



democratically engaged, active and responsible

Protection of Constitutional Democracy against Terrorist and
Related Activities Amendment Bill

Public participation

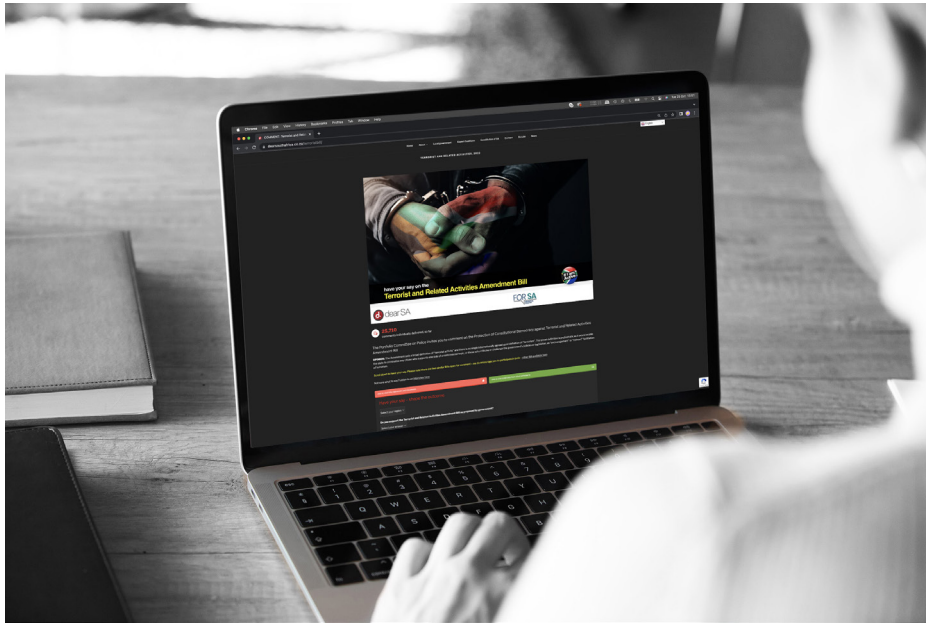
3 August – 18 October 2022

What is Dear South Africa (DearSA)?

- non-partisan
- non-profit
- facilitates public participation
- assists the government at all levels (no charge)
 - informing
 - facilitating
 - reporting
 - collating data
 - matrix summaries
 - feedback
- assists NGOs

- over **200** completed campaigns in four years
- over 4 million individual submissions delivered
- over 1.2 million subscribers
- nationwide participation
- local, provincial, municipal participation campaigns and surveys
- full digital online and mobile platform
 - over 1 million page views a month
 - over 6 million emails delivered a month
 - over 250,000 social media users

POCDATARA Bill participation campaign



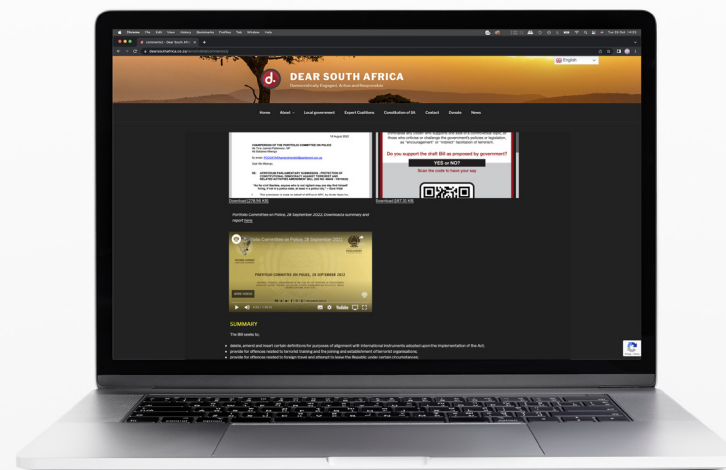
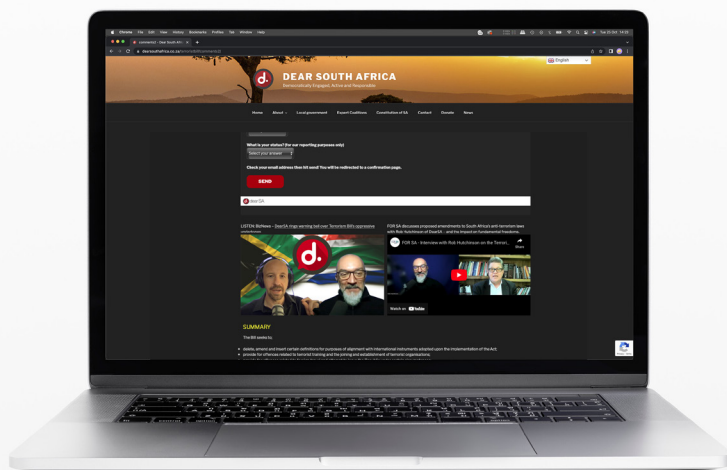
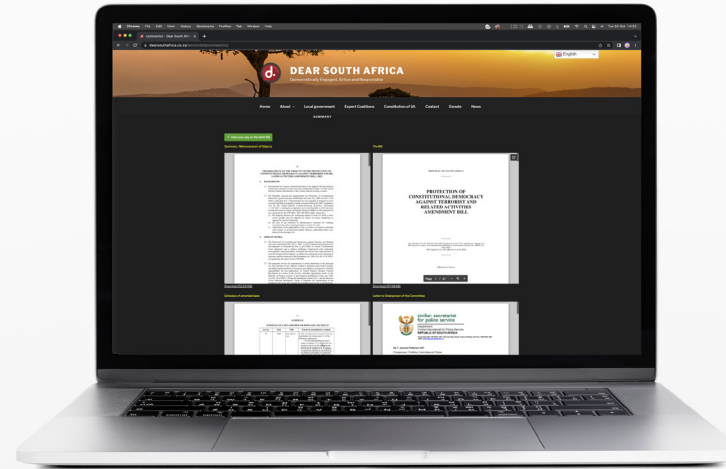
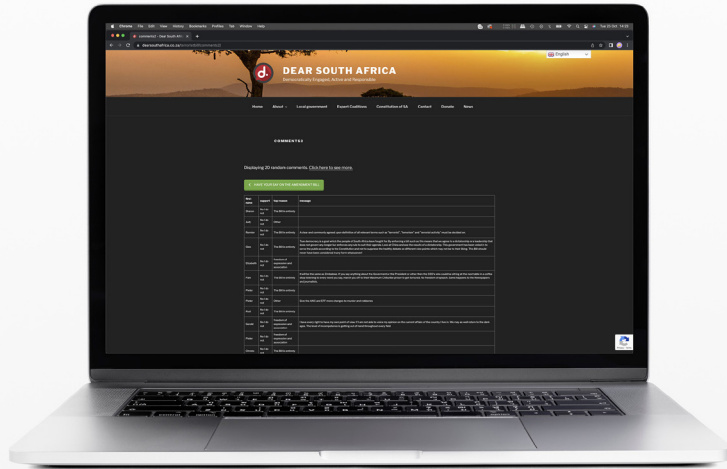
Dear South Africa (DearSA) hosted a participation project through a mobile and online platform to facilitate, educate and encourage public participation and comment to shape this amendment.

