***FRIDAY, 19 MARCH 2021***

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 10:00.

The House Chairperson (Ms M G BOROTO) took the Chair and requested members to observe a moment of silence for prayers or meditation.

# THIRD PARLIAMENT PASSES THE FINANCIAL MANAGEMENT OF PARLIAMENT ACT, ACT 10 OF 2009 AND FINANCIAL MANAGEMENT OF PARLIAMENT AMENDMENT ACT, ACT 34 OF 2014

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move

without notice:

That the House –

1. notes that the Third Parliament initiated and passed the Financial Management of Parliament Act, Act 10 of 2009, in order to regulate the legislature’s finances and independent arm of the State;
2. further notes that Parliament passed the Financial Management of Parliament Amendment Act, Act 34 of 2014;
3. recognizes that additional amendments to the Act have been proposed to strengthen the budgeting and financial management processes in Parliament and provincial legislatures; therefore
4. instructs the Standing Committee on Finance to review the Financial Management of Parliament and Provincial Legislatures Act, as amended, the committee to –
	1. introduce amending legislation if necessary, taking into account the work done by relevant structures on the matter including the Speakers’

Forum; and

* 1. report to the House by 30 September 2021.

Question Put

Agreed to.

# CONSIDERATION OF REPORT OF STANDING COMMITTEE ON APPROPRIATIONS - DIVISION OF REVENUE BILL

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

Motion agreed to (Economic Freedom Fighters and Democratic Alliance dissenting).

Report accordingly adopted.

# DIVISION OF REVENUE BILL

(Second Reading debate)

Mr N S BUTHELEZI: Hon House Chairperson, hon Ministers and deputy Ministers, hon members, ladies and gentlemen, the ANC supports the Division of Revenue Bill, Bill 3 2021.

The Bill tabled by the Minister of Finance was crafted under very difficult socioeconomic conditions created by the advent of COVID-19. As we know, that has not just disrupted

economies, it has also impacted lives with many people dying, in some instances breadwinners. The hardships to families, communities and nations are just too much.

This has escalated the apartheid-created problems of hunger, inequality, poverty, diseases and skewed distribution of income. It is, thus, not surprising that his Excellency, President Ramaphosa, in his state of the nation address put the defeat of the coronavirus pandemic as priority number one in 2021.

Yes, that is evident from the Division of Revenue Act, DORA, that we are unshaken as a country, we are determined to conquer this pandemic. This realisation prompted hon Seiso Mohai to:

The decisive intervention of government to mitigate the miseries of our people during COVID-19 pandemic has actually demonstrated the capacity of the ANC to live true to the ideal of being a caring government.

Indeed, the R500 billion government’s intervention aimed at saving lives and livelihoods shows how caring this government is.

Hon members, we must remember the very difficult economic and fiscal conditions under which this budget was formulated.

Economies in the whole world closed down, infrastructure projects could not continue, tourism came to a complete halt, mining and trade stopped.

Consequently, our economy contracted by 7,2%, revenue under collection of R213 billion, yet to Gross Domestic Growth, GDP, ratio deteriorated to 80,3% and even more worrying, unemployment rate has increased to 32,5%.

The ANC congratulates the Minister of Finance and his team that despite these challenges they were able to keep consolidated expenditure over R2 trillion over the Medium - Term Expenditure Framework, MTEF. National government receives 48,7%, provinces 41,9%, local government 9,4% rising to 9,7% in 2023-24 of the nationally raised revenue.

We want to say here and now that we are happy that this DORA remains pro-poor, 56% of the budget is allocated to education, health and social development. This is meant to provide the safety net for the most vulnerable section of our people.

Chairperson, we also welcome the fact that the Division of Revenue is redistributive. What does that mean, hon members? It means that although the tax basis, mainly in urban areas, it is the rural areas that receives more per capita per household. For instance, rural municipalities are allocated about three times more per household than metros in equitable share and about twice in conditional grants. Rural municipalities receive R11 700 per household while metros receive R4 900 per household.

Remember, apartheid threw a myriad of oppressing and repressive laws, condemned majority of black people to arid and unproductive land in rural areas. So, this Bill is our attempt as the progressive government to clean apartheid mess.

Hon Chairperson, the sustainability of our ability to deliver on the needs of our people is dependent on the economy that is inclusive and grown; it is also dependent on restoring fiscal sustainability.

This is incongruent with the overriding priorities of 2021 announced by his Excellency, the President. He cited the implementation of economic reform so at to create sustainable jobs and drive inclusive growth and also accelerate economic

recovery. That is why the solution to our problems in the economy that is growing and growing at a faster rate.

Hence the President announced the Economic Reconstruction and Recovery Plan, ERRP, on 15 October 2020. Among the objectives of the ERRP is to create jobs, primarily through aggressive infrastructure investment and mass employment programmes. That is why in reprioritisation infrastructure spending is protected, except where there’s undeniable evidence of perennial under spending.

The importance of infrastructure is also recognised by allowing 5% of municipalities’ allocation to be used for the development of an infrastructure asset management plan. This is meant to unleash the potential of infrastructure and growing the economy.

*IsiZulu*:

Malungu ahloniphekileyo ale Ndlu ngaphambi kokuba ontabakayikhonjwa baqale bagxumagxume bathi asenzi lutho, bayathanda ke ukubona abakuthandayo bashiye okunye.

*English*:

I would like to cite a few examples for South Africans of the strides that have been taken to implement ERRP. Firstly,

430 000 jobs have already been supported through the employment creation initiatives announced by government;

180 000 jobs are in the recruitment process. While jobs are critical for sustenance of our people’s livelihoods they also increase disposable income in the hands of our people; which goes back to the economy, ultimately leading to the GDP growth.

Secondly, in October 2020 electricity regulations were amended to enable municipalities to procure more from independent power producers. This is important to [Inaudible.] energy by Eskom. We urge government to ensure that black companies, women-owned companies, cooperatives, are given a slice of this new opportunity.

Thirdly, we also welcome the fact that large users of sugar agreed to procure at least 80% of their supply from local growers. Can we, in the same vain, ensure that small sugarcane growers benefit from this progressive initiative?

It will be an exercise in futility if conditions of investing in municipalities are not improved. Ease of doing business at

local government level is important; that will help municipalities to also contribute to the ERRP and to increase their revenue base.

Chairperson, it is thus fallacious and completely false to argue that nothing is being done. My comrades will talk about many other things which show agility and responsiveness of the ANC-led government in reprioritising our people and undo the very deep roots of apartheid; a system which thought it was good not to supply electricity to black people, a system which thought it was proper not to give houses to black people, a system which said it was a white preserve to be taught mathematics and engineering.

The majority of black people in this Parliament know how it feels to be denied the basic right to education, while others took it for granted; they know to get the right to a better education than to survive teargas, live bullets, soldiers camping in their campuses, imprisonment and even death itself.

In this regard I’m reminded of Jonathan Claasen, 21, Shaun Magmoed, 15, and Michael Miranda, 11, killed in Athlone in what became known as the Trojan Horse Massacre. The memory of

Hector Peterson reminds us that the struggle for education is very important for a black child.

We, therefore, welcome the reprioritisation of funds to meet the R7 billion shortfall in National Student Financial Aid Scheme, NSFAS, to fund first time students and R32 billion which will go towards funding; more 400 000 students in universities and 300 000 in Technical and Vocational education and Training, Tvet, colleges.

We are also calling upon the private sector to come to the party and invest in human capital through funding education. This cannot be left to government only; it is about the future of our economy and of our country. Indeed, the doors of learning and of culture shall be open.

We are sending our heartfelt condolences to the Ntumba family and all those who might have been injured in the process; we should not lose life for this basic right.

The ANC supports the Division of Revenue Bill.

I’m giving the remainder of my minutes to hon Dipuo Peters, Chairperson. [Laughter.] [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): How do you know that you have minutes left? [Laughter.]

*IsiZulu*:

Mnu N S BUTHELEZI: Ngiyazi maningi. [Uhleko.]

Mr G G HILL-LEWIS: Madam Chair, the Division of Revenue Bill sets out how government spending is apportioned between the spheres of government – national, provincial and local. But it is local and provincial governments in the main which deliver primarily basic services for the poor and those who need it the most. Things like clinics, water, toilets, public transport, school feeding for children and much more, besides.

So, while the government has made the right decision – as we said in last week’s debate - to get under control by tightly reining in spending, they have made the wrong decision about where and how spending should be reined in. If there are to be any shifts and cuts in the Division of Revenue, the cuts should come from national government, and from bailouts, and the shift should be towards those spheres of government to actually deliver the quality of life improvements for the poor. So, it is true Sifiso – Excuse me, hon Buthelezi – that this Budget or Division is redistributive, as you’ve just

said. But it is redistributive in the wrong direction. It takes from the poor and gives to failing state companies.

Provincial governments will suffer a devastating R220 billion, hon members, cut over the next three years. This will critically undermine their ability to deliver basic services and do their jobs. The Western Cape alone will suffer a

R20 billion cut to its equitable share over three years. A R4,3 million cut to Early Childhood Development; a R30 million cut to education infrastructure, Mr Buthelezi - speaking of the right to education; and a R100 million cut to the Roads Maintenance Grant.

But what about local government? Let’s consider the City of Cape Town. Cape Town will suffer an R87 million real cut to its equitable share. A R45 million real cut in Urban Settlement Development Grant for housing, Mr Buthelezi – speaking of the right to housing; and an enormous devastating R560 million cut to the Public Transport Grant.

Consider now the story of Marylin, a resident of Strandfontein here in Cape Town, who relies on public transport to get to and from her job every day. She already pays R140 per week for a clip card and R560 a month. But when the public transport

subsidy goes down, the price of her clip card goes up. She rightly asks a good question: Why should she pay more to get to work every morning? So, the government can send more of her money to Eskom.

Interestingly, the R220 billion cut now being inflicted on provinces, perfectly matches the R200 billion in bailouts that this government has spent since 2000, with another R17 billion this year alone. And yet, despite all of this money, higher tariffs and higher taxes, we are told to expect load shedding for at least another five years.

Show me your budget, sir, and I will show you what you value. And so it is today, less services for those who need them most; and more bailouts for those who cannot get enough. That is why Cape Town and cities like it must realise that they are being dragged down with this failing national government which does not care, and will not care. That is why Cape Town and cities like it must break out of the system of entrenched decline and protect their residents from the national government just doesn’t care by buying their own electricity, laying rail systems and keeping residents safe with their own law enforcement.

And as long as you, national government, continue to take money from the pockets of good people like Marylin whom I spoke of, then we will oppose the Division of Revenue as we oppose this Bill today. [Applause.]

Ms E N NTLANGWINI: House Chairperson, the EFF rejects Mr Tito Mboweni’s misguided, dangerous and austerity Division of Revenue Bill. The Division of Revenue Bill is a Bill that allocates the revenue raised through taxes and all other revenues nationally between the national, provincial and local spheres of government. In the current form, the Division of Revenue Bill before Parliament remains a proposal from the Minister of Finance until today. Like today, we vote for it in favour or not in favour.

By voting in support of this Bill, it means we are voting in support of austerities that will cut budgets of service delivery. When we vote against the Division of Revenue Bill, we are not saying the provinces must not receive monies to pay salaries for teachers and nurses. When we vote against this Bill, we are not saying municipalities must not receive monies to deliver basic services. We are voting against this Bill because it is introducing dangerous austerities that will lead to budget cuts of teachers’ salaries; budget cuts of nurses

and doctors’ salaries; and budget cuts of water and

sanitation; and infrastructure services in municipalities.

Members of the ruling party who are here today to tow the line and not apply independent thinking, will come and rehearse written notes that have been written by National Treasury for them. They will ignore all inputs from the Parliamentary Budget Office, the Office of the Financial and Fiscal Commission, Salga, all the submissions of the committees, labour, civil society and activists, making a mockery of Public Commission process, wasting tax payer’s money.

But allow us to give proper context and dispel any myths- making by the ruling party. We do this because there’s a campaign of misinforming the public. In this Division of Revenue Bill, the money going to provinces to pay salaries for nurses, doctors and teachers have been reduced by R205 billion over the medium term. That’s a fact, hon Hope.

Money going to provinces as conditional grants have been reduced to R10,7 billion by Mr Mboweni, thus reducing the money of HIV, TB, Malaria and Communicable Diseases Outreach Grant. That’s a fact, hon Hope. Money going to municipalities which must deliver electricity to our people and other

services is reduced by R14,7 billion, Mr Hope, as you are howling. We are not making these numbers up. Even the Minister is going to come here and tell us this is not austerity Division of Revenue Bill and he must explain what government fiscal consolidation is.

More fundamental is the Division of Revenue Bill is like all fiscal policies and not like any coherent and coordinated practical industrialisation strategies. Instead, provinces and municipalities receive these monies and they will not build local markets and they will not support localisation industrialisation. Municipalities must be the hubs of industrialisation.

Municipalities must procure the majority of goods from local suppliers who produce them locally, cleaning material, building material and all other material necessary to deliver basic services. However, if we are going to turn municipalities into hubs of industrialisation, we must first address the equitable share.

The National Treasury has used continued apartheid spatial planning and economics. It is not true that the equitable share favours poor black people. People cannot continue to

tell themselves these lies and as much as they want, the reality is that black people will continue to sleep with empty stomachs, hon Hope; live in overcrowded informal settlements like animals; travel long hours to work; and not even have the time to raise their kids, hon Hope.

In the current form, the equitable share allocates only 9% of the total revenue raised nationally. In these numbers, this is R138,5 billion out of the budget of R1,8 trillion. But municipalities are supposed to be at the coalface of service delivery. Quite facts, Mr Hope. I hope you read it.

Unless we fix this mismatch, and do away with Mr Mboweni’s austerities, we are going to vote for this Division of Revenue Bill that will push into poverty and string the economy. We will not vote for this right-wing Budget. I thank you. [Applause.]

Mr M N MXUMALO: Hon Chair, if I may, the hon Buthelezi is struggling with connectivity.

The HOUSE CHAIPERSON (Ms M G BOROTO): Okay, as long as you have agreed.

Mr M N MXUMALO: Chair, I will also not put on my camera, due to the same issue. The IFP notes that the government’s priorities in this difficult financial climate, include the economic recovery and the fiscal consolidation.

The IFP notes the impact of the pandemic on what was an already struggling economy and supports the focus of creating high-level economic growth. Now, these efforts depend on the ability of economic actors to bounce back from the lockdown and participate effectively in the markets, as well as the successful roll-out of the vaccination programme.

The IFP also appreciates, that in order to buttress this economic recovery initiatives, serious fiscal changes must be made. The IFP welcomes the government’s continuous commitment in fighting the pandemic via the R8 billion that has been added to the provincial equitable share over the medium term to ensure that provinces can cover the costs of responding to the covid-19 virus.

The IFP notes and welcomes the R2,4 billion allocated to provinces within the HIV, TB, malaria and ... [Inaudible. ...

programmes, including covid-19 components of the

administration of the vaccine, to subsidise service delivery costs.

The IFP remains concerned about the status of corruption and misuse of resources in this area and across the board. We encourage all departments to view these financial changes with the seriousness they deserve and to remain vigilant against corrupt individuals and entities that seek to derail both our national health and our economic recovery.

The IFP wishes to emphasise the importance of a multipronged approach to our economic recovery plan, one that is inclusive of rural communities and their traditional leaders.

The provision of reliable electricity, water and sanitation services are at the core and critical issues that we are battling with and which leaves our most vulnerable exposed.

