

Webinar Transcript: 25 YEARS OF THE CONSTITUTION: THE HIGHS AND LOWS

The Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, MP, invites you to a panel discussion under the theme: "25 YEARS OF THE CONSTITUTION: THE HIGHS AND LOWS".

The discussion takes place as part of South Africa's celebration of the 25th Anniversary of the Constitution, and this particular session is convened as part of the DoJ&CD's Nelson Mandela Month activities.

DATE: Thursday, 22 July 2021

TIME: 14h00

VENUE: Zoom platform

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1

00:00:00.359 --> 00:00:01.290

Adv Martin Mafojane, Facilitator : A link.

2

00:00:03.570 --> 00:00:21.480

Adv Martin Mafojane, Facilitator : To take about 20 minutes of the presentation share it with us, you will be listening closely to what we have to say, to try and understand whether they are supporting us well, or are they say we did.

3

00:00:22.350 --> 00:00:46.650

Adv Martin Mafojane, Facilitator : Very well, we never live their lives to the aspirations of our Constitution how well we did informed by the preamble of our constitution in our daily activities and engagement so independently is, at the end of each, we will then allow the next eager to joy and that will.

4

00:00:47.730 --> 00:00:53.850

Adv Martin Mafojane, Facilitator : Allow the research before we had a state that is sort of the the vigilance uptake.

5

00:00:54.210 --> 00:01:11.580

Adv Martin Mafojane, Facilitator : of view of the questions that come so that the police can comment and then finally allow the deputy minister to be squad and if we still have the time we will reflect on whether or not we will be taking further comments and questions.

6

00:01:12.600 --> 00:01:27.870

Adv Martin Mafojane, Facilitator : The questions and coordinates can be directed to our chat box and we will try to deflect, we know that you advise it is a very interesting topic, and therefore it really is so interesting.

7

00:01:28.770 --> 00:01:39.630

Adv Martin Mafojane, Facilitator : cause excitement, and there will be therefore much conversation and debate, particularly on whether or not, indeed.

8

00:01:40.200 --> 00:02:03.690

Adv Martin Mafojane, Facilitator : We only hearing more of the highest done of the logs on that note, therefore, I am going to let our fest member of the panelists judge, now the PA to present on the very topic that I had indicated that does not EPA will be presenting on.

9

00:02:05.430 --> 00:02:20.010

Adv Martin Mafojane, Facilitator : Particularly being the question of the week prior to the constitutional democracy emanating from the recent unrest, the positives and the negative aspects of the Constitution.

10

00:02:20.370 --> 00:02:29.520

Adv Martin Mafojane, Facilitator : And we will be listening quite close the judge so give us some of your recommendations and, as you inform us whether or not.

11

00:02:30.360 --> 00:02:36.330

Adv Martin Mafojane, Facilitator : What have we to then on the nose that we have a serious over to you jack.

12

00:02:38.640 --> 00:02:43.290

Judge Navi Pillay: Thank you very much, advocate Martha Jana, for your kind introduction.

13

00:02:43.650 --> 00:02:44.700

Judge Navi Pillay: And may I agree.

14

00:02:44.730 --> 00:02:45.630

very warmly.

15

00:02:46.680 --> 00:02:59.280

Judge Navi Pillay: The Honorable Deputy Minister of Justice John Jeffrey and my fellow panel panelists and participants, I noticed from our screen that we have quite a few participants.

16

00:03:03.630 --> 00:03:15.000

Judge Navi Pillay: I am sure that all of us will agree that this 25th anniversary of the South African constitution will be seared in our memory forever.

17

00:03:15.630 --> 00:03:27.960

Judge Navi Pillay: because, apart from the fact that we are going through the worst covert search and all under lockdown but mainly because we are holding

this panel.

18

00:03:28.410 --> 00:03:38.160

Judge Navi Pillay: And miss the smoldering ashes of the violent unrest that occurred in the last 10 days between July nine to 19.