<https://dearsouthafrica.co.za/terroristbill/>

Included on the web page was:

- 1 - the published related documents as downloadable PDFs
- 2 - a live view of public comments (with a counter and breakdown reflecting number of participants)
- 3 - video summaries
- 4 - links to relevant media articles
- 5 - a portal which posed questions (with the option of multiples responses to each question)
- 6 - a comment facility to provide meaningful input on the draft Bill

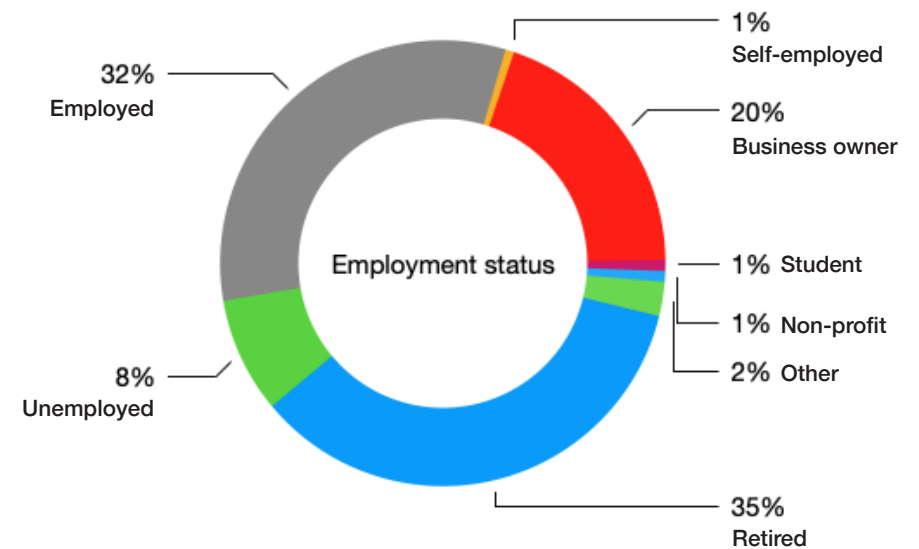
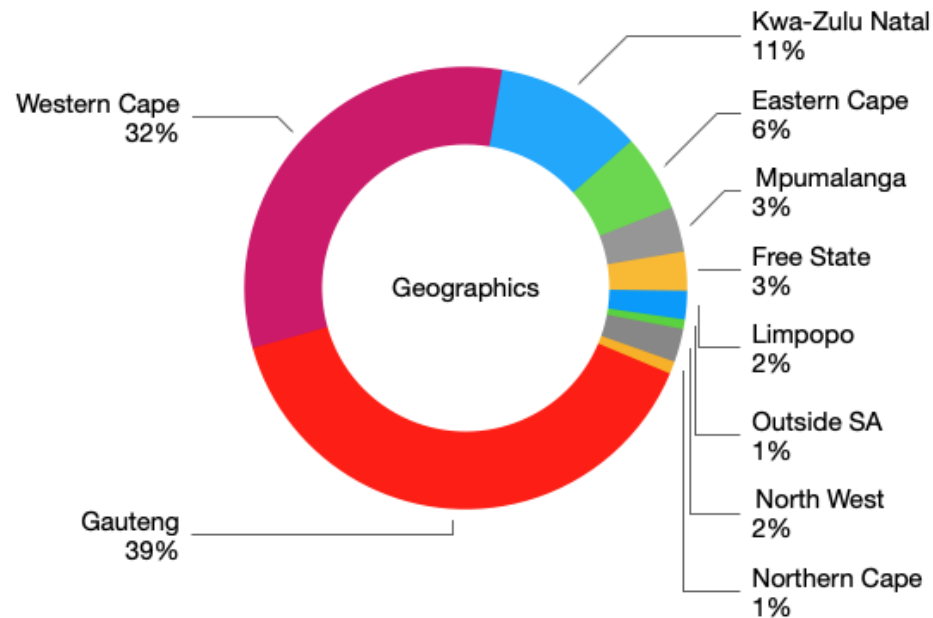
POCDATARA Bill participation campaign