Finally, the IFP notes the importance of narrowing the budget deficit and stabilising the debt of the GDP ratio. South Africa finds itself in the precautious position of a poor projected rebound, when compared to some of its regional peers. We must tighten our belts and take decisive action against those who derail these critical efforts through

financial misconducts. The IFP will support the Bill. Thank you.

Ms J TSHABALALA: Chairperson, on a point of order: Would you be so kind to reprimand hon Lewis to put on his mask in the House. It is out of order. [Interjections.] He heard you.

*Afrikaans*:

Mnr W W WESSELS: Agb Huisvoorsitter, dis onmoontlik om oor die verdeling van staatsinkomste te praat, sonder om oor die toestand van plaaslike regering te praat. As oposisie, moet ons dit elke jaar sê. Elke jaar moet ons sê hoe sleg dit in munisipaliteite regoor die land gaan.

*English*:

We sound like broken records complaining about the fact that there are no service delivery and that local government has collapsed.

However, it is a very relevant broken record because people are suffering. People are literally dying because of the state of our roads out there. People are dying because of inadequate hospitals and clinics. People are suffering because of sewage works not functioning and because of water interruptions, with

towns experiencing nearly three years without water in certain parts of the country, with electricity cuts and load shedding.

And then the solution provided by the governing party, and boasted about now, is the District Development Model that will solve everything, just like the Back to Basic Programme would have solved everything, but it did not. The District Development Model will fail because it is more about centralisation and taking away the service delivery centra from the people.

The Deputy President, when he answered questions earlier this week almost referred to municipalities as being very naughty not paying Eskom and reprimanding them. But who governs those municipalities? Is it people from Mars or Venus or whoever you like? Or is it ANC members? It is members from your party, governing those municipalities.

Municipalities owe money to water boards. About 14 years ago, money was appropriated in this division of revenue to solve and address that issue of outstanding debt to water boards.

Was that money utilised? No, it was returned to the fiscus.

So, don’t blame and come here, hon Buthelezi, and say that you are a caring government. Then you say that the social hardship and the dire circumstances are created by the covid-19 pandemic. It was created by yourself. It was created by the ANC government – years and years of failures. And neither was it created by apartheid. You are the scapegoat and you are the irrelevant broken record, scapegoating your own failures.

Infrastructure is important, hon Buthelezi, but money is lost due to underspending of those grants, underspending. Roads are falling apart, water works are not working, money is returned to National Treasury each year because municipalities and provinces don’t know how to spend it.

Mr Z MLENZANA: Chairperson, on a point of order: I just want to check if the hon member is ready to take my question.

Mr W W WESSELS: Chairperson, I don’t have time. Sorry. Money is lost that is supposed to be used for infrastructure, due to looting, exploitation by your cadre contractors and corruption.

Apartheid is no more, but the ANC system is the one now not delivering services. The ANC is giving money to the SAA, which

you destroyed, to the destroyed Land Bank, by taking money away from early childhood development, taking money away from road infrastructure, taking money away from hospitals, taking money away from those very services that should be delivered to the people.

No, you are not a caring government and shame on you. Shame on you for not prioritising local government and addressing your own members who are failing your people out there. We need to decentralise. Take decision-making closer to the people. We need new municipal governance and luckily at the end of this year, people do have the chance to ... [Time expired.] I thank you.

Mr S N SWART: Hon House Chairperson, the ACDP appreciates the committee’s hard work that has gone into processing the Division of Revenue Amendment Bill under great pressure. We understand and support the central objectives over the 2020-21 medium-term budgetary expenditure period, which is aimed to narrow the budget deficit and stabilise the debt to GDP ratio.

While attempts have been made to reduce the impact of the reduction in provincial and local government allocations, we share the concerns that have been expressed by other speakers

from this podium, particularly concerning the impact that this will have on health, local government services, water, sanitation, and houses.

If one looks at the provincial equitable share, that has been reduced by more than R200 billion over the medium term, with direct conditional grants to provinces reduced by net R10,7 billion for this financial year. That is a significant figure. So, why is this so concerning?

Let us just have a look at some of the stats that we are grappling with. As at 31 December, 28 469 covid-19-related deaths had been recorded. That figure, as we know, is over 51 000, very tragically. During the same year, the whole of the year last year, how many people died of other diseases?

According to your response to my question, 443 000 persons died from natural causes. So, if you deduct, at that stage, the 28 000, more than 415 000 people have died over the year of other diseases. That is almost 30 000 per month, one thousand per day, every day for a full year.

Whilst correctly, there is a lot of focus on covid-19 and we understand that – last year this time I was tested positive – very little is said of that staggering figure.

The sad part of those deaths is that many are from treatable diseases such as TB, HIV Aids, and other chronic diseases, largely treatable. The reduction of provincial equitable share and local government equitable share means that there is less money for hospitals, clinics, nurses, doctors’ salaries and this is a serious concern for each one of us.

During the lockdown, many people were not able to access medical facilities for treatment or medication. Correctly, there was a lot of focus on covid-19.

I would urge the hon Minister to carefully monitor this aspect, going forward because every life lost, whether it is from covid-19 or another disease, is very severe and we need to avoid it at all costs.

The ACDP will regrettably watch to understand the sentiment behind this budget, this divisional revenue. We will not be able to support it. I thank you.

Mr S N AUGUST: Hon Chairperson, when there isn’t enough money in the bank to buy everything on the shopping list, we are forced to prioritise. Since you cannot buy the meat which is on special if you can’t afford electricity to run the fridge,

you start budgeting. You ensure that sufficient funds are reserved to keep the basic services running, and instead of beef, make do with chicken.

The same theory applies to the division of government’s spending. Addressing the COVID pandemic through vaccinating the nation is our most pressing priority. However, at the same time, addressing the basic needs and dignity of our people cannot be abandoned. Indeed, the quality and distribution of state services must be ramped up. We must do both with our dwindling purse, while at the same time preventing what precious resources we do have being looted by crooked politicians and officials.

It was not just disheartening and disappointing to see these plunderers conniving with private companies to ransack our COVID defences; it was hideous and deeply disturbing. We need to see those who steal from our people prosecuted and imprisoned. So, we must be sure to set sufficient funds aside to keep our criminal justice system going.

The burden of spending our tax revenue wisely is not Treasury’s alone. It is also our collective responsibility as public representatives and each and every government employee

to ensure that the resources we have are best spent, that good procurement decisions are made and that the nation gets bang for its buck.

Good reiterates its call for the development of resilient and sustainable contract and consequence management systems to hold accountable those who are responsible for administering our accounts.

COVID has created unprecedented hardships and challenges. It has highlighted the shocking levels of inequality, both in quality of life and service delivery. It has highlighted our historic failures to get resources to those that need them most. While the vaccination drive is our priority, our people can’t eat or clothe their children with vaccines. Spending money on vaccines cannot be an excuse for the further lowering of standards of service delivery to poorer communities. The circumstances we are in demand that we be capable of balancing our long-term interests while keeping the nation afloat.

With the vaccine roll-out underway, as we look beyond COVID we need good solutions to tackle our enduring challenges with inequality, poverty and achieving sustainable social and economic justice. It is said that crises create opportunities.

However, our ability to realise opportunities depends on our fiscal integrity. Thank you.

Mr A M SHAIK EMAM: Thank you House Chairperson. The NFP notes the report of the Standing Committee on Appropriations tabled here today, and I want to thank my colleagues, in particular the chairperson ... the difficult time that he went through having lost his sister. However ... [Inaudible.] ... he ensured that he of course performed optimally to make sure that we have come today to be able to debate this.

I have some major concerns. While the purpose of this Bill is to try and narrow the Budget, stabilise debt-to-GDP and cut down on noninterest expenditure, my concern is how we are going to be able to achieve this. First of all, we talk about cutting down on the public sector wage bill. We are now creating a fourth tier of government with the district model, which means we are certainly not going to be cutting but we are going to be increasing the cost to the fiscus. Once again we have managed ... [Inaudible.] ... towards consumption costs.

Further to that, you know, we talk about boosting the economy

... economic growth. We talk about infrastructure development

and then we cut on health, we cut on education, we cut on social services, we cut on safety and security. Given the fact that we know that economic growth in South Africa is at an all-time low, we know that the levels of unemployment have

been increasing in the country and we ought to be boosting the economy, but clearly these cuts are not a pro-poor ... [Inaudible.] ... of pro-poor. The poor are the most vulnerable in the country. We have lost ... [Inaudible.] ... going hungry

... the number of homeless ... in South Africa is actually increasing. I see we want to spend more money on informal settlements, where we want to spend money upgrading, rather than providing them with service sites, and providing them with loans so that they can build their own homes and live with dignity.

I’m not sure how long we intend ... [Inaudible.] ... want our people to live in informal sectors. It seems like ... that ... obviously moving in the opposite direction. We also have a problem where we ... I know we’ve cut on the Urban Settlements

Development Grant but the important thing is that we will allocate monies for these things and people are not spending the money. They don’t have the capacity to be able to spend the money and this is what is causing havoc.

The other problem that we appear to have is that we are not getting enough or positive outcomes out of the money that we spend in South Africa. I think that the allocations per provincial budget must also be looked at because I think a lot of money is spent, but is it giving us the outcome that we want in South Africa? Clearly, it’s not. Maybe it’s time to start reducing the number of provinces in South Africa to try and save some ... [Inaudible.] Do I still have time?

The NFP very reluctantly will support this Division of Revenue but we believe that the time has come for us to work collectively, get back to the drawing board and put in measures so that we can collectively play a role in improving the quality of life of ... [Inaudible.] ... people in South Africa.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. The next speaker is hon Peters. Your minute, as instructed by chairperson Buthelezi, has been added. Please proceed. Hon Peters? Hon Peters? Are we winning? Is she there?

An HON MEMBER: Sleeping.

Ms E D PETERS: Hon Chairperson, on behalf of the ANC, I rise to support the 2021 Division of Revenue Bill. However, at the same time, I just want to indicate to hon Hill-Lewis that he knows quite well that, with regard to the monies that have been reallocated from local government and other departments like Human Settlements, it is because of underspending in those particular Votes. I also want to say that it would be important for hon Hill-Lewis at times to attend the Standing Committee on Appropriations, SCOA, meetings so that he can benefit from the presentations and information that is shared there. However, I also want to indicate that hon Hill-Lewis is not informing the people of South Africa and the people of the Western Cape that in the Western Cape, instead of them having underexpenditure, they’d rather return the money timeously to the Revenue Fund. So it means ...

*Afrikaans:*

... hulle hardloop weg sodat hulle nie gesien kan word as mense wat onderspandeer nie. So, dit is ’n manier hoe hulle wegsteek dat hulle nie die nodige kapasiteit het nie.

*English:*

So, especially in relation to the Integrated Public Transport Network, IPTN, he’s making reference to somebody called

Marilyn. He must go and tell Marilyn what happened to the transport IPTN monies in the Western Cape.

Hon Ntlangwini knows quite well what is happening and I want to say to her ...

*Setswana:*

lemme ga letshwane le lefifi.

*English:*

We need to support this proposed Budget so that the people of South Africa can continue to benefit from the revenue that is available.

In two days’ time, South Africa will mark 61 years since the tragic massacre at Sharpeville, where 69 mothers, fathers and children were brutally murdered, and many others injured, by the bullets of the apartheid government police. As we mark this painful day that we have renamed Human Rights Day, we must never forget that the path to our democracy is littered with the bodies of African people. Conscious of our past, the ANC government is committed to protecting, through the Budget and other means, the human rights of our people.

Without a doubt, our country and continent is facing deep economic challenges. The COVID-19 pandemic has had a devastating impact on the South African economy and health system. Currently, our country has recorded over 1,5 million confirmed cases and close to 52 000 South Africans have perished in this pandemic. We pay tribute to all our frontline workers, in particular health workers, for being on the frontline against this pandemic. We also dip our banners in remembrance of those who have perished in the line of duty.

During the 2020-21 financial year, government responded by allocating R20 billion to the health sector, thus enabling it to expand prevention, screening, testing and hospital capacity. To enable the health sector to sustain these activities and respond to possible future waves of COVID-19 infection, this Bill allocates an additional R8 billion to provincial Health departments through the provincial equitable share.

As the ANC, we welcome the allocation of R29,4 million in the Medium-Term Expenditure Framework, MTEF, to Tygerberg Regional Hospital and R100 million to Klipfontein Regional Hospital in the Western Cape. We are confident that these allocations will be a welcome relief to the poor and working class people in

Elsies River, Manenberg and Gugulethu in the very Western Cape that hon Hill-Lewis was speaking about.

Health services have received 14,2% of consolidated expenditure over the MTEF. This is in line with government’s commitment to improve the health and quality of life of our people. The ANC will never be moved from the belief that access to decent health is a human rights issue. It cannot depend on how much you have in your bank; hence, our commitment to the National Health Insurance, NHI. This commitment was demonstrated when the ANC government moved quickly to restrict movement and activities since March 2020 and also prepared our health facilities to treat COVID-19 patients. As the President reiterated in the state of the nation address last month, if government had not imposed the hard but necessary measures, the devastation caused by this virus could’ve been far worse. The work of strengthening the health system must be intensified this year, particularly in provinces.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Peters? Hon Peters, there is a point of order from the House. Just wait, there’s a point of order here. Hon Hill-Lewis, what is it?

Mr G G HILL-LEWIS: It’s like a machine gun. Ma’am ...

[Inaudible.] ... will Mrs Peters take a question?

The HOUSE CHAIRPERSON (Ms M G Boroto): The hon Hill-Lewis wants to know if you want to take a question.

Ms E D PETERS: He must come to the committee. [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Proceed.

Ms E D PETERS: The work of strengthening the health system must be intensified this year, particularly in provinces. In this regard, we note that 92% of the R678,7 billion of the health budget is allocated to provinces. The capabilities of provincial Health departments and facilities must be enhanced to ensure the efficient delivery of services.

While the economic challenges may continue in the short term, the objective of building a South African NHI must remain the strategic focus of government to resolve health challenges.

That is why government must be commended for protecting the

most critical health interventions in this year’s Budget.

A successful roll out of COVID-19 vaccines will support our economic recovery as more sectors such as tourism will open up. The success of the vaccination programme will require the unity of, one message many voices, by government, business, labour and civil society.

The R678,7 billion health allocation must help promote industrialisation and localisation by boosting the growth of our local pharmaceutical industry and the creation of jobs. We are calling on government to ensure that small, medium and micro enterprises, SMMEs, black businesses, youth businesses and co-operatives also become the nucleus of this localisation process. As the Freedom Charter enjoins us: “The people shall share in the country’s wealth”. Let us use government’s buying power to make this a reality.

The ANC commends government for prioritising health workers in the first phase of the vaccine roll-out. The allocation of R2,4 billion to provinces for vaccines is an important step towards the direction of resources to where they are needed the most.

We also welcome the allocation of R140 million for the creation of employment for medical interns. As Parliament, we

must make an unambiguous call to provincial governments that we will not tolerate any wastage of these precious resources.

The ANC commends the ... [Inaudible.] ... the Auditor-General, AG, with the real time auditing of the COVID-19 relief package. The AG’s Office audited the spending of R145 billion allocated through the supplementary Budget tabled in June last year. The disturbing reports of the embezzling of funds in the procurement of personal protective equipment, PPEs, costly field hospital buildings and the unnecessary fumigation of schools are among the activities for which premiers and MECs must exercise oversight and ensure accountability. Those who stole from the sick must face the full might of the law. We must denounce ... [Inaudible.] [Time expired.]