19

00:03:38.730 --> 00:04:00.420

Judge Navi Pillay: The unrest led to the burning looting and destruction of thousands of shops and malls resulting in the dense as of today, of 276 individuals, and of course we face drastic food shortages transport difficulties and so on, so more than ever.

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00:04:01.650 --> 00:04:13.170

Judge Navi Pillay: This represents the most serious threat to our constitutional democracy, so I feel that it is necessary to place on record the remarks addressed to us by.

21

00:04:13.800 --> 00:04:28.530

Judge Navi Pillay: Our President Sullivan i'm a poser on Friday 16 July 2021 so bear with me as I called him fully, because these are the most stunning unusual circumstances.

22

00:04:28.980 --> 00:04:38.910

Judge Navi Pillay: This is what he told the anxious nation, the events of the past week with deliberately coordinated and well planned attacks on our democracy.

23

00:04:39.330 --> 00:04:47.280

Judge Navi Pillay: The constitutional order of our country is under threat, the current instability and ongoing incitement to violence.

24

00:04:47.820 --> 00:05:05.880

Judge Navi Pillay: constitutes a direct contravention of our constitution and rule of law, these actions are intended to cripple the economy of our country to cause social instability and severely we can or destroy the democratic state.

25

00:05:07.200 --> 00:05:16.740

Judge Navi Pillay: using the pretext of a political gradients those behind these acts of salt to provoke a popular insurrection amongst our people.

26

00:05:17.100 --> 00:05:28.290

Judge Navi Pillay: They have sought to exploit the social and economic conditions under which many South Africans live conditions of poverty, inequality and unemployment that wasn't.

27

00:05:28.650 --> 00:05:41.040

Judge Navi Pillay: cincy coronavirus pandemic and to provoke criminal extra wanton looting by ordinary citizens and criminal networks and he continued the ensuing acts.

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00:05:41.670 --> 00:05:55.950

Judge Navi Pillay: were used as a smokescreen to commit economic sabotage on infrastructure such as roads and transport vehicles these instigators shop to manipulate the poor and vulnerable.

29

00:05:56.400 --> 00:06:16.770

Judge Navi Pillay: Through widespread use of social media, yet this insurrection failed and failed to get the support of South Africans who stood up in defense of our hard one democracy and, of course, he also conceded the government's own failure of being poorly prepared for the interaction.

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00:06:18.180 --> 00:06:28.860

Judge Navi Pillay: And we all know that on Sunday in July, Minister of Defense gnosis be where my pizza kula told the joint parliamentary committee on Defense.

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00:06:29.370 --> 00:06:40.800

Judge Navi Pillay: that she did not believe it was an introduction and that the end unless showed signs of counter revolution in the form of February and criminality.

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00:06:41.310 --> 00:06:58.740

Judge Navi Pillay: So whatever is meant by her in her statement, both personally and that of the President, bring home the shocking realization that we have just experienced one of the most serious threats to our constitutional democracy.

33

00:07:00.030 --> 00:07:22.320

Judge Navi Pillay: The good news, however, is that the people of South Africa, did not support the introduction, they stood by the Constitution, they attempted armed insurrection Wednesday fields, because the people demonstrated and clear understanding support and preference for constitutional law.

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00:07:23.880 --> 00:07:36.090

Judge Navi Pillay: Already we we see on our screen communities collaborating in humanitarian efforts for the protection of vulnerable areas joining in clean up operations.

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00:07:36.870 --> 00:07:49.440

Judge Navi Pillay: Food Aid and Food distribution, thereby acting out the ethos in our constitutions, which is respect for the human rights of everyone in our country.

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00:07:50.340 --> 00:08:10.230

Judge Navi Pillay: Now the further good news is that the constitutional values of accountability are being put into immediate effect as arrests and court appearances of suspects are being rolled up as much as we criticize the slowness of the process.

37

00:08:11.610 --> 00:08:36.660

Judge Navi Pillay: We are following this process of investigation prosecution and holding people accountable for having instigated this virus, so let me know review our constitutional journey over 25 years it has been a journey of highs and lows as the topic for this afternoon's discussion indicates.