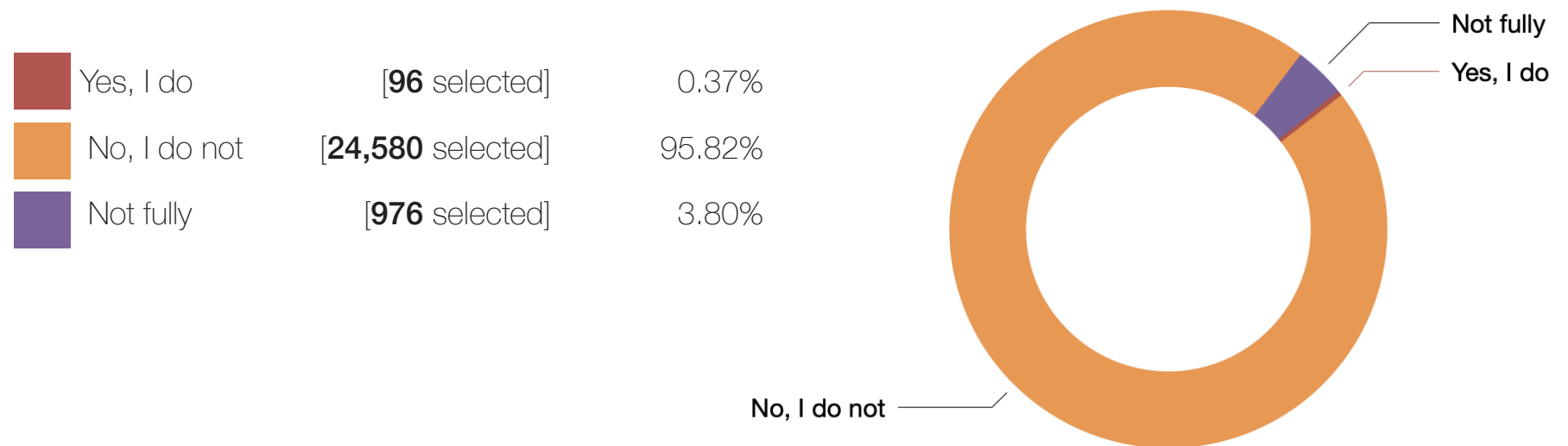
- Written public submissions and enquiries were prepared and directed to the Portfolio Committee on Police for the attention of Ms Babalwa Mbengo at POCDATARAamendmentbill@parliament.gov.za.
- To accurately reflect public comment, DearSA's projects are unbiased and hold no partisan opinion or agenda. Raw captured data is available as an Excel file.
- A total of **25,652** comments were received by the set closing of 18 October 2022 (included in the supplied Excel file and PDF).