Mr M G E HENDRICKS: Our revenue is not enough as a country needs more money to allocate to prevent South Africa from sliding into a failed state, and to put a warm plate of food on the table of the poor as promised by President Ramaphosa in his first state of the nation address, and which is the first manifesto promise of Al Jama-ah.

The country must wait until voters put Al Jama-ah in power. Al Jama-ah also wants an interest free state bank which the

Minister of Finance supports. This will put more money into all three spheres of government. The country needs a braver Treasury to identify the 30% Vat in many line items hidden by professionals in the public service. But as proof President Ramaphosa professionalises the public service, this will soon disappear.

The hard work of the portfolio committee has not gone unnoticed, and it is clear that budget deficit is increasing year to year. The result is that the interest burden is getting bigger all the time, and the country doesn’t want to listen to move to an interest free economy. In order to contain the budget deficit, government needs to cut down on spending or increase revenue. Increasing taxes is one way of increasing revenue, but there seems to be very little room to increase taxes. South African population of 5,8% is paying 92% of personal tax and 85% of Vat.

We need to broaden the tax base. This can be done by getting more taxpayers into the tax ... [Inaudible.] ... There are many informal businesses with big turnovers who are not registered for income tax and Vat. One way of increasing taxes is to have differentiated rates of Vat like selling goods as expensive cars and jewellery can be taxed at a higher rate of

Vat while essential goods and services can be taxed at a lower rate, even lower than the 50% rate.

This will allow the wealthy to pay more Vat than the poor based on the expenditure package. An example of the above is that when a wealthy person can afford to buy a luxury car like a Porsche then he or she can afford to pay higher rate of Vat on the car. We once again thank the portfolio committee for its hard work. Thank you very much, hon Chair.

Mr A N SARUPEN: I would like to thank the ANC Chief Whip for always having solidarity with me for not being the tallest member. I do appreciate it.

Madam House Chair, it is very difficult to sweep in these debates when you do not know who is special at some of these smaller one and two seat parties if it was their own speech offered as facts by Ace Magashule. Especially after Tuesday what we discovered is that a lot of these one and two seat parties take their orders directly from the General-Secretary of the ANC.

There is almost no point in responding to what they have said; you might as well just focus solely on the ANC. What we have

seen for the past three years is that the ANC has tabled a bailout budget after a bailout budget. They have chosen airlines over infrastructure; they have extended themselves into debt to keep these failing state-owned enterprises afloat while squeezing tax payers, rate payers and businesses harder and harder, year in and year out. And it remains a fact that last year the state spent more money that hasn’t flown once than it has on vaccines to this date.

This year the Division of Revenue Bill actually shows a fundamental shift away from this bailout budget because they have moved from bailouts to slash and burn. That is a new approach; it’s a novel approach – slash and burn because they have run out of other people’s money. Let me explain, hon member over there, please. Hear me out, hear me out. Come down.

Now, slash and burn is because they are slashing funding to provinces that provide health care and education. They are slashing funding to local government at a time when municipalities are failing to the point that the courts have to step in and tell residence and rate payers associations to take over services, and of course we know that they have

burned R10 billion in the last year on an airline that has not flown once.

So, slash and burn is all that you have left when you choose radical and extremist pets projects over services and social protection. Provinces are getting R222 billion in reductions over the medium-term, and the failing local governments are getting R18 billion in cuts over the medium-term. Even the Financial and Fiscal Commission, mostly appointed by the ANC, has said that these choice of cuts are going to destroy service delivery.

And whilst some cuts to the provincial budgets are based on reduction in the public wage bill, you find that most other cuts are based on the assumption that grants will not be spent while the Western Cape is the only province, as of December 2020, that spent a 100% of its Human Settlement grant. It is the only province that did so. So, the provinces that need the cuts are the ANC ones and not all of them. And in fact, if you had competent government you wouldn’t need to make these cuts but R329 million is being cut from the Municipal Infrastructure Grants.

I want to get to a very illustrative example on this. Another R21 million is being cut from the Municipal Integrated Development Grant. Do you know where this R329 million and the R21 million from these grants to saving municipalities are going? They are going to pay for non-returning councillors gratuities. So, more than half of the councillors in this country are elected in ANC ticket, and every ANC councillor that failed his or her community and loses their seats will be getting money that should have been used for infrastructure and municipalities.

Lastly, let me spend my last 40 seconds on vaccines. [Interjections.] Hon Papo, you can calm down, I am speaking facts. Just relax; don’t get so heated. We don’t need to be heated; we are just speaking facts here.

There aren’t vaccines and R10 billion has been allocated to provinces for COVID interventions, but only R6,5 billion has been allocated to the health department for vaccine procurement. The Financial and Fiscal Commissioner stated that with this budget the state will not meet the President’s commitment to community immunity within the 12-month period as promised. You have not put in enough money for this. So, we cannot continue like this; we need growth, jobs, services and

vaccines, and for that reason the DA cannot support this budget. Thank you. [Applause.]

Mr X S QAYISO: Hon Chairperson, Mr Sarupen should have known that the General-Secretary of the ANC, Comrade Magashule, is not a Member of Parliament here in this House. I do not know why do you bring this issue here – very much irrelevant.

The Division of the Revenue Bill is focused on the reconstruction and recovery of the South African economy while at the same time seeking to prevent our country from descending into a severe debt crisis. The Fiscal Framework introduces a number of reductions over the medium-term to stabilise the debt. We must acknowledge that there rifts to our financial outlook. This include the financial positions of public entities at local government that remain weak partly as a consequence of poor financial management.

Parliament, working together with our colleagues at national department and the provincial and local spheres of government, must focus on resolving these challenges. Despite the significant reduction in the allocation of national departments and local governments shares of national revenue has reason in relative terms.

Local government will receive, for instance, 9,4% of the budget in the 2021-22 financial year and a further 18,9% over the Medium-Term Expenditure Framework. Municipalities spent R4,2 billion of a budgeted R11 billion that was added to the local government equitable share last year. This means that their needs were sufficiently financed although there’s a challenge on capacity to spend. Nevertheless, in 2021-22 financial year several conditional grants to municipalities will retain provision for COVID-19 related programmes to continue supporting these municipalities.

While we may differ with our colleagues in civil society on the characterisation of the R2 trillion per year budget over the medium-term, it is a fact that the majority of the budget goes towards social services. As we know, provinces are responsible for providing social services, including basic education for 13,2 million learners and health care for 49,8 million of our people who do not have medical aid.

The government provides these services free of charges to the majority of our people of which the apartheid government that you so cry for did not do anything during that time. However, given the fiscal challenges the country faces, the quality of these services will only improve through the commitment by our

patriotic public servants rather than massive allocation of funds. These increases to the social grants are relatively modest, and the committee has noted the cries of abogogo [grandmothers] who are backbone of many families.

We have confidence that as soon as the economy has rebounded it will be possible for the government to provide above inflation increases to social support programmes as it has done for many years. These allocations by government to provide social safety nets to the majority of our people in need are progressive. For instance, government has allocated R1,2 billion to provinces to employ social workers. An amount of R603 million is allocated to mitigate the social effects of HIV and gender-based violence and substance abuse. As a government that is concerned about the future, a further

R3,5 billion is allocated to Early Childhood Development.

I would like to add my voice to congratulate the amazing class of 2020 for doing well under trying circumstances. We congratulate the Minister and the Deputy Minister of Basic Education, MECs, officials and most importantly, the educators who took risk to provide education to our children. We therefore welcome the fact that education gets 23,5% of the R1,23 trillion of expenditure. A further R36,7 billion is

allocated to education infrastructure and maintenance. Per capita, South Africa spends more on basic education than Germany and the US. These allocations benefit 9 million learners at 19 950 schools each year. The government will also allocate R25,5 billion to the National School Nutrition Programme Grant over the Medium-Term Expenditure.

We must recognise that our country is going through a situation similar to what the President of Cuba, the late Commandant Fidel Castro, called a special period. Like Cuban people, we must be prepared to make sacrifices in order to remain a sovereign nation. We must also build a national compact that funding to some of our critical public service will remain sufficient. These include education, research development, water, supply of electricity and health to our people.

We must strengthen the bond of humanity, solidarity and national unity during this special period of hardships. [Interjections.] You continue to enjoy benefits of apartheid and that is why you do not see any necessity for our people to get their lives improved. [Interjections.]

Hon member from the FF Plus we are not going to do away with the District Development Model. Whether you call it a warfare or what, it is the way to go now. Apartheid was a dirty social system that you were so used to. Even now you do not see any necessity for our people to benefit from the economy. We should be able to uplift their living conditions. We are not surprised that you will not support anything, but this Bill will go through and it will pass. The ANC supports this Bill. Thank you very much. [Applause.]

# DIVISION OF REVENUE BILL

(Second Reading debate)

The DEPUTY MINISTER OF FINANCE: Chairperson, hon members, good morning, this Division of Revenue Bill allocates R1,8 trillion to be spent by the three spheres of government in the next financial year. Over the next three years after providing for debts service cost, the contingency reserve and provisional allocation, 48% of the national raised funds are allocated to the national government and 41,9%, to provincial government and 9,4 % to the local government ... [Interjections.]

Ms E N NTLWANGWINI: Point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Deputy Minister, hold on a minute. Yes hon Ntlangwini, what is the point of order?

Ms E N NTLWANGWINI: I rise on a point of order, House Chair. We would really like to hear and see the Deputy Minister. We can’t see him. Can somebody help him to clean his screen? So that we can be able to see him properly.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I didn’t want to disturb the Deputy Minister because ... [Interjections]

Ms E N NTLWANGWINI: No, but we want to see him ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Listen! Every time people speak without even their videos on, we don’t complain! But we can hear the voice very well. Continue hon Deputy Minister. You were not supposed to be stopped; it is just that your camera is not clear. Thank you and proceed.

The DEPUTY MINISTER OF FINANCE: ... Is it clear now?

The HOUSE CHAIRPERSON (Ms M G Boroto): Better.

HON MEMBERS: Clapping!

The DEPUTY MINISTER OF FINANCE: ... The focus of the Division of Revenue Bill includes improving the composition of spending by reducing growth in compensation while protecting capital investments that have the potential to grow the economy.

Apartheid is gone but its legacy is still with us.

The Division of Revenue Bill acknowledges the legacy of apartheid underdevelopment. In response to this, the allocations in this Bill serves as a powerful tool for redistribution. It compensates for the lower revenue raising ability of rural municipalities both in provinces and in municipalities. Provinces are at the core of service delivery are responsible for providing social services.

In 2021-22 Financial Year, R514 billion, is transferred to provinces through the provincial equitable share and

R117 billion is transferred through the conditional grants. The budget is not reprioritised in the wrong direction.

We have allocated additional R8 billion to provincial health departments to deal with COVID-19. Furthermore, R1,5 billion,

is allocated to provincial department of health to administer the COVID-19, vaccine programme.

Municipalities are at the cold face of service delivery, despite some reductions to the local government equitable share and direct conditional grants, local government allocations are still the fastest growing when compared with other spheres particularly as it relates to infrastructure transfer, which grow at 7,3% over the 2021 Medium -Term Expenditure Framework, MTEF. This, again, shows us that the budget is not allocated in the wrong direction. We are still concern about the under expenditure on the conditional grant.

In 2019-20, the under expenditure amounted to R10 billion, which is 31% of the expenditure. We have been doing a lot to deal with this situation. With the support of relevant transferring national officer, the National Treasury is able to support the communities through channelling funds, through best performing and capacitated districts to assist their various locals.

Hon members, these measures complement the reallocation process which for many years has both incentivised and assisted fast moving projects. Through this process under

spending could be curtailed as funds could be moved between municipalities within a district or a province without losing money back to the Fiscus.

Rather than scaling back on services, this Bill provides funding to maintain and expand government services including - for example, the provision of free nutritious meal to 9million learners in the South African schools. It also supports health care for 49,8million people without private medical aid.

Upgrades sanitation in over 1000 schools in 2021-22 Financial Year. It also extends water and sanitation to approximately a quota of a million households each year.

Government has embraced a district development model – not to increase government bureaucracy, but to ensure that government at all levels work in unison. The district model treats the municipal district and metropolitan spaces as the impact areas of joint planning budgeting and implementation to increase the developmental impact of government. All stakeholders acknowledge the importance of maintenance yet municipalities struggle to priorities expenditure in so far as maintenance is concern.

The 2021 Budget will expand the Municipal Infrastructure Grant scope to allow for the use of a maximum of 5% of a municipal’s allocation to fund activities related to the development of an Infrastructure Asset Management Plan. The 2021 Budget protects transfers that focus on infrastructure, service delivery and COVID-19 spending. At the same time, it invests in rebuilding the state capacity and strengthening the foundation of future economic growth and promoting new partnerships through which government improve service delivery and stimulate the much needed economic growth. Thank you, Chairperson.

Debate concluded.

Question put: That the Bill be read a second time.

Division demanded.

The House divided.

The HOUSE CHAIRPERSON (Ms M G Boroto): Announced that, the Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that the whips would conduct a headcount of members in the chamber and on the

virtual platform for the purpose of ascertaining quorum and voting.

A quorum being present in terms of Rule 98(1), voting commenced.

VOTING [TAKE IN FROM MINUTES]

Question agreed to.

Bill accordingly read a second time.

# CONSIDERATION OF ELECTORAL LAWS AMENDMENT BILL AND OF THE REPORT OF PORTFOLIO COMMITTEE ON HOME AFFAIRS ON AMENDMENTS PROPOSED BY NATIONAL COUNCIL OF PROVINCES

Adv B T BONGO: House Chair, members of the House and fellow South Africans. It gives me a great pleasure to table before the House the Report of the Portfolio Committee on Home Affairs on Electoral Laws Amendment Bill**,** it is a Section 75 B, is here for approval by the House. The Independent Electoral Commission, IEC, periodically conducts a review of its laws to ensure that the legislative framework is up to date, and to close any identified loopholes. The objective of

the Bill is to enhance the existing legislative mechanisms, by amending a number of pieces of legislations, so as to ensure free and fair elections, in accordance with the Constitution of the Republic of South Africa.

The main objectives of the Bill are to: enhance the existing legislative mechanisms and is to provide legislative authorization for innovations in electoral practices in the country, and it is to align the Electoral Act with the provisions of the Protection of Personal Information Act, Act No. 4 of 2013.

The Bill was referred by the NCOP, to the Select Committee on Security and Justice on 03 December 2020 for consideration and report. I must say this that after the Bill has been referred to the NCOP, the NCOP as another House of Parliament has rigorously engaged with the Bill and having rigorously engaged with the Bill, it did write back to the National Assembly, and proposed certain amendments, which were presented by the IEC to the National Assembly.

The Bill was advertised in 11 official languages, as you know that the technique of decision making lies in consultation. We have consulted various stakeholders on this Bill and the

submission that we got from the NCOP and the proposal that we got from the IEC.

The IEC tabled Amendment Bill and the Committee agreed to the proposals of the IEC. The portfolio committee having considered the Electoral Laws Amendment Bill and the amendment coming from the NCOP deliberated and adopted this report. I therefore table this Report and request this House to approve it. Thank you very much.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that this Bill, be passed. Thank you.

Question put.

*Declarations of vote:*

Mr A C ROOS: House Chair, in the electoral reform workshop earlier this week, Mr [Inaudible.] said and I quote:

Today’s opposition party will be tomorrow’s ruling party and today’s ruling party will be tomorrow’s opposition party.

I say amen to that, as much as we howl the ANC knows the writing is on the wall. Despite *ramaphoria*, 1,4 million voters turned away from the ruling party in 2019 and in the latest

by-elections the ANC lost 8% of their votes, ten times more than any other party. This points to a coalition government in 2024.

