

**Address by the Hon AC Nel, MP,
Deputy Minister of Justice and Constitutional Development,
at the Debate on Vote 25: Justice and Constitutional Development,
in the National Assembly on 9 July 2025**

Chairperson, Honourable Members, I join in the salutations and condolences extended by the Minister.

The theme of the 2025 State of the Nation Address delivered by President Cyril Ramaphosa was: *“A Nation that Works for All”*.

A nation that works for all needs an accessible and well-functioning justice system that works for all.

That is what this budget is about.

It means the protection of human rights, an independent judiciary, well-functioning courts, fair and speedy trials, and efficient justice services.

It means translating the vision of the Freedom Charter and the Constitution - of a society in which all are equal before the law - into a lived reality for all, not a privilege for the few.

This year, we celebrated Freedom Day under the theme:

“United in Resilience for the Defence of Our Freedom and Democracy”.

This is a clarion call given the increasingly strident assaults on the judiciary, the rule of law, and the very notion of a constitutional democracy.

We support Judge President Dunstan Mlambo when he cautioned that:

“...powerful people criticise the courts with unsubstantiated cases, powerful people who criticize the courts, who impute corruption and other negative imputations on this judiciary are a threat to our rule of law.”

Strengthening the institutional independence of the Judiciary must proceed hand in hand with the establishment of a single judiciary.

It is vital that the independence, capacity and resources for Small Claims, District, and Regional Courts are enhanced.

We are committed to expedite the development and introduction of the Lower Courts and Magistrates Bills in consultation with the Judiciary, led by Chief Justice Mandisa Maya.

There are 1717 permanently appointed magistrates, the majority of whom are black (77 percent) and female (54 percent).

We remain concerned by delays in filling vacant positions and finalising disciplinary processes.

We have raised these matters with the Magistrates' Commission.

We will also issue revised guidelines for the appointment of acting Magistrates.

Both the Minister and I continue to visit courts regularly – announced and unannounced - to ascertain, first hand, how we can support the judiciary in dealing with the many challenges they face.

My constituency in Mitchells Plain continues to experience both crime and the socio-economic causes of crime.

I am working with my counterparts, the Deputy Ministers of Police and others, to address the recent spate of horrific killings.

The Integrated Justice System (IJS) programme seeks to strengthen the fight against crime by enabling the many departments and entities in the criminal justice system to work together more effectively through the efficient exchange of information.

Recently, I experienced the speed and accuracy of the new Integrated Person Management System during a demonstration at the Mitchells Plain Police Station.

We commend the Rules Board for Courts of Law, led by Justice Nabitha Dambuza, for their consistent and excellent work.

The recently finalised e-Justice Rules will contribute to the modernisation of our justice system.

We are also fighting crime through our legislative programme.

The Whistle-Blower Bill / Protected Disclosures Bill will improve the protection for persons who blow the whistle on crime.

The Extradition Bill and the International Co-operation in Criminal Matters Bill will both modernize the law relating to extradition and enhance the fight against crime across our borders.

Our outdated Criminal Procedure Act of 1977 is being reviewed by the SA Law Reform Commission to bring it into line with the Constitution and to make it more effective.

We commend the Commission, under the leadership of Justice Chris Jafta for their sterling work.

Turning to the civil justice system.

Small Claims Courts make a huge contribution to the accessible, affordable, and expeditious resolution of civil disputes involving claims of R20 000 or less.

Nearly 37 000 small claims cases were registered countrywide during the 2024/25 financial year. The value of these claims is over R253 million.

We call upon more legal practitioners and judicial officers to volunteer to serve as Small Claims Court Commissioners.

This year marks the 40th anniversary of the introduction of Small Claims Courts in 1985.

In addition to increasing the monetary jurisdiction of Small Claims Courts, we are also reviewing the Small Claims Court Act.

We commend the Council for Debt Collectors for their important role in the administration of justice.

Legal Aid South Africa led by Deputy Judge President Nobolao Mbhele, plays a vital role in ensuring access to justice by providing legal representation to indigent persons at State expense.

Legal Aid SA's mandate continues to expand and now also covers legal representation in land disputes.

This mandate cannot remain underfunded.

Honourable Members,

We commend the Human Rights Commission led by Rev Chris Nissen, and the Public Protector, Adv Kholeka Gcaleka, for the work that they do in supporting our constitutional democracy.

We are committed to strengthening the powers and institutional independence of both these important institutions through legislative review.

Cabinet has approved the designation of the Human Rights Commission as the National Preventive Mechanism in terms of the Optional Protocol to UN Convention Against Torture. This requires commensurate resources for the Commission.

The Human Rights Commission is supporting Caster Semenya in her case before the European Court of Human Rights. The ruling will be delivered tomorrow. We eagerly await justice.

We commend the Information Regulator, led by Adv Pansy Tlakula, for its work in protecting private information.

In 2024/25 the Regulator dealt with 1727 reports of security compromise incidents. The Regulator is in dire need of additional resources.

Our Constitution is premised on the right to equality.

We are resuscitating the National Task Team on Sexual Orientation, Gender Identity, and Sex Characteristics (SOGIESC) Rights to combat hate crimes against the LGBTQIA+ community.

We urge Parliament to expedite the nomination of a representative to serve on the Equality Review Committee established in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act.

Honourable Members,

The Freedom Charter commits that:

“South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation – not war.”

We re-affirm our support for the International Court of Justice and International Criminal Court.

We support the steps currently underway to strengthen the ICC’s jurisdiction over the crime of aggression.

We are deeply concerned that judges, prosecutors and staff of the ICC are being threatened with sanctions and that the provisional measures issued by the International Court of Justice in South Africa's case of genocide against Israel are flagrantly ignored and violated.

Former President Nelson Mandela said –

“Our own continent has suffered enough horrors emanating from the inhumanity of human beings towards human beings. Who knows, many of these might not have occurred, or at least been minimised, had there been an effectively functioning International Criminal Court.”

Honourable Members,

Dialogue is central to our being as a nation.

It is an affirmation of our commitment to human dignity, the conviction that we exist in relation to each other, and that wisdom is a shared, co-created good, not a possession on which some have a monopoly.

It is no accident that the Constitutional Court's logo is the mighty baobab tree under whose protective branches disputes have, for generations, been settled in a participatory manner through dialogue.

We call upon all South Africans to participate in the forthcoming National Dialogue, to eschew our arrogance, and to remember that we exist with and through other people - and that they do not exist for us and our privilege.

I thank you.