian View Network; Concerned Christians; and additional churches, networks, leaders and umbrella bodies

Signed,

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Annexure 1: Examples of public statements made by the CRL Chair warranting investigation

In the process of advocating expansion of the powers of the CRL Rights Commission, the current CRL Chair Ms. Thoko Mkhwanazi-Xaluva has made a series of statements which we find unacceptable and motivate Parliament to use them on investigation to motivate a finding of her unfitness for office:

Misleading statements

Misleading parliament falsely claiming church support

1. In 2017 misled the Parliamentary Portfolio Committee on COGTA claiming church support for regulation of religion which she did not have. *“Mr Mileham said ...He noted that the CRLC put up a slide at its presentation that said the aforementioned religious bodies supported the proposals around commercialisation of religion. The chairperson of the CRLC categorically stated that those organisations supported CRLC findings and recommendations. But the submissions made today have proven the contrary, and proved that Parliament had been misled. It was therefore important for CRLC to account for this act.”* <https://pmg.org.za/committee-meeting/25253/> (17 Oct 2017).

Misleading the public claiming parliamentary mandate

2. In 2025, the CRL Chair made public statements claiming a mandate from the Parliamentary Portfolio Committee in 2018, for proposed regulation of religious practitioners, which had in fact rejected the proposals and where she had been rebuked for misleading them.

Misleading promise to not interfere with S22 Committee

3. CRL Chair says won't interfere with S22 Committee but then asserts the 'ultimate aim' 'won't be optional' contrary to S22 Committee document.
 - a. 2 Oct 2025 Claim not interfere in S22 committee. *“We want to assure you, that you won't see us as the S22 committee unless you invite us... We are now leaving the stage and handing over to the religious leaders to take over...”*
 - b. 19 Dec 2025 Say religious practitioners won't ultimately won't allow to operate if not registered (see exact quote on following page).

Divisive and disrespectful statements

Constitutional requirement to promote respect

The CRL Rights Commission is constitutionally S185 required to *“promote respect for the rights of cultural, religious and linguistic communities”* and promote *‘peace, friendship, humanity, tolerance and national unity’*.

Psychiatric allegation against some religious leaders

The CRL Chair said in a television interview (2025): *“No one talks to God. Lets put it as bluntly as all that. If someone says to you “God was talking to me”, tell them to go to the psychiatric ward”*.

The CRL Chair is required to defend the rights of all religious communities regardless of belief, but in this instance she disrespects and discriminates against a religious community and belief.

Over-reach of mandate of the CRL Rights Commission

The Constitutional mandate of the CRL Rights Commission

1. The legitimate mandate of the CRL is described in S185 of the Constitution “monitor, investigate, research, educate, lobby, advise and report”, with further detail in Act 19 of 2002.
2. The Constitution S41 on Cooperative Governance requires that *“(1) All spheres of government and all organs of state within each sphere must-...(f) not assume any power or function except those conferred on them in terms of the Constitution...”*.

Religious freedom in Constitution

1. Religious freedom is guaranteed by S15 and S31 of the Bill of Rights.
2. These rights may only be limited only in terms of S36 of the Bill of Rights.

Attempts to regulate religious practitioners outside of mandate

Television interview 12 February 2025

On 12 Feb 2025, the proposals previously dismissed by parliament were resurrected in a media interview by the CRL Chair on Newzroom Afrika: *“You need a system that says you want we want to open up a church or you want to be a religious leader, you apply first we test if you don't have an unusual history. The peer review committee will sit down and assess each person grant them a license to run a church ... Then they will give you the license as the peer review committee and then if you do anything wrong then people can come to the peer review committee and report you or the media can report. And then there'll be an investigation and if it's found that you are doing something wrong that is illegal at times they will help the victims through the system. But also you the religious leader will have to be suspended or fired as the case may be like it happens with all professions.”*.

SABC News Television interview (2025) threatening jail

“It will be an offence to practice without a licence. The reality of the matter is... you have to be registered or else you go to jail”

Press conference 19 December 2025

On 19 December 2025 a press conference was held with a “Draft self-regulatory framework for the Christian sector in the Republic of South Africa” voluntary ‘self-regulation’, but with a contradictory verbal statement by the CRL chair with the intention it would become compulsory. *“...the ultimate aim will have to be that if you want to operate in this country as a church.... We are saying its not going to be optional at the end of the day. So ‘springing up’ will not be an option at all...”*

Conclusions

1. The Constitutional mandate of the CRL does not include the powers proposed by the current CRL Chair Ms. Thoko Mkhwanazi-Xaluva such as regulation or registration of religious practitioners, or preventing the practice of such unregistered practitioners. The CRL should focus on their mandate.
2. The chairs proposals for authorisation of religious practitioners and by implication churches by the CRL or any other organ of state cannot be rationally justified by the limitations clause in the Bill of Rights.

Annexure 2: Relevant excerpts from allegations of resigning CRL S22 Committee Chair Prof Musa Xulu (15 January 2026)

The following are extracts from the resignation letter and press statement of the resigning chair of the S22 Committee appointed by the CRL Rights Commission. They are not an exhaustive list of the allegations.

