Address by the Deputy Minister of Justice and Constitutional Development, the Hon JH Jeffery, MP, at the Budget Vote Debate on the Department of Justice and Constitutional Development, National Assembly, 09 May 2018

Honourable Speaker / House Chairperson
Ministers and Deputy Ministers
Members of the Judiciary
Honourable Members
Distinguished guests
Ladies and gentlemen, comrades and friends

Former President Mandela would have turned 100 years old on 18 July. The centenary celebrations are commemorated under the theme “Be the legacy”.
What is the Mandela legacy? It is the ideal of a nation built on democracy, freedom and equality, and a constitution to guarantee fundamental human rights.   Keeping this legacy alive, means protecting and promoting those hard-won freedoms and human rights.

Have we lived up to this formidable task?
Madiba said: “*Overcoming poverty is not a task of charity, it is an act of justice*.”
What has our Department done to achieve this - to overcome poverty, to help the poor and the vulnerable?
We have extended justice services to rural and traditionally poor areas – those areas which never had access to these services in the past.

Our Small Claims Courts now extend across the entire country. With 411 of these courts and another 33 additional places of sitting, it means that in every single magisterial district in the country, people can access these courts, free of charge and without the use of a lawyer, to have their matters heard. For a matter to be heard in the Small Claims Court, the amount of the claim must not exceed R15 000. We have received requests, which we are considering, to increase this amount - last adjusted in 2014 – which would mean that even more of these matters could then be heard by these courts.   We will soon approach role-players in this regard.
Legal Aid South Africa continues to make access to justice a reality by assisting the poor who would otherwise not be able to afford legal representation.

How else do we help the poor?
We have passed several pieces of legislation, many of them focusing specifically on the poor.  The recently enacted Courts of Law Amendment Act aims to protect the poor, often non-literate, who in their desperation, conclude credit agreements which push them further into debt traps. This legislation puts a stop to abusive debt collection practices.
We’ve also amended the Rules of Court - which came into effect in December last year - on the attachment of a debtor’s residential property.  The amendments provide enhanced protection for debtors by providing for judicial oversight of the process and the setting of a reserve price on the property.

Maintenance is always an emotional issue. Maintenance improvements help the poor and the most vulnerable. Many of you may have read over the weekend of a businessman who has been convicted in a criminal court of failing to pay more than R1m in maintenance – while he was living the high life, his ex-wife and children were living in abject poverty. He could now face a term of imprisonment.
Earlier this year, certain sections of the Maintenance Amendment Act were put into operation. These sections provide, amongst others, that parents who default on child maintenance can now be blacklisted.
The Department is also on track with its service delivery improvement plan of maintenance applications being finalised within 90 days.
We are aware that the whole maintenance process needs to be overhauled and for that reason the South African Law Reform Commission has been tasked with reviewing the Maintenance Act.  However, in the interim, we must ensure that the system acts as optimally as possible.

Chairperson,
Madiba said: “*Education is the most powerful weapon which you can use to change the world*.”
How do we do that? By ensuring that we undertake constitutional and human rights’ education. A recent survey, the Socio-Economic Justice for All (“SEJA”) Baseline Survey provides us with useful information in order to assess where we stand on constitutional and human rights awareness.
Respondents were asked if they had heard of the Constitution or the Bill of Rights.  Only slightly more than half (51%) of respondents had heard of either. With regards to race, whites were the most likely (68%) to have heard of either, followed by Indian respondents (61%).  While the majority (56%) of coloureds had heard of either the Constitution or the Bill of Rights, less than half (48%) of black African respondents had heard of either.
There is still an enormous task ahead of us in raising levels of constitutional and human rights awareness. If persons or communities are not aware of their rights, how can they possibly enforce them?
We need to continue with human rights education if we are, as Madiba said, to change the world.

Madiba said: “*Safety and security don't just happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear*.”
What have we done to protect people and make sure that our people are, and feel, safe?
The Prevention and Combating of Trafficking in Persons Act came into operation in 2015 and we are making progress in the fight against human trafficking. In the 2016 Global Slavery Index South Africa ranked 27th out of 167 countries and the US State Department’s Trafficking in Persons Report 2017 says our “government demonstrated increasing efforts by identifying more than double the number of trafficking victims and referring all identified victims to care.”
As the Minister has indicated, our Department has been upgrading regional courts into sexual offences courts in line with the revised Sexual Offences Courts Model.
A National Forum on the Implementation of the Sexual Offences Ac, comprising both government and civil society role-players, was held in October 2017 to identify the challenges that hinder the successful implementation of the Act and to come up with a set of proposals to make the Act work better.
The National Forum provides civil society role-players with an ideal opportunity to work with government and be part of the solution.  We urge them to make use of this opportunity.