Now, in 2016 briefing Parliament the Electoral Independent Commission, IEC, specifically raised vigilance on the registration of voters ahead of close elections as a challenge. In that some year there was a case of registration fraud and in a ward in Johannesburg, that was uncovered by the DA. They were able to use Identity Document, ID numbers to trace where the newly registered voters had come from by comparing it to previous voters’ roll, it turned out to be a group from another settlement, who have registered in that ward and the registrations were overturned by the IEC. Now, without these ID numbers this would not have been possible.

So, something is deeply wrong, when it is pointed out, that this Legislation to hide digits of the ID numbers of the voters’ roll will make it practically impossible to perform oversight over voter registration fraud. And the ANC under the

leadership of hon Bongo, who knows a thing or two about fraud, is fine with this.

Now, when the DA raises the threat to vigilance over registration of voters, it’s no longer a concern. Have elections become too close. Now, the claim is that personal information on the voters’ roll must be protected at all cost, but the voter’s full name, address and birth date will still be given out.

Now, we as Legislatures can have our own opinions, but we cannot make our own facts. If you look at the law Section 32 of the Constitution, provides that everyone has the right to access the records held by the state that is required for the protection of any rights.

Section 11 (d) further entrenches regular free and fair elections, as one of the foundation rights of our democracy. If we look back to the court judgment that to the Political Party Funding Act, the court held that the right to vote and the right to access to information are interconnected. The court further held that Parliament will to come up with mechanism that allows disclosure, but this mechanism doesn’t need to be complete and automatic.

Here, despite the guidance of the court and warnings, that this Legislation in its final form, will lead to donors hold back for fear of victimisation.

The ANC decided, it’s fine to share personal details of the donors to the general public for the purposes of democracy. After all, as we’ve seen at the Zondo Commission they don’t rely on donations but state resources.

So, let’s be clear on one thing, the voters’ roll does not contain phone numbers, it’s not a canvassing database. And the DA agrees that this information shouldn’t be available to anyone for any purpose, but the Protection of Information Act comes into effect on 01 July and this you know requires political parties to protect this information in the same way that anybody would.

The Act further goes on to state that the constitutional values of democracy and openness requires the removal of any unnecessary impediments to the free flow of personal information. Under the right to privacy subject to justifiable limitations and in protecting other rights and important interests.

The fact is reducing ID numbers serves the purpose of making it next to impossible to track the practice of bussing in voters. Why would you want to stop this oversight, not a single cogent argument was put forward by the ANC on how voters’ roll provided to organizations overseeing elections that will not be shared with the public, is such a threat to privacy that the protection of democracy must be sacrificed.

The Bill does not balance the right privacy with the right to free and fair elections and in fact, subverts the foundational rights to free and fair elections and does not pass constitutional master.

Today the ANC has a choice, go against the courts, go against the Constitution and go against, the very Protection Personal Information Act, they claim to be protecting and pass the law, preventing the legitimate stakeholders from performing oversight over the voter registration process or sent this Bill back for correction. To protect the hard won vote of each and every South African or to protect themselves. The DA rejects this Bill. Thank you.

Mr P SINDANE: House Chairperson, the EFF notes the amendment in the Electoral Amendment Bill and it had no problem before

with the other clauses and they were more administrative in nature and also sought to ensure [Inaudible.] in the electoral process such as avoidance of double voting. However, the EFF would have welcomed the fact the voters’ roll can be issued contesting political parties and adults, you know, the citizens with full Identity Document, ID, numbers, while it can be reduced for other stakeholders who want to use the voter’s roll for other purposes research and statistical analysis.

Now, reduction of ID numbers is going to open flood gates for [Inaudible.] corruption and will be making difficult for our party agents to do oversight work. The voter’s roll is key during the electoral process period and limiting its information is a threat to free and fair election.

On the 09 December 2021 by-election there are Independent Electoral Commission, IEC, officers, caught the ANC, registering the individuals in the wards that they don’t that belong into. And EFF party agents caught them by asking their addresses and verify their identity using their ID numbers, with the application of the voters’ roll. What happens in the voting station if there’s a person with a similar birth date, how long would you be able to verify that voter? Meaning that

the long process of application to the chief electoral officer, must be initiated to increase all ID numbers and this would prove to be cumbersome. They say a probability of that happening is very low. However, the possibility is there and every vote counts.

We plead with you to please make the ID numbers, all of them available for political parties, so that they are able to do proper oversight during the election, you know, the process itself.

We are worried about the interest of Amabhungane in this matter, they go as far as tracking committee members about the court action, so that they can have access to the voters’ roll. What election research have they done? Why do they want our information so much? Are they going to do what they did to the Commander-in-Chief, CIC, Julius Malema to publish our addresses and compromising our safety and that of our families?

The IEC is warned not to play into the political gallery and give rogue elements our private information. The electoral officer needs to publish who’s given the voters’ roll and if

is not the registered party, they must outline to what extent is the information given.

The stealing of the votes by the ANC will come to an end and the late is closing in. EFF will come into political power and usher in economic freedom in our lifetime by any means necessary. For now, it is using, you know the electoral process itself, so don’t let us use other means. The victory is there, it is certain, no one can stop an idea whose time has come. Based on the points outlined above, EFF is rejecting this Bill and long live the EFF. I thank you.

*Declarations of vote (cont)*:

Mr M N NXUMALO: House Chairperson, today the Electoral Laws Amendment Bill is before us. It was passed in a hurry at the end of last year by this very House, and is now back from the NCOP because the initial public participation process, followed by the portfolio committee, had some serious shortcomings.

It is against this background that the IFP wishes for the following serious concerns to be noted by the House.

The IEC itself has admitted that, had they persisted in denying access to the Voters’ Roll in its entirety to political parties, independent candidates, the media and civil society, even with the relevant security measures, the Bill would have been considered unlawful.

I want to say this again: it would have been considered unlawful.

We therefore specifically welcome the access to the Voters’ Roll for civil society and researchers, as this will assist in oversight and accountability.

It is, however, regrettable that this transpired, as the IFP raised these concerns, among others, at the beginning of the process and during the last debate on this Amendment Bill.

We enabled agents of investigative journalism organisations and insults were even hurled at us, yet, when the very same issue was raised by the NCOP, they were considered seriously. Had our concerns been noted, there would have been no need to extend the process to the detriment of the public.

I wish to urge this House, hon members, to view this as a learning instance so that, in the future and in public interest, we engage in good faith in a wide consultation process, as is our mandate.

The IFP wishes to emphasise that, without access to the complete Voters’ Roll for political parties, it would be practically impossible to execute effective oversight. The detection of voter fraud, for example, becomes difficult without access to identity numbers. Electoral fraud has been an issue in the past and, as we approach the upcoming local government elections, it will be an issue once again.

Voter fraud – where people are being bussed into voter districts in hotly contested wards – can only be detected by using the full identity numbers and comparing them to the previous Voters’ Roll.

Therefore, let me put this on record. The IFP is in full support of the proposal of the amendments made by the hon Roos in the portfolio committee ... [Inaudible.] ... allowed for the interest for the registered political parties and independent candidates contesting the elections to have access to the Voters’ Roll including identity numbers. These proposed

amendments should have been accepted. Of course, political parties will not be allowed to make this data publicly available, therefore there will be no privacy issues.

Effectively, the Bill before us has now removed the ability of political parties to detect voter registration fraud, and this must be of great concern to all us.

Furthermore, the IFP appeals to the IEC that adequate internal capacity is made available together with the requisite mechanisms in order to ensure that this access to the Voters’ Roll is not open to abuse.

The IFP trusts that the IEC will be able to monitor compliance...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has now expired.

Mr M N NXUMALO: ... investigate ... [Inaudible.] ... where there is non-compliance.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has expired.

Mr M N NXUMALO: The IFP has already supported this Bill at the

... [Inaudible.]...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has expired.

Mr M N NXUMALO: ... and so on and we will continue to do that. Thank you.

Afrikaans:

Mnr F J MULDER: Agb Huisvoorsitter, die VF Plus is besorgd oor die onvermoë van die Departement van Binnelandse Sake om ... [Onhoorbaar.] ... die departement oor hierdie wetswysiging moet uitvoer, asook die skryf van die nuwe Kieswet wat in 2024 in werking gestel moet word.

Dit was al tydens talle debate in hierdie Huis uitgewys dat die departement ernstige kapasiteitsprobleme het, en werklikwaar nie aan sy mandaat kan voldoen nie.

Daarom is die VF Plus ook bekommerd dat daar nie voldoen gaan kan word aan die departement se mandaat om ’n oorsigrol te speel oor die verkiesing oor die rol wat die OVK moet speel oor die implementering van hierdie Wet nie.

Die party het ook ’n probleem daarmee dat daar nie voorsiening gemaak word vir die oorsigrol wat ’n party moet speel met betrekking tot die identiteitsnommers, soos wat van ons vorige sprekers uitgewys het.

Die party het ook verder ’n probleem daarmee dat die OVK en die departement nie kan hou by hofbevele wat gegee is nie, en daarom gaan die party nie hierdie wetswysiging ondersteun nie. Dankie.

Mr M W TRHING: House Chair, in considering this Electoral Laws Amendment Bill, the ACDP is acutely aware of the dichotomy which exists and the need to balance the polarised positions.

On the one end of the scale is the right of access to information and, on the other, the right to privacy. Clearly, there is a legitimate concern that providing unfettered access to the Voters’ Roll could open the door identity theft and the abuse of personal information.

On the other hand, however, restricting access to the Voters’ Roll could call into question whether elections were indeed free and fair, open and transparent, as these concepts are non-negotiable in the pursuit of democratic elections.

The ACDP understands the urgency to have this Amendment Bill passed, with local government elections expected to take place later this year. However, urgency must not become expediency, as that undermines our democracy, causing the legitimacy of the outcomes of an election to be questioned.

The principle of redaction and restriction of access to information on the Voters’ Roll to stakeholders such as the media and civil society organisations, while it has some merit, will place impediments before these stakeholders, thus limiting their role as watchdogs and, potentially or very likely, making an election outcome unlawful or unconstitutional.

There should be no redaction of identity numbers on the

Voters’ Roll for political parties.

The ACDP notes that, according to Lawyers for Human Rights, there are some 15 million stateless people in South Africa, with 3 million under the age of 18. The vast majority of these go undocumented, having no access to essential services and becoming vulnerable and subject to abuse.

As we prepare for local government elections, statelessness, undocumented individuals and the lack of clear management at the Department of Home Affairs are some of the challenges highlighted in the portfolio committee that need resolution so as not to preclude legitimate citizens from the democratic electoral process, while simultaneously ensuring that illegitimate individuals are not included.

While the ACDP understands the need to protect personal information, the redaction of digits from identity numbers on the Voters’ Roll will indeed lead to electoral fraud and make the outcomes of elections questionable. This is completely undesirable and should not happen in a constitutional democracy. The ACDP does not support the Electoral Laws Amendment Bill. Thank you.

*Declarations of vote continued:*

Mr C H M SIBISI: Good morning to members. The Electoral Laws

... Yes, Chair, I’m audible.

The HOUSE CHAIRPESON (Mr C T Frolick): Please proceed, hon member.

Mr C H M SIBISI: House Chair, the Electoral Laws Amendment Bill intended in part to protect voters’ personal information will restrict access to the voters roll and the information contained in it. The gains are negligible compared with the costs, a potential threat to democracy itself but [Inaudible.]

We have seen many democratic states struggle with the transition of power after the elections due to the lack of transparency on the voters roll. A [Inaudible.] in the Bill which is [Inaudible.] is the most problematic as we’ve learnt through the public hearings. The amendment seeks to delete section 16.2 of the Electoral Act which currently allows members of the public to obtain a copy of the voters roll through payment of a fee. Secondly, it seeks to grant the Chief Electoral Officer a wide discretion to redact personal information from the region voters roll provided to political parties and independent candidates as may be necessary for the protection of personal information of voters against unreasonable disclosure.

The public seems to believe that this is problematic because, whether through error or wilful abuse, there are many ways that the voters roll can be inaccurate - where the deceased persons are not removed from the roll; where there are

duplications or omissions of registered voters; or where voters are recorded in incorrect voting districts. It is in the public interest that discrepancies are discovered, corrected and reported on.

However, it is not just officials of the IEC who seek to unearth voter fraud. Various stakeholders in the economy also collect and analyse information about elections enabling them to expose anomalies. These cannot be done without proper and meaningful access.

Why then do the powers that be seek to alter two-decade provision of the Electoral Act to reduce access? The reason provided by the IEC officials in the meetings of the Portfolio Committee on Home Affairs is that voters personal information must be protected from misuse.

The voters roll will not work without voters’ personal information. This includes their full names and identity numbers; and in the case of the version voters roll provided to political parties and independent candidates, physical addresses. The IEC is concerned that access provision enables unscrupulous person to use the information for purposes unrelated to elections although no specific information

examples of this were provided by IEC except to say they have engaged with the Information Regulator who administers the protection of personal information about this concern. The results appear to be ... [Time expired.]

Mr M G E HENDRICKS: Hon House Chair, Al Jama-ah reminds the House that in South Africa we are in the new abnormal. If the hon members want a summary of what’s a new abnormal, they are welcome to contact Al-Jama-ah. We are at the forefront of cyber civilisation although hon Schreiber calls us a small party taking instructions from the secretary-general of the governing party. That is so very, very short of the truth.

Our request is that more must be done to introduce postal votes because nearly 50 million voters use postal votes. The court also could not vilify postal votes. I have confidence in the Minister of Communication that she will turn around the post office to accommodate postal votes for our elections. It is time to bite the bullet and not to worry about the voter fraud and all the issues we have heard today. But parties must win the support of voters to get more votes like Al-Jama-ah whose votes are tripling in each election. Thank you very much, hon House Chair.

*IsiXhosa*:

Mnu Q R DYANTYI: Enkosi Sihlalo. siyi-ANC siphakamela ukuvakalisa ukuba siyawuxhasa lo mthetho kwaye sizakuqhuba nawo.

*English:*

In 2001 shortly after the term of his Presidency, former President Nelson Mandela, Aah Dalibhunga said,

The Constitution of South Africa speaks of the past and the future of South Africa. It permits us to build a nation based on the democratic values of human dignity, equality, freedom through constitutionalism and the rule of law. It describes the mechanisms and institutions which we have created to achieve this.

The Independent Electoral Commission is one of such institutions. The importance of the IEC cannot be overemphasised. It is one of the key ingredients for a proper functioning democracy based on the will of the people. Having been passed in the National Assembly ...

*IsiXhosa*:

... ngowama 2020, lo mthetho sithetha ngawo apha i...

*English:*

Electoral Laws Amendment Bill, ...

*IsiXhosa*:

... uye wagqithiselwa kwi-NCOP njengoko injalo indlela esiqhuba ngayo.

*English*:

Public submissions were received when the Bill was introduced. In consultation between the IEC, the Information Regulator, and the parliamentary legal services, two sections, section 16 and section 47 of the Electoral Laws Amendment Bill were redrafted. Section 16 relates to the publication of the voters roll. The amendment to section 16 included the deletion of subsection 2. This provision in the Electoral Act placed an obligation on the Chief Electoral Officer to release a segment or copy of the voters roll when the prescribed fees have been paid.