38

00:08:37.890 --> 00:08:47.400

Judge Navi Pillay: Now, from the Indian perspective of the international community, the Constitution itself, together with the Bill of Rights is hailed.

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00:08:48.000 --> 00:09:02.520

Judge Navi Pillay: As an achievement of enlightened progressive democracy, the Constitution provides a clear framework for good governance and the Bill of Rights draws from the most advanced human rights standards.

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00:09:02.940 --> 00:09:14.340

Judge Navi Pillay: And body in international instruments, it was finalized objects extensive consultations and contributions of civil society in our country.

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00:09:15.060 --> 00:09:28.740

Judge Navi Pillay: And despite compromises that had to be made in the negotiations with the Former apartheid government, it can pay to be home grown product owned by South Africans.

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00:09:29.640 --> 00:09:46.020

Judge Navi Pillay: South Africa, as you know, as a founding member of the United Nations in 1945 with apartheid leader yeah young months, helping to craft, the UN charters preamble, including its reference to human rights.

43

00:09:46.740 --> 00:09:57.180

Judge Navi Pillay: It is remarkable to think that leaders and states who are actively violating human rights were among those expressing their importance.

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00:09:57.930 --> 00:10:07.290

Judge Navi Pillay: Of course, as commitment to human rights guru internationally and the horrors of a path that became no more widely and understood.

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00:10:07.590 --> 00:10:21.780

Judge Navi Pillay: South Africa was suspended from the UN by the General Assembly for its apartheid policies in 1974 and was only readmitted in 1994 when the country dismantled apartheid.

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00:10:23.400 --> 00:10:36.450

Judge Navi Pillay: So, its history of expulsion and readmission into the UN membership as built and reinforced expectations that South Africa would and should hold.

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00:10:36.870 --> 00:10:51.090

Judge Navi Pillay: A principal view and position on human rights on the international scene and in Africa in particular, the new South Africa was in the sense born in a human rights movement.

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00:10:52.530 --> 00:10:59.970

Judge Navi Pillay: Human rights and democratic principles became founding principles of our constitution and document.

49

00:11:00.570 --> 00:11:12.570

Judge Navi Pillay: That has since become the envy and blueprint of many states emerging from a proxy into the promise of a democratic and human rights, and by the future.

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00:11:13.440 --> 00:11:29.490

Judge Navi Pillay: We likewise in our Constitution situated our country, not on an island unto itself, but as a member of a community of seeds aspiring to make respect for human rights, a global know.

51

00:11:30.420 --> 00:11:40.110

Judge Navi Pillay: The preamble of our constitution is specific that our place is within I pulled a family of nations that means.

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00:11:40.830 --> 00:11:54.030

Judge Navi Pillay: We will never clean South Africa first like Donald trump's America first our country can't go into law, especially as we are so intrinsically part of Africa.

53

00:11:54.660 --> 00:12:07.710

Judge Navi Pillay: We must therefore followed part of multi naturalism which is working collectively with all countries in a welcome expression of our

constitutional ethos.

54

00:12:08.460 --> 00:12:19.830

Judge Navi Pillay: President ramaphosa as chair of the AU until February this year, pressed for the urgent and equal distribution of covert 19 vaccines.

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00:12:20.220 --> 00:12:35.190

Judge Navi Pillay: To Kovacs countries he condemned the ugly trends of nationalism greed and hoarding by which countries have the vaccines, to the detriment of poor countries, mainly in Africa.

56

00:12:37.050 --> 00:12:53.280

Judge Navi Pillay: The cut our Constitution aims for a fundamental transformation of South African society, seeking to address the harms of the past and to develop a future based of social justice.

57

00:12:53.760 --> 00:13:02.130

Judge Navi Pillay: On and democratic system of government and advancing economic and social rights to all people living in the country.

58

00:13:02.880 --> 00:13:17.220

Judge Navi Pillay: The constitutional rights of equality and dignity in the Bill of Rights are explicit statements of principle that lead the ongoing effort towards reaching meaningful equality for all.