● Geo-location

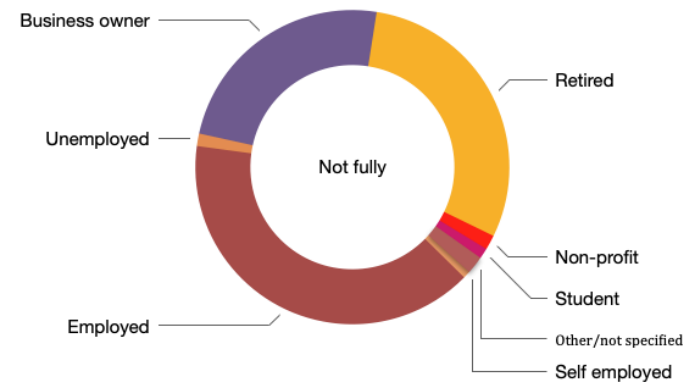
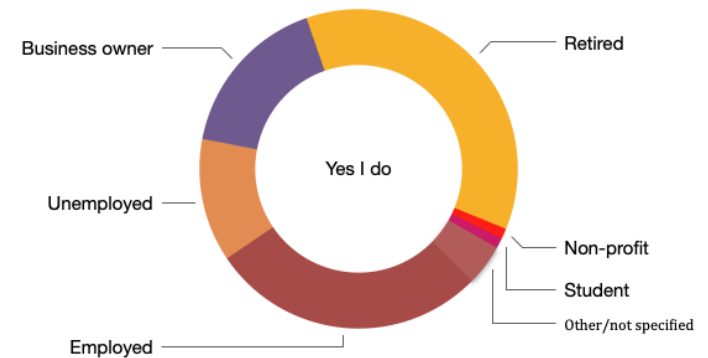
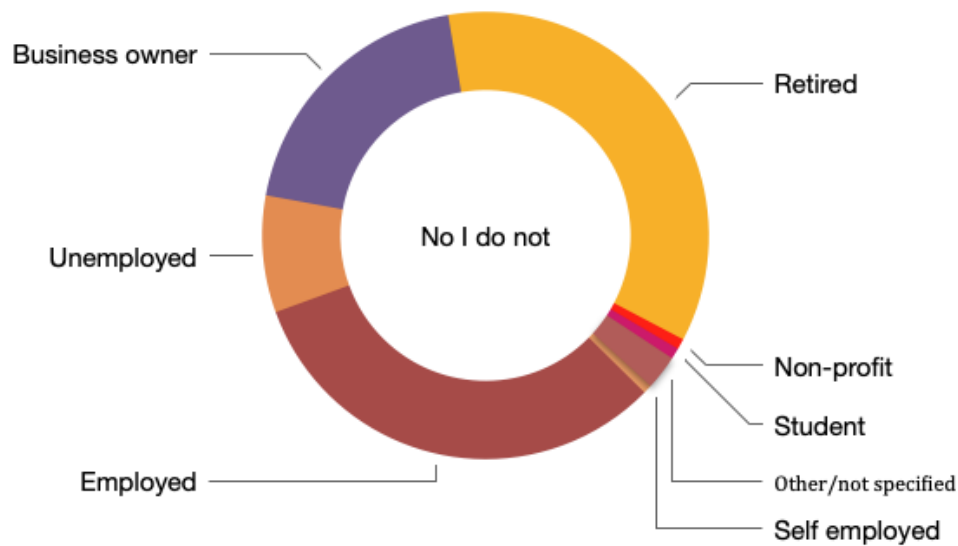
Comments originated from all provinces with the greatest input arising from Gauteng, followed by Western Cape and KZN. Participation demographics can be further broken down into comment options (yes, no, not fully), employment status, top reason, municipality, city or town, language, and more.



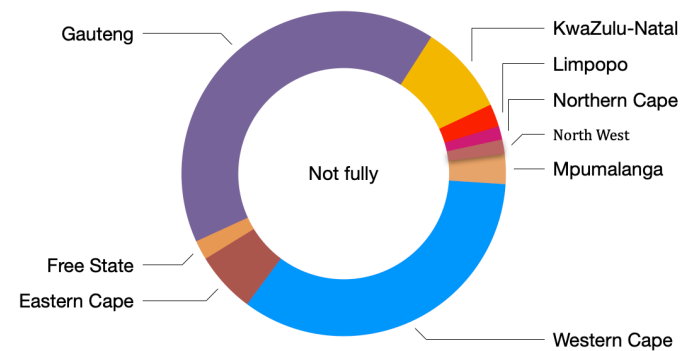
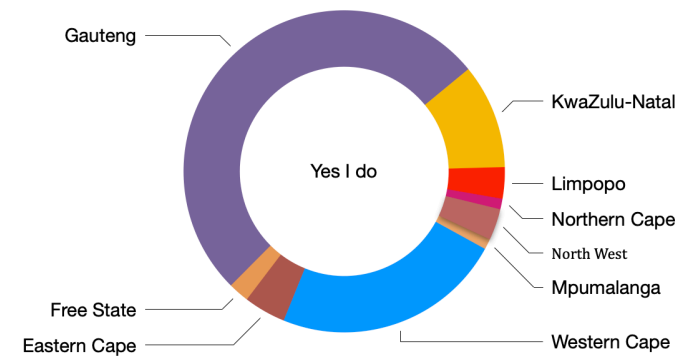
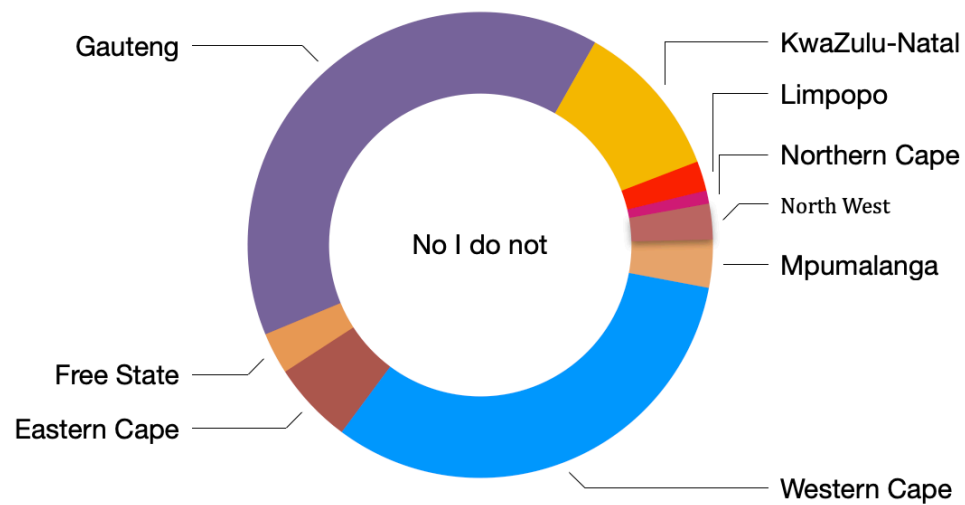
- 1. Do you support the Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill as proposed by government?










