

**Budget Vote Debate 21 - Justice and Constitutional Development**  
**By**  
**Hon. Prof CT Msimang, MP**

19 May 2015

Honourable Speaker,

Justice and Constitutional development are the very pillars of our democracy in South Africa, however the majority of our people still live in fear in their houses, their offices and even on our roads. Criminals are running on the rampage as there seems to be no regard for the law or the consequences of being caught.

The vision of the Department is to promote a transformed and accessible justice system. Yet in the face of astronomical litigation costs, one can only question how viable this accessibility is. Even the Legal Aid Board, which helps the indigent members of society, cannot be helped because the entity is underfunded. Even the budget of the Office of the Chief Justice, which is responsible for the delivery of justice, is sorely inadequate.

Another entity which has endeared itself to many members of society, the Office of the Public Protector is only allowed R240 million allocation while the needs of this Chapter 9 institution actually require a further R200 million. To many citizens of this country the current incumbent is the first Public Protector who has actually given meaning to the concept. One would expect that she would be given an enabling budget and all the necessary support by the Department.

Furthermore, Justice cannot flourish if the organs of justice are manned by detectives and prosecutors who are poorly trained. No wonder cases are remanded time and time again.

Accessibility must also be facilitated by language proficiency. In a multilingual country such as ours, how is English the only language truly catered for within our justice system? If the magistrate, the prosecutor and the accused are all Xhosa speaking, why do they have to communicate in English? Why must they use an interpreter who, more often than not, is also poorly trained?

However, the IFP commends the Department for the increased funding of about R236 million for building more rural courts, as well as putting in place policies and systems to contain the escalation of litigation costs.