Questionable process of appointment of the S22 Committee

“I do not know what process was followed to appoint me or the other members of the Committee. Some were nominated by selected church groupings identified by Mrs Thoko Mkwanazi-Xaluva, the CRL Chair. Others appear to have been simply co-opted by the CRL Chair. New members would arrive at meetings without explanation or consultation with myself.”

Interference with S22 Committee after promising independence

CRL Chairing S22 Committee after promising independence & sidelining actual S22 Chair

“Despite the CRL Chair’s repeated statements to the media that she was handing over the process to the Committee and that the CRL Executive would only play a logistical and secretarial role, from the beginning, there were procedural irregularities and undue interference by the CRL Chair. Despite my letter of appointment stating clearly that I was to call and preside over meetings, this never occurred. The CRL Chair, through what she calls, the Secretariat that is headed by the CEO of the CRL, called every meeting. She chaired most of them, often for extended periods.”

Private meetings with members of S22 Committee after promising independence

“I also learned, from Committee members’ admissions to me, that private meetings were taking place between the CRL Chair and selected members outside formal Committee meetings”

Release of document without the approval of S22 Committee or its chair

“During the meetings of 17 and 18 December 2025, the CRL Chair completely took over the process, usurping my role as Chair of the Committee. On 19 December, the document was released to the media without ever being approved by the full Section 22 Committee and without my approval as appointed Chair.”

Hostility to religious sectors

“Entire sectors of Christianity, particularly Pentecostal and Charismatic churches, were treated with open suspicion and hostility.”

Annexure 3: Relevant excerpts from the CRL Rights Act, 2002

S15 Conduct of members

“15. (1) A member of the Commission—

(a) must perform the functions of office—

(i) in the spirit of furthering peace, friendship, humanity, tolerance and national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;

(ii) in good faith; and

(iii) without fear, favour or prejudice;

....

(d) may not act in any other way that compromises the credibility, impartiality, independence or integrity of the Commission.

(2) Any member of the Commission who contravenes or fails to comply with subsection (1) is guilty of misconduct.”

S17 Removal from office

“17. (1) A member of the Commission may be removed from office, but only if a committee of the National Assembly finds the member guilty of misconduct or rules that the member is incompetent or incapable of performing a member’s functions, and the National Assembly, in accordance with section 194(2)(b) of the Constitution, adopts a resolution calling for that member’s removal from office.

(2) The President— 15

(a) may suspend a member of the Commission from office at any time after the start of the proceedings of a committee of the National Assembly for the removal of that member; and

(b) must remove the member from office upon adoption by the National Assembly of the resolution calling for that member’s removal.

Annexure 4: Relevant excerpts from the Constitution

15 Freedom of religion, belief and opinion

15. (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion....

18 Freedom of association

18. Everyone has the right to freedom of association.

31 Cultural, religious and linguistic communities

31. (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community—

(a) to enjoy their culture, practise their religion and use their language; and
 (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

(2) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

36 Limitation of rights

36. (1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including—

(a) the nature of the right;
 (b) the importance of the purpose of the limitation;
 (c) the nature and extent of the limitation;
 (d) the relation between the limitation and its purpose; and
 (e) less restrictive means to achieve the purpose.

(2) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

41 Principles of co-operative government and intergovernmental relations

41. (1) All spheres of government and all organs of state within each sphere must—

(a) preserve the peace, national unity and the indivisibility of the Republic;.....

(e) respect the constitutional status, institutions, powers and functions of government in the other spheres;

(f) not assume any power or function except those conferred on them in terms of the Constitution;....

185 Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities: Functions of Commission

185. (1) The primary objects of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities are—

(a) to promote respect for the rights of cultural, religious and linguistic communities;
 (b) to promote and develop peace, friendship, humanity, tolerance and national unity among cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association; and
 (c) to recommend the establishment or recognition, in accordance with national legislation, of a cultural or other council or councils for a community or communities in South Africa.

- (2) The Commission has the power, as regulated by national legislation, necessary to achieve its primary objects, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning the rights of cultural, religious and linguistic communities.
- (3) The Commission may report any matter which falls within its powers and functions to the South African Human Rights Commission for investigation.
- (4) The Commission has the additional powers and functions prescribed by national legislation.

194 Removal from office

194. (1) The Public Protector, the Auditor-General or a member of a Commission established by this Chapter may be removed from office only on—

- (a) the ground of misconduct, incapacity or incompetence;
- (b) a finding to that effect by a committee of the National Assembly; and
- (c) the adoption by the Assembly of a resolution calling for that person's removal from office.

(2) A resolution of the National Assembly concerning the removal from office of—

- (a) the Public Protector or the Auditor-General must be adopted with a supporting vote of at least two thirds of the members of the Assembly; or
- (b) a member of a Commission must be adopted with a supporting vote of a majority of the members of the Assembly.

(3) The President—

- (a) may suspend a person from office at any time after the start of the proceedings of a committee of the National Assembly for the removal of that person; and
- (b) must remove a person from office upon adoption by the Assembly of the resolution calling for that person's removal.