



JUSTICE EMBRACES THE CONSTITUTION AS THE COUNTRY'S HERITAGE.

The century long struggle saw various individuals of different descent coming together to advance the course for a democratic, non racial and non sexist South Africa. Various efforts of many heroes and heroines of the liberation struggle which we celebrated during this year gave birth to our thriving constitutional democracy. Our democracy is anchored on the Constitution which is a towering testament of the country's emancipation and an embodiment of our collective genealogy and aspiration.

When former President Nelson Mandela signed the Constitution into law 15 years ago, he erected a monumental spirit of justice and the rule of law at the heart of the country's democracy. This colossal product of the country's emancipation, which former president Mandela described as an embodiment of our nation's highest aspiration, is the greatest virtue bequeathed to our democracy by a century of selfless struggle.

The Constitution redeems the heroism

of many South Africans who lay down their lives for liberty. It serves as a bridge between South African past of gross and systemic violations of human rights and a future based on democracy and respect for human rights. The signing of the Constitution into law marked a significant transition from the brutal dehumanising system which retarded the country's potential and polarised the country's citizenry through discriminatory practices.

In line with the country's vision, the Constitution seeks to establish a united and democratic South Africa which is based on human rights, equality, freedom and respect for the rule of law. It seeks to establish a society in which all human beings will have equal dignity and respect regardless of their cultural grouping.

As a product of an inclusive process and collective endeavour, the Constitution represents the ideas of ordinary citizens, civil society and political parties. This monumental document is a product of two million submissions and petitions,

which were received, collated, processed and negotiated into constitutional formulations.

Many South Africans participated in the process of drafting the Constitution and together shaped a country that values human rights. A special effort was made by the Constitutional Assembly to keep the public informed, gather their views, consult with civil society, and ensure that the final product was legitimate and reflective of the views of all.

Notably, Chapter 2 of the Constitution, the bill of rights, is a crucial vehicle towards the realisation of the country's vision. The Bill of Rights affirms democratic values of human dignity, equality and freedom. These values are the guiding principles or standards for all of us to understand and promote a culture of human rights.

While there is still more to be done, significant strides have been taken to realise the noble principles in the Constitution. Chapter Nine Institutions have been set up

to protect the rights of the citizens and hold government accountable for its actions.

There are also various efforts to ensure that all South Africans have access to justice as envisaged by the Constitution. All sectors of our society including the courts have an obligation to protect the noble principles enshrined in the Constitution. In support of the significant role performed by the courts in safeguarding our Constitution, the Department of Justice and Constitutional Development is constantly making significant interventions to ensure effective administration of justice.

In recent time, the Minister of Justice and Constitutional Development officially opened courts in areas that were previously underserved as part of the Departmental infrastructure development programme,

curb the possibility of fraud and loss of documents.

In order to ensure that efforts to deliver quality services in time are not frustrated by acts of criminality, a Fraud Prevention Plan and Whistle Blowing Policy were developed as part of the Department's resolve for zero tolerance of fraud and corruption.

Simultaneously, the Department is strengthening its control measures and financial management with a view of ensuring effective governance and administration.

During the 2011/12 financial year, a considerable time and effort was invested in turning around the administration of the Department towards an unqualified audit opinion on the vote account. A number of

the transformation of the justice system, repeal obsolete statutes and strengthen the independence of the judiciary, such as the Constitution Seventeenth Amendment Bill, Superior Courts Bill, Legal Practice Bill and Traditional Courts Bill, have already been tabled in parliament and are currently undergoing the necessary legislative development process. As part of our participatory democracy, which is guaranteed in the Constitution, South Africans are actively submitting their contributions.

This year Minister Jeff Radebe also released two significant policy proposals on the transformation of the judiciary and state legal services. The implementation of these policy documents will among other ensure the independency of the judiciary and deal with growing inequalities in the country



which in many ways seeks to redress the imbalances of the past.

A maintenance turnaround strategy which seeks to reduce the amount of time spent on the queues and ensure that rightful beneficiaries receive their dues is currently being piloted in nine (9) courts with high volumes located in all regions.

As part of the turnaround strategy in the Office of the Master of the High Court, special focus has been placed on training frontline officials, implementation of enabling technology such as the Electronic Fund transfer a Paperless Estate Administration System (PEAS) and Masters Own Verification Information Technology (MOVIT). The successful implementation of PEAS and MOVIT will relieve work pressure on the Masters' officials, and

interventions have been initiated to ensure that the Department achieves an unqualified audit in 2012/2013 financial year.

These include Identifying systems, people and processes to address the qualification on Third Party Funds and consulting with relevant stakeholders. Other measures include the preparation of annual financial reports, putting systems in place to identify and manage irregular expenditure and improve performance information.

Since the conceptualization and implementation of these initiatives, the Department received an unqualified audit in most areas which include irregular expenditure, assets, leave and performance information.

Several legislations seeking to advance

and thereby assist in meeting the demands of the Constitution.

In all its endeavours, the Department works to ensure that the notion of access to justice for all, as dictated by the Constitution, becomes a reality and the wishes of those who paid the higher price in pursuance of a just and democratic South Africa were not in vain.

Collectively we have a responsibility to ensure that this treasure is preserved and continue to guide in the process of building a united democratic South Africa.

As President Mandela said, "Let us now, drawing strength from the unity which we have forged, together grasp the opportunities and realise the vision enshrined in the Constitution".



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