● Selection by employment status

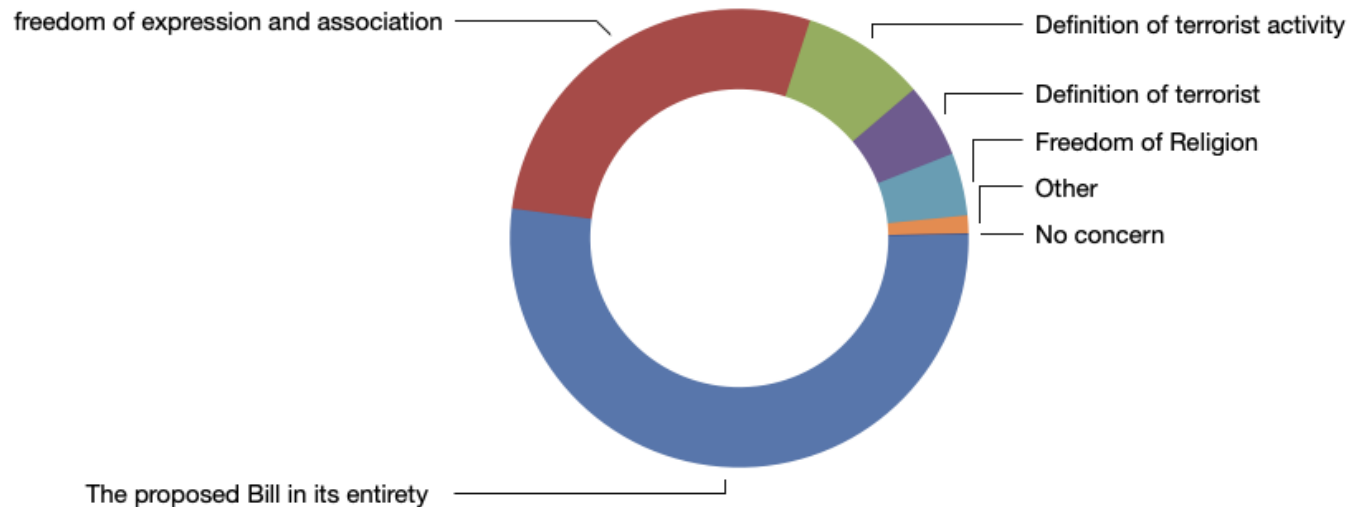


● Selection by province



● 2. What is your top reason?

	The proposed Bill in its entirety	[13,429 selected]	52.35%
	Freedom of expression and association	[7,163 selected]	27.92%
	Definition of terrorist activity	[2,246 selected]	8.76%
	Definition of terrorist	[1,342 selected]	5.23%
	Freedom of Religion	[1,133 selected]	4.42%
	Other	[324 selected]	1.26%
	No concern	[15 selected]	0.06%



● Top reason by Status

▼ retired	9006
top-reason:	Count (All):
▶ The Bill in entirety	4839
▶ freedom of expression and association	2516
▶ Definition of terrorist activity	774
▶ Definition of terrorist	432
▶ Freedom of Religion	342
▶ Other	96
▶ No concern	7

▼ employed individual	8271
top-reason:	Count (All):
▶ The Bill in entirety	4306
▶ freedom of expression and association	2248
▶ Definition of terrorist activity	744
▶ Definition of terrorist	461
▶ Freedom of Religion	409
▶ Other	97
▶ No concern	6

▼ business owner	5017
top-reason:	Count (All):
▶ The Bill in entirety	2487
▶ freedom of expression and association	1513
▶ Definition of terrorist activity	465
▶ Definition of terrorist	290
▶ Freedom of Religion	195
▶ Other	67

▼ unemployed individual	2151
top-reason:	Count (All):
▶ The Bill in entirety	1246
▶ freedom of expression and association	507
▶ Definition of terrorist activity	157
▶ Freedom of Religion	100
▶ Definition of terrorist	99
▶ Other	40
▶ No concern	2

● Top reason by Status

▼ (blank) 636	
top-reason:	Count (All):
▶ The Bill in entirety	329
▶ freedom of expression and association	196
▶ Definition of terrorist activity	43
▶ Definition of terrorist	30
▶ Freedom of Religion	23
▶ Other	15

▼ student 205	
top-reason:	Count (All):
▶ The Bill in entirety	86
▶ freedom of expression and association	63
▶ Freedom of Religion	22
▶ Definition of terrorist activity	19
▶ Definition of terrorist	14
▶ Other	1

▼ Non-profit 202	
top-reason:	Count (All):
▶ freedom of expression and association	67
▶ The Bill in entirety	61
▶ Freedom of Religion	35
▶ Definition of terrorist activity	22
▶ Definition of terrorist	12
▶ Other	5

▼ self-employed 164	
top-reason:	Count (All):
▶ The Bill in entirety	75
▶ freedom of expression and association	53
▶ Definition of terrorist activity	22
▶ Freedom of Religion	7
▶ Definition of terrorist	4
▶ Other	3

● **HOWEVER**

High level data and statistics do not reveal the full picture — and can be misleading.