Essentially, the National Assembly had challenges with the clause because it allowed – and this is very important – for unfettered access to the voters roll by people even if it is not required for electoral purposes. So, you could have

fraudsters wanting this unfettered access. Instead of opting for the deletion as approved by the Act, the NCOP, led by the ANC, decided to reinstate this clause but limit the right of access to those who want to monitor the voters roll for election purposes; or those who want access for statistical or research purposes; or for any other prescribed purpose.

The NCOP, led by the ANC, opted for this choice to strike a balance between the safeguarding of the voters’ personal information on one hand, and on the other hand, the access of the voters roll by parties or stakeholders with a legitimate interest, and to contextualise the redrafting of the clause.

*IsiXhosa*:

I-NCOP ke ithe yakuyithetha loo nto, nanjengoko siyiKomiti yeNdlu yoWiso-mthetho sathi siyavuma, ngoko ke siza apha kule Ndlu sisithi, vumani nani. Intle le nto.

*English:*

The Constitution provides that every citizen is entitled to free and fair elections that are held regularly. This, as the IEC submitted, is intrinsically linked to be able to verify the correctness of the voters roll. They further submitted that the principle of minimality has been endorsed by the

Protection of Personal Information Act by requiring that only the necessary information be disclosed.

The insertion of section 16 subsection 5, will enable people to verify whether the voters roll is constitutionally- qualified in that only South African citizens older than 18 years are registered as voters. Amendment to clause 16 subsection 5 clarifies the personal information that must be redacted on the voters roll. This means the date of birth and the last three digits of your ID will appear on the voters roll but the middle digits of your ID number will be redacted.

*IsiXhosa*:

Ngamanye amazwi, ukuba unguRichard Dyantyi igama lakho, amanani okugqibela esazisi sakho ngu-081 ifihlwe enye into.

*English:*

Punitive measures have also been emphasised in that any unlawful processing of personal information will be subject to a punishable offence of a fine or one-year imprisonment. The proposed amendment further clarifies that the CEO may disclose additional digits of the voters roll in exceptional circumstances and only if the argument is made that exceptional circumstances exist. For example, there may be

allegations of fraud; if two voters have the same name, initials, date of birth; or if there is a *prima facie* case of fraud which will be determined on a case-by-case basis by the electoral officer while taking into account that doing so, will not involve the unlawful processing of personal information as required by ...

*IsiXhosa:*

... lo mthetho kuthiwa yi...

*English:*

Protection of Personal Information Act, POPIA. Clause 20 amends section 47 of the Local Government Municipal Electoral Act of 2000. This is a technical drafting amendment which brings the Bill in line with section 38 subsection 8 of the Electoral Act so as to create consistency on how voters without addresses – and this is very important - on the voters roll cast ballots on voting day. This country is full of many of those voters.

*IsiXhosa:*

Ngaba bantu bahlala ematyotyombeni, ezimbacwini ...

*English:*

... where there are no street names. We think this is very important.

In conclusion Chair, this Bill is of a vibrant democracy. In order to maintain its vibrancy and facilitate its maturation, it is crucial that, from time to time, Parliament intervenes through legislative measures to enhance mechanical aspects of elections. The Electoral Laws Amendment Bill is one such measure.

*IsiXhosa:*

Mandingene ke ngoku kwaba bagqiba kuthetha apha, ndiqale apha kwilungu elihloniphekileyo le-DA uRoos. Xa besinentlanganiso

...

*English:*

... the veteran of this movement, Valli Moosa, made a very dynamic statement which can only be made by the members of the ANC and veterans, which says, “Today’s government can be tomorrow’s opposition.”

*IsiXhosa:*

Ilungu elihloniphekileyo uRoss liyithathe...

*English:*

... that thing literally, made it a declaration and missed a point that ... [Time expired.] [Applause.]

Question put: That the Bill, as amended, be passed.

Question agreed to (Democratic Alliance, Economic Freedom Fighters, Freedom Front Plus and African Christian Democratic Party dissenting).

Bill, as amended, accordingly passed.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON PROVINCIAL SUSPESION FROM OFFICE OF MAGISTRATION K BODLANI, AN ACTING REGIONAL MAGISTRATE AT UMLAZI IN TERMS OF SECTION 13(3)(b) OF THE MAGISTRATE ACT 90 OF 1993

Mr G MAGWANISHE: House Chairperson, the Portfolio Committee on Justice and Correctional Services, having considered the Minister’s report dated 21 July 2020, referred to it on 23 July 2020, informing Parliament of the provisional suspension from office of Magistrate K Bodlani, an acting Regional

Magistrate at Umlazi in terms of section 13(3)(b) of the Magistrates Act, (No. 90 of 1993) reports as follows:

Ms Bodlani was appointed to the office of magistrate on 1 October 1996 and has been acting in the Regional Court of Umlazi Kwazulu-Natal, as an aspirant Regional Magistrate on probation, since 4 November 2013.

On the 5th April 2019, having received and considered a number of complaints against Ms Bodlani, the Magistrates Commission’s Ethics Committee, resolved to conduct, a preliminary investigation in terms of regulation 26(1) of the Regulations for Judicial Officers in the Lower Courts, 1994.

It further did a quality assurance assessment of all the cases that Ms Bodlani had finalized over the past year or so. The investigation was conducted by a Regional Magistrate and the judicial quality assessment by an experienced magistrate.

The allegations of misconduct directed against Ms Bodlani are that she, among others: Sent e-mail messages to a number of her peers which contained racial remarks, allegations of racism and allegations of favouritism against the acting Regional Court President and one of her colleagues.

On several occasions, sent out e-mail messages making derogatory and insulting comments about a colleague at the Umlazi Court house. The e-mail messages were copied to several persons, as well as to the Magistrate’s Commission.

She also presided in a case of the S vs Mbuyisa where she made derogatory sexist and uncalled for remarks and displayed prejudicial conduct towards the accused.

The judicial quality assessment of Ms Bodlani’s work revealed serious irregularities and obvious shortcomings: That a number of her cases had to be sent on special review in terms of section 304(4) of the Criminal Procedure Act, 1977 (No. 51 of 1977), as having several serious shortcomings and having imposed incompetent sentences.

Ms Bodlani’s mentor advised that her mentorship took about 6- years. This was due to her failing to supply him with enough judgments to prepare her evaluation reports to the commission in time.

On 28 January 2020, Ms Bodlani was invited, in writing, to show cause why the commission should not recommend to the Minister that she be provisionally suspended from office

pending the outcome of an investigation into her fitness to hold the office of magistrate.

Having due regard to the serious nature of the allegations, the totality of the information at hand and Ms Bodlani’s representation, the commission resolved to recommend that she be provisionally suspended from office.

The Minister, on the advice of the commission, decided to provisionally suspend Ms Bodlani with immediate effect, pending the outcome of an investigation into her fitness to hold office, as acting Regional Magistrate and, has submitted a report, dated 21 July 2020, for consideration by Parliament.

Having considered the report, dated 21 July 2020, referred to it on 23 July 2020, on the provisional suspension from office of Ms K Bodlani, an acting Regional Magistrate at Umlazi, KwaZulu-Natal, pending the outcome of an investigation into her fitness to hold the office of magistrate. The committee recommends that the National Assembly confirm Ms Bodlani’s provisional suspension from the office of magistrate. I thank you.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, we do not wish to make a declaration, we are in complete support of the recommendation as read out.

*Declarations of vote:*

Ms L H ARRIES: Hon Chairperson, the Magistrate Courts represents perhaps the most important avenue through which orderly people access justice. It is at the Magistrate Court that the most people will ever see a court of law. It is crucially important that the appointment of magistrates must be subject to the very thorough process to ensure that those who are assigned cases of ordinary people on a daily basis are up to the task.

The allegations of incompetence, a sheer disregard for the law levelled against Magistrate Kholeka Bodlani are difficult to fathom. The insensitivity and disregard to the victims of rape is disturbing in particular for when a magistrate should have a better understanding of what women have to go through in this country.

In one case, she acquitted a rapist because the rapist carried a bag, styled his hair and did his own laundry. And according to Ms Bodlani, they were characteristics of a person who was

gay. Not interested in women and therefore, could not rape. She has subjected various young girls and women who had been raped to incomprehensible trauma in court, where these women are women who were supposed to be given a fair hearing.

The High Court Judges who reviewed her judgement labelled them incorrect for incompleteness, incompetent outrageous, disturbing to the extreme, shockingly inappropriate and completely contrary to the very factors relevant to the [Inaudible.]

As the EFF, we do not take lightly the removal of a person from their job particularly black women, unless there are compelling reasons to do so.

Ms Bodlani [Inaudible] supposedly noble profession and subjected many black women to untold trauma. She must be removed from office and be kept as far away from adjudication or anything in future. We are in support of this report. Thank you.

Prof C T MSIMANG: House Chair, our judiciary remains the ultimate democratic check and balance bastion and guardian of the rule of law. The judges, magistrates, prosecutors and

officials that filled the department’s benches and court administration rules must at all times be beyond reproach. If our justice system fails the rule of law fails.

Within its ranks and collegially the same high standards of beyond reproach conduct must be expected and enforced if not complied with by judicial officials. In the matter before us, we have the suspension from office of Magistrate K Bodlani an acting Regional Magistrate at Umlazi in terms of section 13(3)

(b) of the Magistrates Act.

After numerous complaints were received by the Magistrate Commission raging from ill-discipline and misconduct with peers, to allegations of judicial misconduct in handling of certain trial matters and failing to maintain good and accepted order in court, the use of derogatory remarks, outright partisanship displayed during court proceedings, as well as failing to comply with direct orders from the acting regional court president, together with a number of irregularities ascertained from a judicial quality assessment of Magistrate Bodlani, it was recommended that Ms Bodlani be suspended.

Even the gravity and a number of wide ranging allegations of misconduct, the IFP supports the report and recommendation. Thank you, hon Chair.

Mr W W WESSELS: House Chairperson, the FF Plus is in support of the report and also the recommendations by the committee. But I want to react to the hon Arries, it is disgusting and appalling that everything is made about race. This is not an issue about race, it is about merit. Let us discuss and debate issues with regard to merit. When there is a wrong action, let’s take action against that person regardless of race and regardless of your narrow-mindedness to focus on race.

We are in a society where we should build a future together, regardless of race, and where we need equal opportunities for all. I thank you.

Mr S N SWART: House Chair, the ACDP supports the report. And when one has regard to the serious nature of the allegations that totality of information received - and of course, Ms Bodlani’s representations, one then sees more than enough evidence for a provisional suspension pending disciplinary action and investigation.

Whilst one does not prejudge the issue, what was disturbing is that a number of sentences that the magistrate imposed in a sexual offences matters were set aside by judges on review and this of course, results in miscarriage of justice particular at a time where there is a scourge of gender-based violence.

So we are of the view the existing evidence, is of such a serious nature as to make it inappropriate for the magistrate to perform her functions at this time. Therefore, we support the committee’s recommendation of suspension. I thank you.

*Declarations of vote:* (Cont...)

Mr A M SHAIK EMAM: Chairperson, the NFP support the report tabled here today. The allegations made against magistrate Ms K Bodlani are quite serious: allegations of racial remarks, favouritism, 18 cases under review at any given time and giving a rapist a suspended sentence for raping a six-year-old girl. I think some of the decisions that were given by this particular magistrate leave a lot to be desired. I think it is fair based on the investigations that had thus far been conducted that she be suspended. We are quite satisfied by the processes that are being followed. They are correct. The outcomes of the investigations thus far deem it necessary that she be put on provisional suspension pending the finalisation

of this matter. The NFP supports the report. Thank you very much.

Mr Q R DYANTYI: Chairperson, the ANC rises to support the report of the Portfolio Committee on Justice and Correctional Services on the provisional suspension from office of magistrate K Bodlani. Amongst the serious allegations and irregularities that were sited include that despite the availability and readiness of the parties to a case, she postponed it without a cause for the postponement of the case which is against the principles laid down in the judicial case flow management directives. In another case she granted a postponement on unreasonable grounds indicating in writing on several occasions that she would not comply with an order dully given to her by her judicial head of office and the acting regional court president of KwaZulu-Natal to furnish the latter with various case records and her reasons to be sent on special review in terms of section 304(4) of the Criminal Procedure Act. In so doing she challenges the authority of the acting regional court president to give her official and work related instructions.

Further, she continued to impose incompetent sentences disregarding the procedures prescribed by sections of the

Criminal Procedure Act and making nonsensical findings as against those prescribed by the Criminal Procedure Act and case law, and not following provisions of the Criminal Procedure Act as it relates to child witnesses. In many cases where the Child Justice Act of 2008 was applicable, the provisions of the Act were not complied with by the magistrate.

The investigation officers informed the regional court and the commissioner and suggested that the commission should consider conducting an investigation into Ms Bodlani’s capacity to carry out her duties of office efficiently.

Last year, the President referred gender-based violence as the second pandemic in the country. Ms Bodlani’s judgments on gender-based violence, GBV, related matters, especially those involving children, are gravely concerning. Magistrates and judges play a crucial role in eradicating the scourge of GBV in South Africa. In a country where GBV and other related atrocities are rife, survivors should not feel that justice system has failed them. Decisions by the courts should be rational and take into consideration the prevalence of GBV and its effects on survivors. In the interest of justice, the ANC supports this report. We want to further move that we must

deal with the systemic issues of how many of these suspensions are delayed. They take too long to be concluded. I thank you, Chair.

Question put: That the Report of the Committee be adopted, including the recommendation that the provisional suspension from office of Magistrate Ms K Bodlani be approved.

Question agreed to.

Report adopted and provisional suspension from Office of Ms K Bodlani approved.

# DEBATE ON HUMAN RIGHTS DAY: PROMOTING HUMAN RIGHTS IN THE AGE OF COVID-19

The MINISTER OF AGRICULTURE, RURAL DEVELOPMENT AND LAND

REFORM: House Chairperson and hon members, good morning. I want to quote the words of Mme Charlotte Maxeke when she said:

This work is not for yourselves, kill that spirit of self and do not live above your people but live with them and if you can rise, bring someone with you.

Our collective responses as a nation to the pandemic confirmed that there is a nation and, most importantly as public representatives, we understood that serving our people is not about ourselves, but about those who elicited us to those corridors of power. The way our government intervened in saving lives and livelihood ensured that as a nation we were cushioned from the west. Working together with social partners, imagine the reconstruction and recovery plan is evidence that, yes, this work is not for ourselves but for those who we have the honour to serve.

Some among us have lost employment. Yes, we lost our freedoms to do what we like, but we chose solidarity and to care for others who are most vulnerable than us. It is this spirit of ubuntu that we must continue to emulate in leading through this pandemic. The volunteers who offered their services to work with the Department or Basic Education in assisting our 2020 matric students made it possible for them not to lose an academic year. The farmers and farm workers who ensured that our right to food is less compromised must be appreciated for their effort.

This commemoration of Human Rights Day comes on the heels of the International Women’s Day whose theme was, I quote: Women in leadership: Achieving an equal future in a COVID-19 world.

There is no greater threat to humans than the threats of living as presented by COVID-19 pandemic. The COVID-19 pandemic has not only disrupted our economies and our livelihoods, it has increased the burden of care for women as wives, as workers and as leaders. It has also increased gender-based violence in our homes. Organising homes as new centres of work had an impact on domestic work who had to continue offering the much-needed service of home care.

In reimagining our future during and post-COVID-19 pandemic, how do the experiences of women inform decision-making?

Praising them for the role they have played and continue to play as frontline workers and essential services is important. However, their roles in leading scientific research as managers, as public representatives and as leaders must be recognised and not relegated to the tail end.