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00:13:17.940 --> 00:13:26.880

Judge Navi Pillay: The law is a formal expression of public policy that plays a crucial role in advancing social norms.

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00:13:27.480 --> 00:13:48.600

Judge Navi Pillay: The Constitution provides not only for equal protection of the law and non discrimination, but also for the credible and progressive process of Revelation for past exclusion dispossession and in dignity within the discipline of the constitutional framework.

61

00:13:49.650 --> 00:14:00.780

Judge Navi Pillay: Our Constitution lays the foundation for the rights based society, the country has signed and ratified all the treaties and conventions.

62

00:14:01.440 --> 00:14:20.430

Judge Navi Pillay: That were adopted internationally by the UN, except for the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and therefore our country is sending a clear notice to the world of serious intention to realize right.

63

00:14:22.710 --> 00:14:30.420

Judge Navi Pillay: Now, in leading the transformation to democracy, the state has enacted many enabling legislation to name a few.

64

00:14:30.870 --> 00:14:41.160

Judge Navi Pillay: The promotion of access to information act promotion of administrative justice act promotion of equality and prevention of unfair discrimination act.

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00:14:41.550 --> 00:14:53.040

Judge Navi Pillay: And it has established all the chapter nine oversight institutions, including the National Human Rights institute the gender permission equality Commission the office of the public.

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00:14:53.670 --> 00:15:09.930

Judge Navi Pillay: protected as well as specialized courses, such as the lead POPs it has it has made serious strides in realizing the human rights to housing, healthcare, access to justice and freedom of speech and the seven.

67

00:15:12.090 --> 00:15:29.310

Judge Navi Pillay: So let me say as much as from my experiences High Commissioner for Human Rights were either thousands and thousands of heartbreaking experiences from people, not in the past but ongoing and how little access they had.

68

00:15:31.110 --> 00:15:40.470

Judge Navi Pillay: To remedies to fulfill some relief or to have the right spelt out just to give you two examples, one I was in South Sudan.

69

00:15:41.070 --> 00:15:53.430

Judge Navi Pillay: sitting under the tree talking to women from very remote villages, they were all speaking different languages so to have their mothers told me that their daughters had been killed.

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00:15:53.850 --> 00:16:06.780

Judge Navi Pillay: By their fathers their bodies were buried in the backyard, because the father either leave their these young girls that were like 12 years old they're arranged marriage with.

71

00:16:08.610 --> 00:16:16.440

Judge Navi Pillay: Really all men in exchange for cattle the girls and refuse the father's killed them the mothers went to the police, but nothing happened.

72

00:16:16.890 --> 00:16:22.260

Judge Navi Pillay: And they said to me, do we not have race over the children that we gave birth to.

73

00:16:22.950 --> 00:16:34.230

Judge Navi Pillay: sell that kind of helplessness, I was also associated with lawyers in the United States, the US has a very good constitution adopted, even before the.

74

00:16:35.130 --> 00:16:48.120

Judge Navi Pillay: Universal Declaration of Human Rights or the UN Charter, but they do not have the equality clause or the or the right to dignity in their constitution, and I know many cases, for instance.

75

00:16:48.750 --> 00:16:59.070

Judge Navi Pillay: The women workers, who are mainly black working at walmart were being paid less than the men, they were being discriminated, but it was not possible.

76

00:16:59.730 --> 00:17:09.510

Judge Navi Pillay: For me something called to receive that case but they could have done so, if they'd had an equality clause, so I know that here, are you.

77

00:17:10.140 --> 00:17:19.710

Judge Navi Pillay: don't want to hear about the problems in the rest of the world, but we need to understand that, in order to appreciate the value of having a Constitution.

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00:17:20.340 --> 00:17:27.330

Judge Navi Pillay: You know some of the most contentious areas of conflict that are ripping apart countries.