At last year’s budget vote debate we had just learnt of the tragic death of Karabo Mokoena. Today, we know that her killer has been sentenced to 32 years in jail.
It is said that of the total number of women murdered in our country, half are killed by their intimate partners. For this reason, the Department will be establishing a Femicide Watch as recommended by the UN, with phase 1 thereof to be completed by March 2019.

Children are our most vulnerable in society and our Chief Family Advocate will continue to increase the number of children who will be assisted through the family advocate intervention to 25 000 by the end of 2019/20.

With regards to the LGBTI community, our National Task Team on LGBTI Rights is a very successful partnership between government and civil society and was named in a 2016 report by the UN’s Office of the High Commission on Human Rights as a best practice model and international case study of government and civil society co-operation. Again, we urge civil society to use these opportunities for engagement.

In 1993, when Madiba addressed the United Nations, he expressed his gratitude to the international community, he said:
“*We have, together, walked a very long road. We have travelled together to reach a common destination. The common destination towards which we have been advancing defines the very reason for the existence of this world Organisation. The goal we have sought to reach is the consummation of the yearning of all humankind for human dignity and human fulfilment*.”
He also mentioned the then OAU, the Commonwealth, the Non-Aligned Movement, the European Community and other intergovernmental organisations.

Today, we still value to the support of our international role-players and donor partners. Here I want to mention the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants, which is a joint initiative by the EU, the UNODC, the IOM and UNICEF with our Department. South Africa’s response to trafficking in persons is in a critical phase of implementation and therefore we value this initiative.
The European Union, through our implementing partner, the Foundation for Human Rights, has assisted with many constitutional initiatives.
I also want to thank USAID and the Embassy of the Kingdom of the Netherlands for their valued support.

We also take our international reporting obligations very seriously when we report to various international structures on human rights progress in our country – as we did when we appeared before the UN Human Rights Council in September.

Madiba said: “*A simple vote, without food, shelter and health care is to use first generation rights as a smokescreen to obscure the deep underlying forces which dehumanise people. It is to create an appearance of equality and justice, which by implication socio-economic inequality is entrenched. We do not want freedom without bread, nor do we want bread without freedom*.”
In this regard, South Africa submitted our first country report on the International Covenant on Economic Social and Cultural Rights to the UN in April 2017.  In September this year, South Africa will appear before the UN Committee to engage on the progressive realization of socio-economic rights.
This process is extremely important, given our constitutional protection of socio-economic and cultural rights.
The phrase “Leave no one behind’ is the clarion call of the 17 Sustainable Development Goals which aim to address the root causes of poverty and the universal need for development that works for all people.

Chairperson,
Madiba said: “*We speak here of the challenge of the dichotomies of war and peace, violence and non-violence, racism and human dignity, oppression and repression and liberty and human rights, poverty and freedom from want*.”
What have we done to fight racism and discrimination? In addition to what the Minister has said about the Hate Crimes and Hate Speech Bill, we have established Equality Courts - these courts remain under-utilized and the public must made more aware of how to approach these courts.
We are undertaking a number of sustained and visible anti-xenophobia campaigns and the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance is to be finalised and submitted to Cabinet by 31 December 2018.

What did President Mandela say about the courts and the justice system? He said:
“*Even although I now happen to be tried by one whose opinion I hold in high esteem, I detest most violently the set-up that surrounds me here. It makes me feel that I am a black man in a white man's court*.”
What have we done to change this? Have we transformed the legal profession and the justice system to make it a court and a justice system for everybody and to ensure equality before the law?
As the Minister has indicated, we have rolled out new courts and refurbished existing ones. In terms of the Legal Practice Act we are enhancing transformation of the legal profession.
A key transformational initiative involves growing the pool of advocates and attorneys. This is achieved through increasing briefs to PDI and female legal practitioners. We have met our targets in this regard and the details of those being briefed are available on our website. I want to urge all interested parties to scrutinise these figures.
The Sheriffs’ profession has been transformed and professionalised, we have a new Board and we are filling vacancies with greater efficiency.
We have succeeded in creating people-centred justice services that are accessible, reliable and efficient.
In the 2018/19 financial year, the department will put in place initiatives that will improve how currently the satisfaction level will be measured.
At the same time, we must be realistic about the risks due to budget cuts: Between 2015/16 to 2017/18, the NPA has lost 244 officials whilst the DOJ&CD has lost a total of 1 213 employees during 2017/18.
We have to come up with ways of doing more, with less resources.

Honourable Members,
We are succeeding in keeping Madiba’s legacy alive, but we cannot rest on our laurels.
As he said: “*After climbing a great hill. One only finds that there are many more hills to climb*.”
We are steadfast and resolute in our task.
Thuma Mina.

There are many more hills to climb, many more people and communities to assist, many more services that need to be delivered - this budget will enable us to do so.

I thank you.