Thozama April, in her doctoral thesis “*Theorising Women”*, had this to say about our view about Mama Maxeke, and I would like to quote:

...a simplistic view of Maxeke as an iconic representation of women in the formative years of the twentieth century’s struggles fails to account for her theorisation of the everyday. Maxeke’s doubling theorisation of the native question presented a mode of analysis to the workings of liberation politics. It is like the mode offered by Pierson. Maxeke’s ambiguity calls on us to engage with her as both a celebrated and a neglected figure. It pushes us beyond the limits of a linear progression of political biographies as it raises questions about the gendering of black protest politics in South Africa in a substantive way that takes into account the production of ideas and thought.

Maxeke’s own theorisations of the everyday, her work on what she called African womanhood’, the living conditions of Africans in urban areas, the plight of young girls found destitute in urban centres of Johannesburg, juvenile care, education and the employment of Africans in urban centres transcends such reductionist views of women in history. She created an oeuvre through which her name continues to resonate, and she discovered deep and consequential meanings about life.

Dr April therefore reminds us of the important role of how histories of women must reflect their role and their influences which bring about social change. There is a worrying sense that significance social capital critical for our people’s resilience against long standing challenges of poverty, inequality and unemployment may be corroded by these crisis as presented by the pandemic. At the centre of this holistic role of the African woman as envisaged by Mama Maxeke, this could particularly be deactivating for the already vulnerable communities where resilience plays a crucial role for their subsistence. This possible corrosion of social capital has a potential of weakening human capacities required in human rights. This includes the capacity for people to co-operate in order to produce food in rural and semiurban areas where people continue to [Inaudible.] poor resources and join hands to help each other avoiding hunger.

Sickness, deaths and accompanying fear can break the bonds of vuk’uzenzele. Her idea of riding with other Mama Maxeke referred to have actually been compromised. It can weaken these networks of social resilience. This is why it is important that we must continue to work together across society not just to provide relief, but also to support people’s to stand on their own feet by helping them to prevent the collapse of vukzenzele networks.

Agriculture for many of our people is not some technical world but it is the very culture and way of life. What happens to food systems and social capital has direct rights and dignity of these people. [Inaudible.] also requires equitable access to natural resources. The quest for land for agriculture, livelihoods, for settlement and even for spirituality is about building capital assets for those who are poor and those who have been historically disadvantaged. Therefore, the call for equitable access to land is a human right in its own self.

Government continues to work hard to strengthen the food system of social resilience including indigenous practices of “letsema/ilima” [food security project] because they are not just crucial economic activities, but they build social bonds needed greatly during these hard times.

Indeed, COVID-19 has reminded us that this work is not for ourselves. It has also reminded us that we need to kill the spirit of self and not live above our people but live with them. Mama Maxeke’s idea is that if we can ride the storm, if we ride the long standing waves of poverty and equality, if we ride the storm of despair, we need to do so while bringing someone with us and this is a call in our time to. We need to do it now and not wait for too long. I thank you, Chairperson.

The HOUSE CHAIRPERSON (Mr M L D Ntobela): The next speaker is the hon N K Sharif of the DA.

Hon member?

Ms N K SHARIF: Hon House Chair, I am just waiting for my time to be reset.

Thank you, House Chairperson. We have been through a year of lockdowns disrupting our lives and livelihoods caused by COVID-19 and the incompetence of the ANC government taking away many of our liberties and freedoms. The Bill of Rights affirms that the state must respect, protect and promote the rights of citizens. I say this with my chest. The ANC has and continues to fail miserably in upholding and protecting the lives of South Africans. In fact, it is the ANC government that continues to infringe, threaten and undermine the rights of citizens.

The DA is doing a national oversight tour on the effects of the gender-based violence and femicide interventions by the useless Department of Women, Youth and Persons with Disabilities. From these oversights, it is clear that the ANC government is leaving people behind. This is evident when

tracking the state of victim-empowerment rooms, such as those at Jouberton Police Station in the North West. It has only one victim-empowerment room that needs to cover roughly 600 000 citizens. This means there are difficulties in assisting more than one victim and longer waiting periods for reporting violent crimes against women and children.

This is where the ANC government fails to protect human rights and ensure the safety of its citizens. Thuthuzela Care Centres, TCCs, are indicative of the failures of the ANC in protecting the rights of women. TTCs play an integral role in getting all the necessary services into one place when reporting gender-based violence and femicide, or GBVF. Some of the best frontline workers are at TCCs and work under extremely difficult conditions – from having to wait long periods for DNA rape kits because the police have to look for

them to delays at getting evidence back from DNA labs that take up to nine months and sometimes even longer. Examples were found when the DA visited the Tshepong Thuthuzela Care Centre and the Umlazi Thuthuzela Care Centre. It is imperative that Thuthuzela Care Centres procure their own rape kits as police stations and Family Violence, Child Protection and Sexual Offences Units, or FCS units, are failing.

Thuthuzela Care Centres are doing the most under an incompetent state with huge delays, owing to the inability of the ANC government to manage COVID-19. The lack of debriefing of gender-based violence and femicide, GBVF, frontline workers causes secondary trauma. Also, the lack of security,

especially at night, is detrimental to the mental health of frontline workers. There is a lack of transport for survivors

at the Umlazi TCC to come back for follow-up consultations,

preps and check-ups. It is only in an incompetent state that a BMW is given to an organisation that already has three cars,

while the TCC down the road has none. Women are forced to pay up to R120 for travel while this car collects dust.

Disgusting. And, again, this proves my point that the ANC is complacent in the perpetration of violence against women.

With every province that the DA visits, it is more evident that the ANC government does not value human rights and that

its interventions are not working. I said what I said. [Applause.]

*IsiZulu:*

Nk N V MENTE: Asibonge Sihlalo. Sihlalo ...

*English*:

... we are here today faced with the reality of an increasingly repressive government, of a failing economy of millions of black people without employment and of millions more without their land. We are faced with the reality of the continuation and entrenchment of a system of black oppression and exploitation, designed by the British colonial regime, implemented by the Dutch apartheid system regime, and now maintained by this ANC neo-colonial regime. And we must draw a line between us, the people, and this unbroken continuation of African oppression from colonial times to this day.

When thousands of African people heeded the call by the president of the Pan Africanist Congress, Tata Robert Mangaliso Sobukwe, in 1960 to reject the dompas system and

reclaim their rights as citizens of this country, the racist

apartheid regime responded with brute force, killing 69 people according to official records but many more in reality.

At that time, Comrade Sobukwe called on the African people to

take their liberation into their own hands because they had no one but themselves. He drew a line between the people and the economy and also the enemy and emphasised that there was nothing of common interest between the people and their oppressors. He famously said: “They are fighting to entrench

an outworn, anachronistic and vile system of oppression. We represent progress,” as the people; “ ... they represent decadence. We represent the fresh fragrance of flowers in bloom. They represent the rancid smell of decaying vegetation. We have the whole continent on our side. We have history on our side. We will win.”

Today we are still faced with the remnants of the apartheid regime that simply refuses to die, represented by the former liberation movement now in government, the ANC. When mine workers in Marikana demanded a living wage, the ANC government responded by mowing them down. Thirty-four of them died, leaving behind widows and orphans. Thousands more were injured.

When Andries Tatane and his community protested about service delivery, the ANC government responded by pumping his body with bullets, sending him to an early grave. When Sikhosiphi “Bazooka” Radebe stood up for the rights of his community in

Xolobeni, this ANC government, in collaboration with a foreign mining company, assassinated him.

When young people demanded free, quality education, as promised to them by the Freedom Charter of the ANC, the ANC

government, led by Mr Zuma and Mr Ramaphosa, responded with brutal violence against the children only yesterday in Braamfontein. Many of these students were expelled from university and now form part of the unemployed. Many more were arrested and now have criminal records. Leaders like Mcebo

Dlamini cannot practise law, which he studied, because he has a criminal record for fighting for the right of young South

Africans and young African people to an education. Over 12 million of them are unemployed.

We have government leaders who believe that more austerity measures and the retrenchment of thousands of workers from the

public service is a solution. What a shame! We have hundreds of thousands of young people who are sitting at home because

they are excluded from universities, but we have a communist

Minister of Higher Education, Science and Innovation who has to be forced by the courts to admit students to universities

and even issues unlawful instructions that they must eliminate students in universities. Millions more are homeless.

Households are plunged into darkness because the neo-colonial regime now in power wants to auction Eskom to the whites who maintain their lavish lifestyles. We must today, as Sobukwe

did in 1960, draw a line in the sand between us as the people and the rented sell-outs now in power.

We must properly characterise the ANC and reject it as the main violator of human rights in this country on behalf of

their handlers. The persecution of students, who are demanding their right to education, must be stopped, comrades. The

police that delight in the killing and beating up of black

protesters must be stopped. The normalisation of poverty in this country and the pain that black people go through must be

stopped. These can only be stopped once the black representatives of colonialism and apartheid now in power are

removed. There is no difference between the ANC and the parties representing white supremacists. That is why they are

now in an unholy alliance with the prime defenders of

colonialism in this House. We are on our own and it is only us who can reclaim our rights in this country. We can no longer

breathe. The ANC-led government is sitting on our necks. Thank you very much. [Applause.]

Mr S L NGCOBO: Chairperson, the fight for the recognition of fundamental human rights came at a great cost for South Africa. A country nearly torn apart by its violent history. On Sunday 21 March, we honour all those brave South Africans who

stood up against an authoritarian and unscrupulous apartheid government on 21 March 1960, and paid dearly for it with their lives. This is the start reminder, that the fight for a constitutional democracy in which each citizen is guaranteed the rights to participate politically, and have an equal say in how our society is governed, should never be taken for granted.

Those who suffer as a result of looting of state resources, are human beings too; those poorest of the poor, who have nothing to eat while the rich swim in honey, are human beings too; those who have no access to tarred roads, are human beings too; those who drink water with donkeys and other animals, while others are having clean tap water, are human beings too. We all know where the greatest looting takes place, through all the spheres of government.

Looting on the state’s resources takes place at national level, has surprised us all. Looting which takes place at the provinces, is also very much surprising. The magnitude of looting in districts and local municipalities is horrible, to say the least. This is not the South Africa that we all fought for. The global COVID-19 pendemic has shown how precarious the guarantee of fundamental human rights and how critical it is,

to ensure that checks and balances on human power is maintained.

The description of human rights during this pendemic, calls us to always question our justification and rationality thereof. This pendemic has shown us, how easily it could be, for a government to abuse human rights, all in the name of greater goal. Our country’s men and women have fought very long for the recognition as equal citizens. This pendemic cannot be used to undermine what we have fought for. Let us not be compulsive bystanders during this pandemic.

Going forward, our government’s vaccine roll-out and response to the pandemic, must be cemented in the human rights.

According to the Joint United Nations Programme on HIV and Aids, on human rights in the time of COVID-19, countries can learn much more from global response to HIV epidemic, in ensuring that their response to this pandemic is based on human rights. One of the key aspects highlighted by the UNAIDS report is that, communities must be at the centre of decision- making, governance and monitoring. In the roll out of the government vaccine programme, we need to ensure that we are communicating to all communities, especially, the vulnerable communities.

We need to ensure that we are consulting all stakeholders, ranging from private sector, the schools, hospitals and traditional leaders. Only through involving all members of our diverse communities, can we ensure ... [Interjections.] Thank you. [Time expired.]

*Afrikaans:*

Mnr P A VAN STADEN: Mr P A VAN STADEN: Voorsitter, hierdie naweek vier ons Menseregte Dag in Suid-Afrika en hierdie debat gaan oor die bevordering van menseregte in die era van covid- 19, maar het ons as Suid-Afrikaners werklik iets om te vier?

Ongelukkig is dit ’n feit dat, sedert Maart 2020 bewys is, dat hierdie regering sekerlik die voorlopers in die skending van menseregte in SUid-Afrika is.

Hierdie regering het met sy sinnelose regulasies nie net gesorg vir die moontlike gruwelike skending van menseregte nie, maar het ook tot moontlike lewensverliese bygedra.

*English:*

A report issued by the International Commission of Jurists, found out that South Africa has violated the rights of women and healthcare workers in its response to COVID-19. When lockdowns interrupted or completely shut down health services

for women, it disrupted services for survivors of gender-based violence. It led to an increase of violence against women and girls. More women and girls were trapped in abusive environments, and the rape of children and temporary homeless camps, is of the tragedies that happened during this government senseless lockdowns.

Probably, the biggest violation that took place was the government’s failing of healthcare workers, by not providing them with adequate personal protective equipment, PPE. We all know that corruption of PPEs was indeed sending the healthcare workers to their graves, while the thieves are still walking on the streets and reap the rewards of theft. There were also problems around quarantine facilities, where the FF Plus had to intervene to get plus minors 1600 people out of these contaminated places that were not suitable at all for human consumption or accommodation.

Not even a street dog would have stayed in these places and eat the rotten food that was served there. Lockdowns have also led to lack of access to healthcare for other medical emergencies. Lower tax revenues to provide social services, starvation and poverty from job losses. The report states that, South Africans are the worst affected by lockdowns due

to a lack of financial resources and infrastructure to support people who have lost their jobs due to the collapse of the economy.

*Afrikaans:*

TB en Vigs-pasiënte kry nie die nodige behandeling by hospitale en klinieke nie. Hongersnood en wanvoeding is aan die orde van die dag. Die welstand van ons bejaardes en kinders is aan die agteruitgang. Noodsaaklike operasies is nou al vir ’n jaar uitgestel, algemene siektetoestande skakel om in erge siektetoestande en armoede skied natuurlik die hoogte in.

*English:*

On top of this, 11,1 million people are currently unemployed. We have 200 000 street homeless people, 13,6% of South Africans that live in informal dwellings. There is a housing backlog of 2,6 million houses, we have 5,3 million households,

21 million people without clean water and more than 12000 homes still use buckets for toilets. The vaccines that is busy turning into a disaster could also turn into a violation of human rights by government against the people of South Africa. Then there were farm murders, affirmative action, expropriation without compensation and the latest, people who

are dying on our roads due to potholes not being repaired and the total collapsing of our municipal infrastructure.

This government who was proud to say and preached for 27 years, that they were the forerunners in upholding human rights and even every year have human rights speeches and festivities, are probably the ones on the end that are the biggest violators of human rights throughout the world. The whole world saw first-hand how this government’s corruption send people to their graves and how horribly they have treated the citizens of this country and still do.

*Afrikaans:*

Daar was en sal nooit enige bevordering van menseregte in Suid-Afrika onder die ANC-bewind wees nie. Dankie.

Rev K J R MESHOE: Chairperson, human rights have been severely limited in the year of COVID-19, particularly the rights if churches and Christians in general. For an example, on 06 March 2021, about 30 vehicles, three Nyalas, two water cannons, a helicopter and dozens of police officers descended on Unity Church in Soweto, in a display of military power, last seen under the national apartheid government to harass and intimidate a church led by a woman, Pastor Mukhuba. They

claimed that they were responding to complaints about the noise from the church.

The ACDP condemns this abuse of power and grotesque use of state resources. Why did the police have to use a helicopter, when responding to a complaint about the noise? This fruitless expenditure must be properly investigated by the Auditor- General. When the Pastor was arrested, she was not read her rights or told the charges against her. When she asked, where she was being taken to, she was told, I quote: “you will meet your snake ‘phambili’ [where you’re going.]”