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00:17:28.260 --> 00:17:38.460

Judge Navi Pillay: elsewhere in the world have been put to rest once and for all in our country, so to name a few the right to reproductive health that's abortions.

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00:17:38.880 --> 00:17:46.380

Judge Navi Pillay: is huge huge fights in the United States over that freedom of religion, there are so many religious conflict.

81

00:17:46.950 --> 00:18:03.600

Judge Navi Pillay: The abolition of the death penalty, we are very enlightened in in respect of not taking life equality for women children's rights to be free from for start early marriage, for instance, and the light to sexual orientation.

82

00:18:05.190 --> 00:18:14.850

Judge Navi Pillay: The legs embodied in our constitution may well remain paper right so had it not been for the activism of civil society.

83

00:18:15.420 --> 00:18:24.720

Judge Navi Pillay: And you know our our speak on our panel Jenny Hicks is a very good example of such an activist, but more importantly.

84

00:18:25.620 --> 00:18:34.080

Judge Navi Pillay: Why our rates don't just remain on paper but i've been realized is because of the independence of our judicial system.

85

00:18:34.650 --> 00:18:45.990

Judge Navi Pillay: You will not believe how this is lacking in many, many countries how people are not allowed to criticize dissent is suppressed journalists are arrested.

86

00:18:46.290 --> 00:18:55.980

Judge Navi Pillay: and have to face long terms of imprisonment, if not death sentence, so we don't have this because we have institutions such as an independent judiciary.

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00:18:56.640 --> 00:19:07.620

Judge Navi Pillay: To protect these rights for our courts, especially the Constitutional Court, and let me say bleed the blade into the vision of the Constitution.

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00:19:08.550 --> 00:19:19.650

Judge Navi Pillay: And in giving effect to constitutional principles, the judiciary embeds its rulings, with the sense of the realities of the conditions on the ground.

89

00:19:20.490 --> 00:19:41.940

Judge Navi Pillay: Let me quote what former Chief Justice of the chest Nicholson said in the super money case that came before the Constitutional Court, he said, social rights are indispensable to all other legs, the legal right to equality will remain a hollow paper promise.

90

00:19:43.140 --> 00:19:50.130

Judge Navi Pillay: Unless there is greater commitment and will to deliver on Economic, Social and Cultural Rights.

91

00:19:50.700 --> 00:19:59.910

Judge Navi Pillay: We live in a society in which that are great disparity in wealth, millions of people are living in deplorable conditions and in great poverty.

92

00:20:00.420 --> 00:20:09.870

Judge Navi Pillay: That a high levels of unemployment, inadequate social security and many who do not have access to clean water or to adequate health services.

93

00:20:10.140 --> 00:20:31.050

Judge Navi Pillay: The commitment to address these conditions and to transform our society into one in which there will be human dignity, freedom and equality layer at the heart of the new constitutional order for as long as these conditions, continue to exist that aspiration will have a hollow green.

94

00:20:32.340 --> 00:20:42.810

Judge Navi Pillay: Another former Chief Justice of our Constitutional Court in global cj said in the villainous to case corruption.

95

00:20:43.440 --> 00:21:02.220

Judge Navi Pillay: has become a scourge in our country and imposes a real danger to our developing democracy, it undermines the ability of the government to meet its obligations to fight poverty and to deliver on other social economic rights guarantee in our bill of rights.

96

00:21:03.660 --> 00:21:10.830

Judge Navi Pillay: So let me begin to say that I consider it as a serious flaw in our constitution.

97

00:21:12.000 --> 00:21:23.040

Judge Navi Pillay: That a provision for an independent anti corruption authority with poetry investigate and act against all forms of corruption, without fear or favor.

98

00:21:23.610 --> 00:21:30.180

Judge Navi Pillay: Safe guarding against political interference is missing, as a provision in our.

99

00:21:30.930 --> 00:21:42.270

Judge Navi Pillay: Constitution out and got the submission as serious because corruption has become granted with harmful impacts on the enjoyment of the human rights of all people.