- Comment by comment analysis
- Broad category analysis

- **Word cloud** — most frequently used words

Filtered words:	freedom	6,289
government	people	3,579
terrorist	speech	3,571
terrorism	right	2,892
South	citizens	2,532
Africa	democracy	2,199
country	definition	2,154
any	rights	2,102
bill	against	1,900
being	state	1,847
like	power	1,457
	expression	1,406
	constitution	1,372
	democratic	1,318

In response to question 1

- **“Yes I do support the Bill” – summary**

Of the “Yes, I do” comments, the participants who submitted valid comments are mostly in full support of the Bill, with majority expressing concerns over the possible greylisting of South Africa by the Financial Action Task Force. Some participants are concerned over the growing threat of terrorism, both domestic and from abroad, with concerns over the transparency of non-profit organisations.

In response to question 1

- **“Not fully support the Bill” – summary**

Of the “Not Fully” comments from participants in this category express concerns over an encroachment on constitutional rights, due to the vague and unclear definitions of terrorist and terrorist activities. Many express a need for the amendment to curb extremist action, damage to state resources or infrastructure, corrupt activities and politically-motivated agendas that promote violence and destruction, however, a strong concern remains on the loose and vague definitions within the Bill which are open to interpretation and abuse.

Concerns are also raised over the ability to enforce laws and mentions are made of existing laws and legislation which is more than adequate and proven to be effective.

In response to question 1

- **“No I do not support the Bill” – summary**

Of the “No, I do not” comments, the vast majority of participants are concerned over the erosion of the Constitution of South Africa and, most notably, the Bill of Rights. Emphasis has been made on the threat to freedom of expression, freedom of association, freedom of religion, and to our democracy due to unclear and vague definitions of terrorism and terrorist activities. Concerns are raised over the amendments being abused to stifle criticism of the government or its policies and proposals – essential to a functional democracy.

Further concern ranges from the silencing of political opponents through to misinterpretation of the definitions by authorities – with remarks around moving backwards to Apartheid-era laws and legislation.

In response to question 2 (top reason)

- **Suggestions from “Yes I do”**

Reason; The proposed Bill in its entirety

1. The Finance Action Task Force Finding re SA being greylisted refers. This could be the reason why parliament is trying to ratify the amendment asap.
2. Yes because we have learnt how other people have used others to commit criminal activities in the name of freedom of speech and nothing is been done about them. I think the rights had to be bent a bit in order to give the state the biting power ...
3. The purpose of this amendment and the omnibus bill is to avoid South Africa being greylisted by FATF which will have a tremendous impact on the economy.

Please note these are partial comments for presentation purposes only. The full, unabridged comments are in the accompanying report and within the spreadsheet. All documents are available on the DearSA platform at this link <https://dearsouthafrica.co.za/terroristbill/>

In response to question 2 (top reason)

- **Suggestions from “Yes I do”**

Reason; Freedom of expression and association

1. Terrorism in any form or word affects the lives of innocent women and children, and must never be tolerated.
2. Crime in general is very bad in this country an the government needs to take a tough stand

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In response to question 2 (top reason)

- **Suggestions from “Yes I do”**

- Reason; Definition of terrorist activity**

1. It seems to me this is designed to hold those accountable who would destroy infrastructure and hold violent riots designed to destabilize the economy or undermine unified integrity within the nation.
2. There's too much freedom of expression without responsibility a case in point is the KZN July unrest ...
3. Terrorism activities, terrorist action when it occurred, it is not an event, it proses, which it build up, from many reasons and factors ...

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In response to question 2 (top reason)

- **Suggestions from “Yes I do”**

- Reason; Freedom of Religion**

1. There are good amendments in relation to foreign fighters. If a SA citizen goes to fight for Islamic State, I wish they can revoke their citizenship

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In response to question 2 (top reason)

● Suggestions from “Yes I do”

Reason; Other

1. Any country in the world will protect its sovereignty against what it seems as terrorism regardless how it define it.
2. The security of the country is currently at stake with the lax laws. We need laws that bite, even if limiting some freedoms, until we have some stability.
3. South and Southern Africa has been a relatively stable country/region in respect to terrorism acts, therefore, we have to nip it in the bud before it rears its ugly head here.

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In response to question 2 (top reason)

- **Suggestions from “Yes I do”**

Reason; No reason

1. I don't know why people would object. I'm for anything that will curtail and identify criminality. Innocent people should have nothing to worry about.
2. There are a lot of issues with the Bill, but I'm sure Civil Society will work them out. Today, the oversight of the funding of radical religious organizations is a concern.