She spent many hours sitting in a van, and when she asked again at the police station why she has been arrested, she was

allegedly assaulted by a Johannesburg Metro Police Department, JMPD, officer. The ACDP wants this incident to be properly investigated. Secondly, when giving reasons, why he decided to appeal the order to apologise and retract statements in support of his rights, Chief Justice Mogoeng Mogoeng said, and I quote,

Judges as citizens have constitutional rights of freedom of expression, freedom of religion, freedom of thought and freedom of opinion. It is not correct to say that,

when you assume office, you will automatically let go of your constitutional rights.

Those calling on Chief Justice Mogoeng Mogoeng to retract his statements and apologise for his remarks, because the Judicial Conduct Committee ruled that he had contravened the judicial code of conduct should answer the question, whether this quote trumps the Chief Justice constitutional rights to freedom of religion and expression. I believe, such a position would set a very dangerous precedence for the future of our constitutional democracy.

In the case between the MEC for education versus Ms Pillay, Durban Girls High School refuses a Hindu pupil permission to wear a gold nose stud to school, on the basis that it violated the school’s code of conduct. The Constitutional Court ruled that the school’s code of conduct was discriminatory against the students’ culture and therefore, violated her constitutional right to religion. There should be no exception with the Chief Justice.

I believe that his constitutional right to express his religious belief trumps the code of judicial conduct. The ACDP agrees with the Chief Justice’s refusal to retract or

apologise for stating that he loves Israel, Palestinians and everyone else. We salute and respect him for his commitment to love everyone and his refusal to hate. As leaders, we ... [Interjections.] [Time expired.]

Mr S N AUGUST: Hon Chairperson, it is challenging to celebrate human rights when the conditions in which so many of our people live, would actually be described as human wrongs.

These conditions are not the pandemic’s fault, but what COVID-

19 has done to expose the injustices brought by gross inequality. It not that they weren’t there, but no one cares about choosing not to see them. Pre-COVID 19, the state at its various levels commonly held functions in communities to hold Human Rights Day and the contribution of heroes to the creation of our Constitution with its Bill of Rights.

The routes to and from these events, locations were generally tidied up, so when the Minister and senior officials swept by, they wouldn’t see the fore. The truth is, the manner in which many of our people live is a human wrong. The conditions in which they are forced to live contributes to an environment in which people cannot reach their potential, abuse substances, drop out, feel hopeless, commit crimes and perpetrate human rights abuses. It is this environment, this vicious cycle that

fuels gender-based violence, gangsterism and other social eels.

While media coverage might suggest otherwise with its regular focus on middle class victims, the overwhelming majority of human rights violations are perpetrated against the poor.

Living in townships like Zwide and Nyanga, places firmly at the core face of human rights abuse.

Chair, as Members of Parliament, we must take a large proportion of blame for allowing this situation to continue. In the DA-led Western Cape, where I live, the province argued in court with a township with land claims, that it was under no obligation to unlock public land for the purpose of providing affordable housing in vile located areas.

The ANC-led provinces are left blunt, but have made little more progress in unstitching the apartheid Group Areas Act of 1950 and moving towards the children’s special and environmental justice, yet millions of residents are without land or shelter, when officials such as those in the Gauteng Health Department, they loom tenders to scheme millions of rand of the transactions for themselves. They are not just

scheming, but contributing to the continued perpetration of human wrongs.

In, Hantam in the Northern Cape, communities live without water. On the Cape Flats, gangsters roam the streets, making them unsafe for good people, with women and children most at risk. Access to decent healthcare, water and safer streets, are basic human rights. Our people also have rights to descent education, job opportunities and equal services in their communities.

Chair, GOOD appeals to each and every citizen this Human Rights Month, to each play a part in upholding the rights of family, neighbours or colleagues. To our fellow parliamentarians... [Time Expired.] Thank you Chair.

Mr C H M SIBISI: Ngiyabonga Sihlalo weNdlu (Thank you House Chair.) if we are going to talk about promoting human rights in South Africa in the age of COVID-19, limits the extent to which we can debate human rights in the South African context beyond COVID-19. The way we can appreciate a closer look into human rights during COVID-19, particularly how COVID-19 has impacted human rights in the South African context.

We have to acknowledge that, the majority of South African’s human rights has been compromised on a daily basis. The present morale outrage on human rights by the South African government is the failure to ensure equity in vaccine distributions. The Department of Health reported that the Pfizer Vaccine which is 20 million doses is expected to arrive by the end of March. We can only hope that the country is not expecting soon to expire doses, and the distribution will be done in an applicable manner. Failure to achieve that exposes our people further to violation or compromise of their human rights.

COVID-19 is still very much alive. South Africa just came out of the second wave and the third wave is expected to hit us. Looking at what is happening in the country today, with rising super spreader events happening, such as the strikes and protests, one after the other is extremely concerning. Reports have shown that, just 10 countries have administered more than 75% of all COVID-19 vaccinations. We still haven’t enough begun ...[Inaudible] ...our vaccination rollout. We are still asking ourselves whether some of the measures taken by the government to improve conditions in the long term, such as water and sanitation, access to higher education, ... [Inaudible] ... functional public ...[Inaudible] ... health

has not even ...[Inaudible] ...in South Africa and boost the economy.

It is appalling how this government has not realised that the virus has shrunk civil rights ...[Inaudible] ... in the civic states and failure to act to acquire a vaccine with a looming third wave is a direct failure by this government to protect lives. Promoting human rights should go beyond the age of COVID-19. This virus has exposed the vulnerability of our communities. Our human rights have been directly violated in the age of this virus. Funding that was allocated to saving and providing of personal protective equipment, PPEs to South Africans, ended up in the pockets of those who are vested with the responsibility to serve.

Law enforcement agencies said that, they are investigating more than R30 billion in potential corrupt coronavirus spending or contracts. This money could have been used to reduce the student debt we see our youth fighting against today. This corruption is a direct ...{Inaudible] ... violation of our children’s basic right, access to education. Ngiyabonga Sihlalo (Thank you Chair).

Ms H ISMAIL: The right to have access to healthcare services is a basic human right guaranteed by the Constitution. Section

27 of the Constitution provides that everyone has the right to have access to health care services, including reproductive health care. No one may be refused emergency medical treatment.

Where does one start? With the life Esidimeni, debacle, where hundreds of innocent people who could not talk for themselves were left to dies in the most horrific circumstances? Or perhaps oversights to hospitals where the mothers with the new-born babies are lying on the floors of maternity wards because there were no beds or facilities. What of the poor women who have been forced to have babies at the gates of hospitals and clinics because there was even no one to assist them, or anyone who was willing to. When they did manage to get into a clinic, their babies were born by the light of a cellphone because the generators do not work and there was no electricity due to Eskom’s inefficiency. That is why allowing power from independent grids will promote human rights.

Government gas not learnt from its mistakes as seeing in the centralised vaccination thing. Many people’s access to the vaccine solely dependent on the government silences their

voices and removes their power. Should government fail again, even more lives will be lost. At every single National Health Insurance, HNI hearing that we attended, people pleaded for improvement in the emergency services sector and in particular ambulances.

In response to a recent question, the Minister confirmed that in many districts, one ambulance is required to cover an area of up to 20 000 kilometres. This denies the poor environment in these areas, access to the basic of rights with many passing away after hours waiting of waiting for hours.

The DA envisages a strong doctor-driven primary healthcare system based on the social model of health and thus equipped to contribute to the dealing with the full range of social determinants of health. This model allows for a localised healthcare service and delivery through strong community-based structures.

Millions of rand worth of protective personal equipment, PPE corruption was not recovered during the first major COVID-19 lockdown. Yet, hundreds of healthcare workers throughout South Africa did not get proper access to PPEs and hundreds have died. In fact, while our real healthcare workers were

suffering the effects of COVID-19, the PPEs that may have well saved the lives, were shipped to Cuba. Since February, the Special Investigative Unit, SIU is investigating 2 300 COVID-

19 lucrative contracts worth over R10 billion.

Based on such scandals, it is clear that our public health systems are deeply corrupt across the country, which is a major call for concern given the centralised structure of the NHI. The consequences of all this will be putting the lives of all South Africans at risk. Life and healthcare go hand in hand. In order for South Africans to live long and healthy lives, we need to improve our healthcare system form its core. Only then, ... [Inaudible] ...the fundamental human right of access to quality healthcare.

Our South African doctors and nurses are staggering from exhaustion due to the COVID-19 pandemic. They are forced to longer hours with additional duties of feeding patients, washing laundry and cleaning the ward including the Intensive Care Units, ICUs. Why? Because health facilities are understaffed, health budgets do not deal with basic human requirements and financial mismanagement if rife. Doctors and nurses have human rights too.

The stories of people fighting each other to access opportunities are ... [Inaudible.] In KwaZulu-Natal, it was deemed ok to convert an open-air garage into a COVID-19 ward in the middle of winter. In the Eastern Cape, it was considered ok to transfer patients to healthcare facilities in a scooter. Government needs to increase vaccination from

10 000 to over 140 000 reachable targets and rectify the rollout plan. Access to healthcare and complimentary access to vaccines to save lives, is a human right and we must do everything in our power to protect these rights. I have but scratched the surface.

Simply put, the glitches of the most basic right to decent access to healthcare blow our minds. It is a crime, shame that the poor and vulnerable in South Africa are treated with such disdain. Cry, COVID-19 has made bare our failing healthcare system and government’s delays and political will to source vaccines timeously to save lives. Cry our beloved country.

Ms N T MKHATSHWA: Hon House Chairperson, Members of Parliament, fellow South Africans, good afternoon. This afternoon I wish for us to reflect on the impact that the digital surge has had on human rights in the era of COVID-19. In light of the many lives we have lost to this pandemic, it

remains an honour and privilege hon members, to stand alongside yourselves during this engagement as we in advance remember the lives that were lost 61 years ago in the Sharpeville massacre on 21 March.

This debate challenges us to genuinely reflect on a matter that the history of this country can never allow for us to take for granted. We must and we will not forget that at some point not so long ago the people of this country did not have the Bill of Rights as listed in the country’s Constitution that promoted and protected their basic human rights, fight their race, class, gender and amongst other, identities.

Thus as leaders and as citizens collectively, we must unwaveringly uphold and defend these rights from any elements, hon House Chairperson, that seek to undermine them.

Today we engage under unforeseen and unprecedented circumstances where South Africa and the world at large fight against a virus that puts the one basic fundamental human right, the right to life at risk. Citizens, health care workers, scientists, educators, government officials, public representatives across political lines and a load of collectives have over the last 12 months, worked day and night

to protect this first generation human right which is the right to life.

In controlling the spread of the virus and protecting the right to life, the immediate response was to limit contact thus limiting movement in order to break the chain of infection. This included social distancing, quarantining, isolating, lockdowns, curfews, border closures, travel restrictions, school closures and office closures amongst other distancing measures.

Upon honest human instinctual and to a great extent scientific reflection, these measures seemed to be the most practical and necessary to stop the transmission of the virus. And noting the magnitude of demand the virus will have, on the health care system, these measures will have equally ease the strain on the health care system in order to save lives.

Although attempting to protect one right on the one hand, on the other hand these restrictions limited access to other rights. Hon members will understand that international law permits certain restrictions on freedom of movement for reasons of security and national emergencies such as this national state of disaster.

Now by limiting the right to freedom of movement in order to protect the right to life, right to education, trade, health care food, assemblies, privacy amongst others were impacted and limited. However, because of the dedication of this government and the dedication it has to upholding our Bill of Rights, at no point were these restrictions unnecessarily used, they have been used for a particular purpose proportionately and without discrimination. [Applause.]

Now the limiting of human interaction in order to preserve human life necessitated the need to find ways of continuing to promote and protect all other first and second generation rights that support this fundamental right to life. This resulted in an accelerated and rapid digital surge. Society instinctively attempted to continue exercising their right electronically, digitally, virtually remotely and later hybridley. This moment has led to an increasingly conversation around what some have deemed Fourth Generation Rights. Fourth Generation Rights can me summarised as rights to information and communication technologies, ICT, and to digital existence which are protected by digital rights.

As a society we have taken great reliance on digital solutions through e-learning, e-working, e-medicating, e-shopping, e-

conferencing, e-protesting, e-legislating, e-oversighting, e- yonkinto, [E-everything]. [Applause.]

However, the point is we have literally attempted to protect the livelihood of our citizens by attempting to exist in cyberspace. Whilst it seemed like a brilliant move, in a country like ours, hon House Chairperson, that faces with legacy inequalities these digital solutions only highlighted the disparities within our society.

This digital divide is characterised by a struggling national information and communication technology infrastructure by unreliable access to electricity, exorbitant data costs and by socioeconomic inequalities which leads to differentiated household abilities to prioritise for example the purchasing of Wi-Fi or tech devices.

So, while some schools have ICT capacity roll out their teaching and learning programs on google classrooms and on the other hand also use remote learning portal such as Microsoft teams, some schools simply could not. While some parents managed to purchase or share laptops or Wi-Fi with their children, other parents could not trade and thus could not even pay for the electricity.

The government had to think innovatively like many other governments globally on how to promote this right to education under such difficult realities. This included firstly, the digital conversion of all educational content to have it broadcasted on radio, TV, WhatsApp, social media platforms and then also ensuring the zero rating of the Department of Basic Education, provincial and national websites and related educational sites.

While some universities were able to purchase laptops on behalf of students and were the first ones to secure data packages for their students’ others had to wait for government intervention. Which is why hon House Chairperson, the timeless roll out of laptops by the National Student Financial Aid Scheme, NSFAS, was fundamental and must remain a concern of our government.

That said the Department of Higher Education, Science and Innovation negotiated favourable rates for students with all mobile network providers. This was further supported by a zero rating of educational content of higher education institutions, colleges and private publishers.

This time has truly highlighted the inequities in our society. So, when we introspect on Human Rights Day, we must recommit ourselves to the total eradication of all inequalities.

You see, the ANC recognises that rapid that revolutionisation of technology contains possibilities of improving human condition. It is for these reason that government is currently having an auction for access to spectrum by network providers to improve connectivity to develop new techs such as 5G access and to lower data costs in order to support public use of schools, e-health, e-government systems. This is also promoted by the SA Connect programme that expands broadband access for government facility such as schools, health facilities and municipalities.

COVID-19 has impacted our lives in ways we could never imagined and thus possibly no turning back to life before this. It is thus imperative that we accelerate access to information and communication network and technologies and breach the digital divide.

This moment here has affirmed that the call for data to fall is legitimate as access to information is a fundamental human right.

However, as we structural need for ICT, there comes the need to strengthen cybersecurity through digital rights. Many users are beginning to rely on digital resources extensively, some for the first time and are becoming targets to fraud and scams. With the boom in e-commerce how do we protect citizens’ digital mining’s every time they make a transection online?

How do we make sure that when children are in their virtual classrooms they are safe from the intrusion of hackers? How do we do we make sure that when government sits in meetings, those meetings are protected from hackers? How do we make sure that the social grants that are administered online are not redirected by hackers? How do we make sure that the data collected through Apps created to monitor populations for tracking the spread of the virus is not stolen by hackers?

And hon House Chairperson, one must say that we truly remain proud of the work done by the Department of Higher Education, Science and Innovation in finding innovative technologies to responding and promoting human rights during this COVID-19 pandemic.

How do we protect our citizens from virtual gender-based violence as more people relate on social media platforms? Ahead of this moment the ANC in its 54th conference resolved

that there is a need to strengthen capability for cybersecurity and that critical infrastructure must be created to protect society against fake news like we have seen during this pandemic, cybercrime and other various forms of hacking.

During this pandemic it has been evident that there is a great digital surge and that we need to secure and ensure that there are information control mechanisms.