100

00:21:42.810 --> 00:21:51.660

Judge Navi Pillay: complain some poor service delivery some obstacles to access

to relief are very common the economic consequences.

101

00:21:52.140 --> 00:22:04.680

Judge Navi Pillay: of corruption have contributed to our country being downgraded to junk status of no ongoing efforts, such as reinforcing the security services.

102

00:22:05.220 --> 00:22:16.860

Judge Navi Pillay: And centering the national prosecution of poverty, establishing the judicial commission of inquiry into allegations of stink capture corruption and fraud in the public sector.

103

00:22:18.210 --> 00:22:26.580

Judge Navi Pillay: These are very important steps that are being taken to addresses but they still huge dissatisfaction.

104

00:22:27.690 --> 00:22:38.580

Judge Navi Pillay: In South Africa over these huge levels of corruption stemming, particularly from purpose people in very high political office.

105

00:22:40.110 --> 00:22:58.740

Judge Navi Pillay: Let me say that during my six year service as UN High Commissioner for Human Rights I highlighted the high you know continued constitution as exemplary universal balance worthy of emulation in difficult human rights situations in the world.

106

00:23:00.180 --> 00:23:16.770

Judge Navi Pillay: And these studies conducted by my office, the office of the High Commissioner for Human Rights indicate that level of protection against human rights violations, or could occur more instincts that did not have a constitution and bill of rights.

107

00:23:18.570 --> 00:23:25.800

Judge Navi Pillay: And whenever I address NGOs and youth in Africa and other parts of the world.

108

00:23:27.060 --> 00:23:30.450

Judge Navi Pillay: People agreed with that they wish that they'd have a constitution.

109

00:23:31.620 --> 00:23:48.420

Judge Navi Pillay: But on my time to South Africa, I addressed numerous student bodies at university, I was very surprised at the reaction of our youth and student population to the Constitution.

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00:23:48.900 --> 00:23:59.970

Judge Navi Pillay: They were inventing their anger and respiration at the lack of service deliveries and continuing poverty in the inequality and unemployment and their.

111

00:24:01.260 --> 00:24:02.910

Judge Navi Pillay: Education educational challenges.

112

00:24:04.650 --> 00:24:04.860

Judge Navi Pillay: In.

113

00:24:06.030 --> 00:24:20.940

Judge Navi Pillay: At the Constitution, instead of directing their expectations and hold into account the political authority was obligation, it is to deliver the promises and rights envisage in the Constitution.

114

00:24:22.500 --> 00:24:42.810

Judge Navi Pillay: Nonetheless, we cannot escape acknowledging the lows when elements of the Constitution and its vision of a fundamental transformation of South African straight seeking to address the past have viewed in the light of the concrete realities in our country.

115

00:24:44.100 --> 00:25:06.540

Judge Navi Pillay: So he had the benefit of looking at a very comprehensive study and assessment off the performance of the South African Constitution on on the 20th anniversary that was made by the International Institute for democratic and electoral assistance idea for short.

116

00:25:07.710 --> 00:25:19.410

Judge Navi Pillay: And I found that study very illuminating because it tells us how the situation was at the 20th anniversary and and went to read some of their comments.

117

00:25:20.190 --> 00:25:29.130

Judge Navi Pillay: so that you can judge for yourself whether there has been any improvement on the occasion of the 25th anniversary, or whether the situation has worsened.

118

00:25:30.930 --> 00:25:38.550

Judge Navi Pillay: So when they spoke about the increasing sense of disaffection from politics, but all South Africans.

119

00:25:39.510 --> 00:25:51.870

Judge Navi Pillay: To the one party dominance of the ANC has led to a warning

capture of democratic institutions by the ruling party and the Constitution has not been able.

120

00:25:52.230 --> 00:26:15.840

Judge Navi Pillay: To insulate many institutions from unduly heavy political appointments to be there is widespread corruption or a perception of widespread corruption around many institutions of the State, including the police political interference, has been rife with the national prosecuting mythology.

