

Budget Debate on Vote 25: Justice and Constitutional Development

Speech by Glynnis Breytenbach MP

DA Shadow Minister of Justice and Constitutional Development

Honourable Members

It is with deep sense of concern that we must address the performance, or rather the lack of performance, of the Department of Justice and Constitutional Development, and its Minister. While the Portfolio Committee has the great privilege to work with dedicated officials doing their very best, the same cannot be said of their Minister. While the Minister is great at making promises and delivering plans on paper, he has been unable to put them into operation, and has focussed on attempting to propel his own personal career within his party rather than make a success of the job he was given. This means that his term of office cannot be seen as a stellar success story.

The Department of Justice is tasked with upholding the Constitution, the rule of law, ensuring access to justice and ensuring that justice is served fairly and equally to all citizens. The Department and the Minister have failed in this duty and South Africans are far worse off now than they were five years ago. Nought has come of the great plans that have been held up in this House.

One of the most pressing issues facing our justice system is the rampant corruption that has infiltrated every level of government and society. Despite an endless number of high-profile corruption cases, very few of the high-profile accused have been held accountable for their actions. Certainly, none of the high-profile kingpins have been held to account. This sends a clear message to the public that those in power are above the law, and that justice is only available to those with enough money and influence. It demonstrates unequivocally that well connected people can avoid accountability, and the low hanging fruit are the only ones held accountable.

In addition to corruption, our justice system is plagued by a lack of resources, including inadequate funding and staffing. This has resulted in a constantly growing backlog of cases, with many accused individuals waiting years for their day in court. This backlog is particularly egregious in cases of gender-based violence, where survivors often wait for years to see their perpetrators brought to justice.

The Department's response to these challenges has been inadequate at best and negligent at worst. We are constantly confronted with failures that could easily have been avoided by just doing the obvious. IT and other vital systems are paralysed by a lack of maintenance, and an apparent inability to ensure that proper contract management is in place. Maintenance issues are not attended to, and the results are all too obvious. The collapse of the roof of the

Potchefstroom Magistrates Court is a telling example and has still not been repaired. At a meeting last week of the Portfolio Committee to address these shortcomings with the Minister and the Minister of Public Works, it was disappointing, but not surprising, when the Minister of Justice could find no space in his diary to attend, leaving the newly appointed Minister of Public Works to carry the can alone.

This lack of action has resulted in a crisis of confidence in our justice system, with many citizens losing faith in the ability of the Department and its Minister to uphold the rule of law. This has had a ripple effect throughout society. It undermines the legitimacy of our government and erodes public trust in our institutions. The performance of the Masters' Office remains abysmal. One only has to refer to the long queues forming daily at Masters' Offices throughout the country to understand that the entire edifice of the Masters' Offices nationally has all but ceased to function. The Minister's answer to this is to appoint an acting Chief Master who has no powers and is by all accounts not qualified for the position.

This crisis of confidence is particularly acute among vulnerable populations, including women, children, and LGBTQI+ individuals, who are often disproportionately affected by corruption, violence, and the backlog of cases.

No discussion on the performance of the Department of Justice in this context would be complete without reference to the National Prosecuting Authority (NPA). The NPA is responsible for prosecuting criminal cases in our country and ensuring that justice is served. However, the NPA has not succeeded in gaining the confidence of South Africans that it is capable, or even improving its capability, to deal with high profile matters, and corruption in particular.

The NPA has been palpably slow to act on cases, leading to long delays in justice. In many instances, cases have dragged on for years, and some cases have been dismissed altogether due to a lack of progress. This not only denies justice to the victims of these crimes but also creates a culture of impunity for criminals. It undoubtedly makes the game seem worth the candle, and we are not winning. South Africans do not feel safe in their own country, not even in their own homes.

In addition to these issues, the NPA has been operating under a severe lack of resources and capacity. This has resulted in a growing backlog of cases. The response to these challenges has been inadequate. Despite repeated calls for reform, the NPA has failed to take decisive action to address internal corruption, slow progress on cases, and the backlog of cases. This failure has undermined public trust in the NPA and the justice system as a whole, creating a crisis of confidence that will be very difficult to dispel. We also acknowledge freely that there are many dedicated, hard-working prosecutors who go to work each day and do their best

under exceptionally difficult conditions. They keep the wheels of justice turning and achieve some notable successes. To them we convey our heartfelt thanks.

In order to regain public trust and confidence, and improve its rather tarnished image, the NPA must take steps to ensure that cases are prosecuted much more speedily. Additionally, the NPA must be provided with the resources and capacity needed to address the backlog of cases and speed up progress on ongoing cases. Furthermore, the NPA must prioritize cases involving violence against women and children, ensuring that survivors are not left waiting for justice for years. This includes providing support to survivors throughout the legal process and ensuring that they are not re-victimized by the justice system.

During his budget speech last year, the Minister told us that the Judiciary had submitted the Institutional Models Report to the Executive in 2013 wherein their preferred court administration model was outlined. As part of his commitment to implement the National Development Plan 2030 and to respond to the Judiciary, he told us that he intended, during this past financial year to approach Cabinet to finalise this outstanding matter. Not surprisingly, this has still not yet been finalised.

In conclusion, it is clear that the Minister has failed in his duty to uphold the rule of law and ensure that justice is served fairly and equally to all citizens. The rampant corruption and lack of resources within the Department have created a crisis of confidence in our justice system, eroding public trust in our institutions and perpetuating inequality. The time for the Minister to take decisive action and to address these challenges has now passed. He has not succeeded in restoring faith in our justice system, and this will be his legacy.

This is, Minister, perhaps a good time for you to reflect, and in the very limited time you have left, do better.

I thank you.