So much is been administered virtually. Academic certificates, medical records, work contracts which are now also referred to as smart contracts, this requires that institutions and government implement massive security arrangements through for example blocked chain technologies that can ensure and authenticate the above mentioned.

So we trust in the Department of Higher Education, Science and Innovation to lead us in the strengthening of innovations that will manage secure online interactions for education, health care and e-commerce.

More people are working from home and this puts a lot of strain on them. This requires us to zoom into the evolution of labour protective policies. They will allow for workers to be

supported in this digital world. Even in relation to techno stress and digital fatigue which speaks to the protection of mental health.

Digital technologies must not be a source of further division and infringement on the rights of our society. They must be used as a tool to protect, promote and uphold the rights of our people. This digital surge requires a multi prompt response from the Department of Higher Education, Science and Innovation, the Department of Communications, the Department of Justice and Correctional Services and other public entities, but as well as society at large.

This moment of which the country has had to exist and thrive requires us as citizens of South Africa across political affiliations, private sector and various social institutions to work hand-in-hand, to make sure that the efforts of Charlotte Maxeke and all our fore mothers do not go in vain. This moment does not require for us to point fingers, but requires for all of us to come to the table and provide solutions on how we can promote and uphold these human rights that we so hard fought for. Siyabonga. [Thank you very much.] [Time expired.] [Applause.]

Mr W M MADISHA: Chair, Human Rights Day is an extremely important day in the history of South Africa. It is on this day that we remember our past, assess our present and ask where our country must be in the many decades to come. On this day we remember and celebrate the political victory achieved by millions of South Africans. I say “political victory” because, yes, that is the only achievement South Africans can enjoy, though not wholly because we stand here today to debate the promotion of human rights in the age of COVID-19.

I shall refer the House to our country’s Constitution, chapter 2, section 27, which insists that all South Africans have a right to health care, food, water and social security. I put to this House that the majority of South Africans have not been tested and therefore more still must be done to ensure that the health care directive in the Constitution is satisfied.

The majority of South Africans I refer to live in villages and tin houses, in rural areas and townships, on street corners and in all dirty places in our country. Indeed, more must be done. They must be tested and given medicine.

The problems COVID-19 brings to South Africans are not just physical death and personal suffering. They also help government to hide its failures behind COVID-19. Government is failing to create jobs for millions of South Africans. It does nothing to stop poverty. It does nothing to stop the stealing by the many within itself. It has taken South Africans back to 1948 when apartheid was formally introduced. It uses COVID-19 with temporary, ill-manufactured tears to quell the anger of South Africans. When young and old people rise to march for their constitutional rights they are shot and killed.

Let’s ask the question: What next? I must say that the lives changed of those of us who were arrested and beaten up during the apartheid years and thousands of South Africans were forced to escape to countries beyond South Africa’s borders. The many other South Africans who were taken to what was called Hangpal – as we called it, of course – are disappointed wherever they are.

I must say that we have gone backwards and apartheid has come back, and the ANC, truly – and it is unfortunate – has killed us. The ANC has destroyed this country and is continuing to destroy this country. [Interjections.] This is a terrible party, really. I am disappointed. Thank you. [Applause.]

Mr M G E HENDRICKS: Chair, the human rights declaration in Africa this year has to be that the vaccine must be manufactured in Africa by Africa for Africa and the government has to make this happen. That government is already trying to get the relaxation of intellectual property rights is commendable, despite the objections of America and Britain.

The government took the right step by accepting Al Jama-ah’s proposal to consolidate PPE and vaccines continentally.

In the Sixth Parliament there are so many sincere and honourable Members of Parliament that are hardworking and excited about their oversight role and eager to carry out their mandate that the country must enjoy the best human rights culture in the world. Al Jama-ah salutes them. This excludes the hon Sarupen who makes wild claims that Al Jama-ah takes orders from the secretary-general of the governing party. It is his party that commits some of the worst human rights abuses against the African child in Masiphumelele. Yes, we are a small party but we took a seat away from your party in Lenasia and we will take away 10 more, hon Sarupen.

The Public Protector sat down the DA mayor of Cape Town after walking under banks of seven waterways overflowing with sewage into people’s houses in Masiphumelele where the whites nearby

are hell-bent on preventing black ... [Inaudible.] ... to preserve the last white outpost. She said: “Mayor, these are the worst living conditions I’ve seen in my life and you better fix them.” Today many of these residents are living on dry land something which Al Jama-ah has been campaigning for.

Near Sandvlei in Macassar in Cape Town the first missionary settlement – and including Khayelitsha – the director of environmental enforcement issued sanctions against the City of Cape Town without saying that the toxins generated by their pumping poorly treated sewage into the rivers are causing a million people to be poisoned – slow poisoning – like the chemical warfare the apartheid regime unleashed on the Cape Flats. That’s why that precinct is a failed precinct.

We voted against the inquiry into the Public Protector based on our experience with her and not based on the experiences which the DA-connected boardrooms had with her and now supported by the governing party.

The Truth and Reconciliation Commission has recommended that an inquest into the deaths of hundreds of activists be reopened, like the unnatural death of Imam Abdullah Haron.

Money must be ring-fenced like ring-fenced money for

restitution to fund these investigations. That this is not done sends a signal that the governing party does not want to deal with atrocities of the past. Thank you very much, hon House Chair.

Mr D BERGMAN: Chair, today as a country we keep an audible silence about these ancestors of the generations that live, fearful to admit the horror of a former deed, seeking to obliterate from our memories the cruel occurrence which, in its remembering, should teach us not and never to be inhuman again.

The poem by former president Thabo Mbeki “I am an African” teaches us that this continent has suffered and has endured; it has taken a beating, yet it has been blessed with the most natural resources and some of the most majestic beauty.

On Human Rights Day we should be celebrating a continent of wealth, health and beauty, with its unique culture that would draw tourists from all over the world to all our countries and make our land prosper and shine as the stones that lie beneath us. The problem is that Africa is plagued by its memories and abuses. Our leaders continue to misdirect aid and hamper trade.

The African Union, a shining symbol of hope, was formed to lead us out of the desert and pull us into prosperity. Yet, through COVID-19, whilst our country had the privilege of being the chair, we were treated to front-row seats to the inner workings and the potential of this messiah.

Unfortunately, it has left me with more angst than hope, especially since we were the ones in the pilot seat and we were the ones that could have stamped on it our own brand of leadership.

We have the most progressive Constitution in the world, although there are many in this House that would like to trample on it and insult their forefathers who spent countless and painful hours drawing it up for the benefit of all. Our Constitution was created to protect us – our human rights – from falling into the same traps that Africa continues to find itself in.

Under COVID-19, we have seen what it means for leaders to put personal power ahead of PPE, as can be seen in some of the questionable elections such as those in Tanzania, Uganda and Guinea where opposition leaders in some of these countries are still holed up in jail and the world is still silent about it. However, the African Union’s silence is the most disturbing of

all. The fatal casualties of political opponents in these countries constantly ticking by is the only noise during this silence.

I will only celebrate human rights when my brothers and sisters in the whole of Africa can. In Cameroon and now in Ethiopia nothing short of genocide is taking place and more efforts are being made in the halls of Washington, Geneva and Paris than in the African Union. How can you make that other people’s problems? These must be Africa’s problems and we must help now with African solutions. We cannot celebrate human rights until the African Union is making it their mission to liberate Africa.

People in benches in our House celebrate ... [Inaudible.] ... Robert Mugabe ... [Inaudible.] ... successful restorative justice and believe that he laid down the path for equal wealth and state control. They cannot concede that people are suffering and that if it were not for South Africa and the infrastructure we provide them, Zimbabwe would not just be out of money, power, medication and fuel but could be our biggest concentration camp on our doorstep. The question that people of our green book need to honestly ask themselves is: What

happens when South Africa and Zimbabwe both land up in the same state at the same time?

My fellow Africans, let’s not sink Africa and destroy her wealth and beauty. Let’s all come together and let’s show the world the real Mama Africa. It is time for Africa to rise and for us to stop fighting each other in cages for the excitement and benefit of one coloniser to the next.

I come of those who were transported from India and China, who resided in the fact solely that they were able to provide physical labour, who taught me that we could be both at home and foreign, who taught me that human existence itself demanded the freedom of the necessary condition for that human existence. Being part of all these people and in the knowledge that no one dare contest that assertion, I shall claim that I am an African. Thank you.

Mr G MAGWANISHE: House Chairperson, Deputy President, hon members, as we commemorate Human Rights Month in our 27-year- old democracy, we commemorate it with a deep sense of sadness as we bid farewell to all those who left us during the last year. We commemorate Human Rights Month under the challenging

climate of the COVID-19 pandemic which has been with us for almost a year now.

The devastating effects of the coronavirus on human life, human rights and the economy have been felt by all. The

*Secretary*-*General* of the United Nations, Mr António Guterres, correctly diagnosed the problem as follows, and I quote:

The COVID-19 pandemic is a public health emergency — but it is far more. It is an economic crisis. A social crisis. And

a human crisis that is fast becoming a human rights crisis.

... human rights cannot be an afterthought in times of crisis — and we now face the biggest international crisis

in generations.

... The message is clear: People — and their rights — must

be front and centre. A human rights lens puts everyone in the picture and ensures that no one is left behind. Human

rights responses can help beat the pandemic, putting a focus on the imperative of healthcare for everyone. But they also serve as an essential warning system — highlighting who is suffering most, why, and what can be done about it.

We have seen how the virus does not discriminate, but its impacts do — exposing deep weaknesses in the delivery of public services and structural inequalities that impede access to them. We must make sure they are properly addressed in the response.

Our Constitution was adopted to heal the divisions of the past

and establish a society based on democratic values, social

justice and fundamental human rights, amongst other things. It was adopted to lay the foundation for a democratic and open

society based on the will of the people. Furthermore, it was adopted to improve the quality of life of all citizens and to

free the potential of each person. The Constitution provides a historic bridge between the past of a deeply divided society,

characterised by strife, conflict and untold suffering and

injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development,

with opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

Human rights have defined the struggle for freedom and justice, as led by the ANC. The ANC’s Bill of Citizenship Rights of 1943, the African Claims of 1943, the Freedom Charter of 1955 and the Harare Declaration of 1989 became important points of reference

during the multiparty negotiations which yielded our democratic Constitution and its Bill of Rights.

The historic task of the ANC has been to create a nonracial, nonsexist, democratic and prosperous South Africa. The Bill of

Rights is the cornerstone of our democracy. It enshrines the rights of all people in our country and affirms the democratic

values of human dignity, equality and freedom. The state must

not only respect, protect and fulfil the rights in the Bill of Rights but also promote them. Our Bill of Rights provides for

three generations of rights. First-generation rights include the right to life, equality, human dignity, to freedom of expression

and religion, association and political rights, and the right to peaceful assembly and demonstration. These rights are guaranteed

in most democratic countries. Second-generation rights are

socioeconomic rights. These rights place a duty on government to work to provide education, health services, water and housing.

South Africa is one of the few countries in the world to entrench second-generation rights in the Constitution. The last

group is known as third-generation rights. This generation of rights includes the right to have the environment protected, the right of access to information and the right to just administrative action.

In the first certification judgment, the Constitutional Court acknowledged that there is a nexus between the government meeting the socioeconomic needs of the people and people exercising their civil and political rights. This was echoed by Justice Albie Sachs wherein he acknowledged that the greater

majority of South Africans had never enjoyed first- or second- generation rights and that the achievement of first-generation

rights is fundamental to the establishment of democracy and

overcoming national oppression. But for the vote to have meaning, for the rule of law to have content, the vote must be

the instrument of achieving second- and third-generation rights.

The learned justice further remarked that it would be a sad victory if the people had the right to vote every five years or

so to emerge from forced removal hostels and second-rate Group

Areas homesteads to go to the polls only thereafter to return to their inferior houses, inferior education and inferior jobs. He

noted that a fundamental constitutional problem is not to set one generation of rights against another, but to harmonise all

of them.

In the Ready-to-Govern document, the ANC declared that the Bill of Rights will guarantee that South Africa is a multiparty democracy, and that the Bill of Rights shall be binding upon the

state and organs of government at all levels and, where appropriate, on social institutions and persons. Moreover, the Bill of Rights will be enforced by the courts, headed by a separate and newly created Constitutional Court, which will have the task of upholding fundamental rights and freedoms of all

citizens against the state or any body or person seeking to deny those rights.

One of the most distinctive elements of South African

jurisprudence has been our Constitutional Court’s willingness to

adjudicate socioeconomic rights in addition to political and other rights. While the advancement of socioeconomic rights has

proceeded at a relatively slow pace compared to political equality, the constitutional protection of socioeconomic rights

and their enforcement by the courts continues to be an

inspiration.

South Africa has developed a comprehensive socioeconomic jurisprudence that enforces an array of social protections,

including the right of access to housing, health care and education.

Since its establishment in 1995, the Constitutional Court has chosen to adjudicate socioeconomic rights as a means to meet the

transformative purpose of our Constitution. The Constitutional Court in the case of *Soobramoney v Minister of Health, KwaZulu- Natal* said the following:

We live in a society in which there are great disparities

in wealth. Millions of people are living in deplorable conditions and in great poverty ... These conditions

already existed when the Constitution was adopted and a

commitment to address them, and to transform our society into one in which there will be human dignity, freedom

and equality, lies at the heart of our new constitutional order.

It is in this case that the court confirmed the enforceability

of socioeconomic and second-generation rights. The two landmark

judgments which were passed by the Constitutional Court are the

*Minister of Health and Others v Treatment Action Campaign*, which

was about the right of access to health care; and *Government of the Republic of South Africa and Others v Grootboom and Others*,

which was about access to housing. These are two examples of the rich jurisprudence emanating from our courts in interpreting and enforcing socioeconomic rights.

The COVID-19 pandemic has come with many disruptive elements in our lives which have limited our human rights. The justice system has not been spared. Section 34 of the Constitution enshrines the right to have access to courts. The Constitutional Court has, in relation to this right, held that it is

fundamentally important to our democratic order. This is not just a cornerstone of the democratic architecture, but also a

vehicle through which the protection of the Constitution itself

may be achieved. The right of access to courts is thus protected in the Constitution.

With the pronouncement of the State of Disaster and the

implementation of a national lockdown, the operations of courts were also affected. With that said, the pandemic also offered

different opportunities to ensure that the right contained in

section 34 of the Constitution was promoted. During this period, the utilisation of visual and remote court operations became

important. Video conferencing technology has also been adopted by our courts to ensure that the legal system does not grind to

a complete halt during the COVID-19 pandemic and the national lockdown.

The COVID-19 pandemic has also brought with it many challenges and opportunities. It has further exposed a second pandemic:

gender-based violence. Gender-based violence is a reflection of the patriarchal fibre of our society. Fighting gender-based violence requires a collaborative effort by government, Chapter

9 institutions ... [Inaudible.] ... rape organisations, civil society and the citizenry at large.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): [Inaudible.] ... hon Magwanishe. Hon members, please check your microphones. They are disturbing. Sorry, hon chair. You may continue.

Mr G MAGWANISHE: Thank you very much, House Chair.

Hon Ngcobo, those who loot or steal from the ... [Inaudible.]

... Those who loot or steal from the poor do not represent ... [Inaudible.] [Interjections.] Whatever the challenges of the moment are, we should continue to nurture a culture of human rights. We should never pander to populism as a short cut of dealing with difficult challenges. It is easy to abandon civility for barbarism, but very difficult to move from barbarism to civility. Human rights give us that chance. I thank you, Chair. [Applause.]

Debate concluded.

The House adjourned at 13:34.