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In response to question 2 (top reason)

- **Suggestions from “Not fully”**

Reason; The proposed Bill in its entirety

1. My concern with this Bill is history likes to repeat itself. We are already moving in the direction of a totalitarian state and the signs, utterances and statements made by individual party members and parties as a whole suggests that.
2. While I am concerned by terrorist activities globally and a partial link to South Africa, I am seriously concerned that the proposed amendments do not help, but rather provide opportunities for abuse of authority.
3. I acknowledge the need however the bill in its current form presents many far reaching ambiguous statements with over-reach and frankly. I am very confused about the real implications. I feel like my constitutional right to rise up against injustice (especially when the government is responsible) will be worse than in the apartheid regime

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In response to question 2 (top reason)

- **Suggestions from “Not fully”**

- Reason; Freedom of expression and association**

1. During the height of the COVID pandemic, the police who have been ineffectual in general law enforcement for years resorted to overreach to enforce draconian and vague regulations based on broad interpretations ...
2. I would suggest that a clearer distinction needs to be made between what constitutes freedom of speech/opinion and what constitutes extremism or terrorist activity that presents a genuine threat to national security.

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In response to question 2 (top reason)

- **Suggestions from “Not fully”**

- Reason; Definition of terrorist activity**

1. It is unacceptable that non-violent opposition against government be categorised as terrorism.
2. The definition of terrorist/terrorism is too wide, and could be used by the state to silence or punish dissenting views by declaring the viewpoint as sabotage or insurrection.
3. The proposed Bill places all outspoken NPOs, churches, investigative journalists and citizens at risk of being classified as terrorists.

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In response to question 2 (top reason)

- **Suggestions from “Not fully”**

- Reason; Definition of terrorist**

1. While i understand the concern that the bill is trying to address in it present form it is far too vague. Its definition of what constitutes terrorism needs to be rethought through.
2. The definition of terrorism needs to be far more specific. The Bill’s current definition is too broad in that :-
 - a. It would enable the state to criminalise anyone who supports a controversial topic.
 - b. It would criminalise anyone who criticises or challenges state policies or legislation as “supporting” or indirectly “encouraging” terrorism.

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In response to question 2 (top reason)

- **Suggestions from “Not fully”**

- Reason; Freedom of Religion**

1. It is any citizen’s fundamental human right to be able to worship his/her way and be associated with his her group/denomination without fear of intimidation/harassment. The same goes for freedom of expression and association.
2. Clause 1(r)(c) would for example cause any religious schooling to be defined as a terrorist act, and further inhibit freedom of speech, SA needs to become more democratic,

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In response to question 2 (top reason)

- **Suggestions from “Not fully”**

Reason; Other

1. My major concern is that we already have good legislation in place. The problem lies in the execution of legislation by organs of the state.
2. Freedom of Speech and Freedom and Association are two basic tenets of ANY free republic. Further, the current Act is already very broad.

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In response to question 2 (top reason)

- **Suggestions from “No I do not”**

Reason; The proposed Bill in its entirety

1. I am opposed to the Bill as it does not give a clear definition of what a terrorist is or what terrorist activity is. Therefore it can be used indiscriminately and at will to silence and criminalise anyone that has a difference of opinion ...
2. I am reasonably sure this Bill will not survive a challenge in the Constitutional Court and should rather be scrapped or entirely rewritten.
3. Vague definitions! Can only provide Government with an opportunity to curb freedom of expression or any dissenting voice. Undemocratic! Also places all NGO's under undue scrutiny, while they are actually providing many of the services Govt (National, Municipal and Local) is FAILING to do.

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In response to question 2 (top reason)

- **Suggestions from “No I do not”**

- Reason; Freedom of expression and association**

1. “The government is hovering close to a detention without trial situation. If people are not allowed to express their views then the pressure cooker bursts into violence to make a point. We don’t need that type of situation. SA came about through talk and negotiations not incarceration and jail time.
2. Measures which may be interpreted to further restrict transactions by law-abiding entities. Possible interpretation of words and clauses. Onerous delays in analyzing information collected by law-enforcement authorities, already a very serious problem.
3. If this Bill becomes law we can say goodbye to democracy.

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In response to question 2 (top reason)

● Suggestions from “No I do not”

Reason; Definition of terrorist activity

1. I am strongly against terrorism but in this case it depends on how terrorism is defined. If the act considers as terrorism all comments and actions by parties that oppose the current ruling party or the government then SA will soon become more of a dictatorship with bills like these.
2. If this Bill is allowed to become law it will give the current government and future governments draconian powers to stifle any form of dissent and possibly even the right to gather in public ...
3. The broad and open-ended definition of terrorism is dangerous as it can lead to dictatorship and criminalization of innocent citizens.

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In response to question 2 (top reason)

- **Suggestions from “No I do not”**

Reason; Definition of terrorist

1. This suggested bill is aimed to set the country on a course towards totalitarianism.
2. I am afraid of what you may decide is terrorism ?? People will be too afraid to express their opinion on any subject as it may constitute an act of terror.
3. This is a confused proposed law. When or when not to label someone as a terrorist.

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In response to question 2 (top reason)

- **Suggestions from “No I do not”**

- Reason; Freedom of Religion**

1. Many churches and religious organisations are vocal during election times. They are also sometimes critical of the government and political leaders, corruption and the general state of the country. Does such openness and freedom of expression classify them as terrorists?
2. Freedom of Religion is a constitutional right and is threatened when the definition of terrorism can be moulded in a way that precludes religious freedom (I am not talking about ‘religious freedom’ that causes harm to others, that should not be permitted).

