**African Christian Democratic Party**

 **17 May 2022

ACDP Parliament
Budget Vote 25: Justice and Constitutional Development
Speech by ACDP Whip, Steven Swart MP**

 **ACDP concerned by considerable difference between what is presented at strategic meetings and what happens on the ground at Justice department**“Chairperson,

It is the central role of the state to protect its citizens and uphold the rule of law.

The ACDP believes that it is largely failing in this regard despite the best efforts of thousands of dedicated court officials, judges, magistrates, and prosecutors. The criminal justice sector is struggling to cope with the high levels of crime and violence.

The average law-abiding citizen feels overwhelmed by the lawlessness pervading the nation. Consider the high levels of gender-based violence, senseless murders, robberies, hijackings, and kidnappings. One can add the ongoing taxi and trucker wars, the construction mafia, corrupt tenders running to billions, the gold, coal and diesel syndicates, the copper mafia, illegal mining, state capture and the looting of SOE’s, the theft of rail infrastructure, bribery and kickbacks, political assassinations, and corrupt municipalities. The list is almost endless.

The ACDP has called for more resources to be made available for law enforcement agencies and the NPA to respond to this lawlessness. This, in the knowledge that the most effective deterrent to crime is the sure knowledge that the perpetrator will be apprehended, successfully prosecuted, and sentenced to a lengthy period of imprisonment. Sadly, there appears to be very little deterrent to crime in the country. South Africans are understandably demanding that more must be done to ensure that criminals are placed behind bars, and stolen state funds recovered. The ACDP agrees.

The NDPP recently estimated that R1.5 trillion has been lost to corruption. Just imagine what could be done with an additional R1.5 trillion – to stimulate the economic growth, create jobs, and to assist the poorest of the poor.

The ACDP appreciates the reports by the department and entities reporting to the Committee. We commend the work done by the SIU as well as the NPA, including the ID, so far. The recent successful preservation order for Gupta-owned Optimum Mine of R3bn is welcomed. We look forward to the next 6 months, which NDPP adv Batohi said would be “seminal’ in the prosecution of state capture and corruption cases.

The Committee’s recent visits to courts and buildings in several provinces revealed the deplorable, even shocking, state of the Department’s infrastructure. Not only are some court buildings so neglected that they have become structurally unsafe, but a number of courts also cannot access running water and electricity when there are outages. In these circumstances, courts cannot stay open, contributing to increased backlog matters. This cannot be allowed to continue.

We also look forward to improved service delivery at the Masters Offices and the State Attorneys Offices.

The ACDP has previously expressed its concern about the number of arrests related to alleged transgressions of the COVID-19 Regulations. Many citizens were unaware that paying an admission of guilt fine resulted in their having a criminal record. We do not believe that it is desirable to make criminals of citizens for relatively minor misdeeds. We are pleased that the Department intends introducing a Judicial Matters Amendment Bill in this financial year to address this issue.

We note the Department’s view that its performance in 2021/22 has shown significant signs of recovery and upward trajectory and will engage with the Department’s annual report and audit report later this year. Nonetheless, we have observed the considerable difference between what is presented at strategic meetings and what happens on the ground, which we find deeply concerning.

The ACDP together with other members of Committee will continue to exercise robust oversight over the Justice department and other entities reporting to it to ensure that justice is provided to the people of our country.

I thank you.”