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In response to question 2 (top reason)

● Suggestions from “No I do not”

Reason; Other

1. Freedom of speech for individuals and the press is an essential part of a democratic society and must be protected at all costs otherwise South Africa will once again become an autocratic country in which people are afraid to speak again against injustice and prejudice.
2. This kind of law is exactly how the apartheid NP stifled demonstrations by the public when they were scared of the criticism.
3. The problem with the bill is that there is no proper definition given for terrorism. Terrorism cannot be defined merely as opposition to the state.

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In response to question 2 (top reason)

- **Suggestions from “No I do not”**

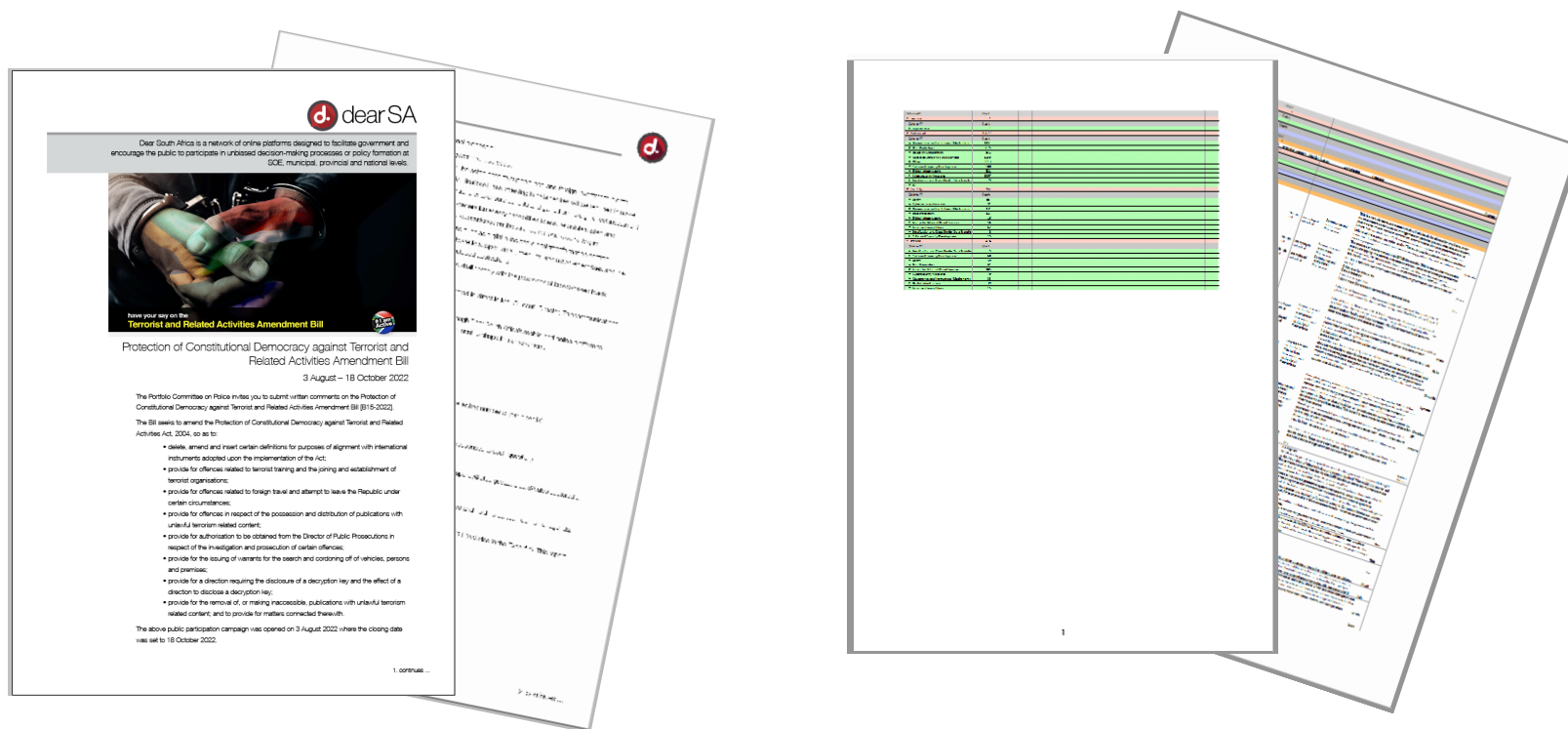
Reason; No reason

1. The Amendment Bill as proposed, sets a broad definition of “terrorist activity” and there is no single internationally agreed upon definition of “terrorism”. The broad definition is problematic as it would enable the state to criminalise any citizen who supports one side of a controversial topic, or those who criticise or challenge the government’s policies or legislation, as “encouragement” or “indirect” facilitation of terrorism.
This proposed Bill places all outspoken non-profits, churches, and citizens at risk of being classified as terrorists.

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- All suggestions from all categories

Available in the full report and PDF of all 25,652 public submissions — attached to this presentation and available at <https://dearsouthafrica.co.za/terroristbill/>



● Conclusion

- Major concerns around broad and vague definitions of terrorist and terrorist activities
- Concerns around erosion of constitution and democracy
- Is there a need for the Amendment Bill (existing legislation effective)
- Suggestions of withdrawal or further amendments to clarify definitions



democratically engaged, active and responsible

Thank you

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