121

00:26:16.950 --> 00:26:29.730

Judge Navi Pillay: This is why it's being addressed today for the entitlements guaranteed by the Constitution in areas such as housing, healthcare and education are still a long way from being realized.

122

00:26:30.120 --> 00:26:39.090

Judge Navi Pillay: And the government's ability to provide public goals is in doubt, generating massive service delivery protest.

123

00:26:39.900 --> 00:26:51.600

Judge Navi Pillay: Five without and the less effective electrical outlet, that is, people pressure the AMC has left the usual democratic constraints on its ability.

124

00:26:52.350 --> 00:27:05.910

Judge Navi Pillay: It has been able to push through appointments in key institutions and to provide cover for individuals who fail to perform in their jobs which, in turn, was a recipe for corruption.

125

00:27:07.020 --> 00:27:28.980

Judge Navi Pillay: South Africa, the six point South Africa faces difficult economic conditions and discontent with the current ruling party party, so these grow the worry is that key features of the constitutional compact will unravel and that that may be serious instability.

126

00:27:31.950 --> 00:27:32.580

Judge Navi Pillay: laws.

127

00:27:32.640 --> 00:27:32.730

That.

128

00:27:34.350 --> 00:27:35.610

Judge Navi Pillay: govern change.

129

00:27:38.070 --> 00:27:49.890

Adv Martin Mafojane, Facilitator : Yes, i'm sorry to interrupt jojo RC still delivering could you just round up, we have, by giving each 20 minutes of giving them more than 20 to 25 could you just please.

130

00:27:50.160 --> 00:27:52.020

Judge Navi Pillay: I certainly will just rounding up.

131

00:27:54.360 --> 00:28:00.900

Judge Navi Pillay: So the seven point good laws eggs do exist to government change and ensure accountability, but in reality.

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00:28:01.290 --> 00:28:08.880

Judge Navi Pillay: They are often not comply with or subject to obstructive approaches by key institutions such as law enforcement.

133

00:28:09.450 --> 00:28:16.410

Judge Navi Pillay: Also unhelpful on the attempts and political control over decisions that should be independent.

134

00:28:17.190 --> 00:28:27.120

Judge Navi Pillay: A point on achieving the constitutional goal of social justice forward looking steps were taken to the recognition of social economic rights.

135

00:28:27.480 --> 00:28:42.210

Judge Navi Pillay: But progress has been inadequate the Constitution has not eradicated prejudice and absolute poverty and relative inequality has grown since the advent of constitutional democracy.

136

00:28:44.010 --> 00:29:04.470

Judge Navi Pillay: And then we have section 25 of the Constitution on land, which we know was a compromise between the declared government's interest in preserving white land ownership and the ANC interest in redistribution of land, nevertheless it still is an explicit permission for land for.

137

00:29:05.520 --> 00:29:21.150

Judge Navi Pillay: Many pieces of legislation have been adopted to give effect to the need for land tenure security restitution redistribution the programs, however, seem to have gone towards economic compensation into the title to that.

138

00:29:22.590 --> 00:29:25.860

Judge Navi Pillay: So land remains a burning issue.

139

00:29:27.540 --> 00:29:34.230

Judge Navi Pillay: Overall, in conclusion, let me say that the constitutional order has been successful in channeling.

140

00:29:34.680 --> 00:29:49.230

Judge Navi Pillay: The central tension that existed at the time of drafting into a legal structure, however, there is an increasing sense that individuals need to go outside the structures to make political gain.

141

00:29:49.980 --> 00:29:56.220

Judge Navi Pillay: The end the protest laws have not helped create a culture of Nonviolent protest, so this.

142

00:29:57.000 --> 00:30:03.570

Judge Navi Pillay: These are some of the comments that emerged from that study of the 20th anniversary of the Constitution.

143

00:30:04.170 --> 00:30:16.020

Judge Navi Pillay: The mission of the Constitution holds up the promise of a decent just and democratic society in which everyone who lives in South Africa can achieve fulfillment and flourish.

144

00:30:16.530 --> 00:30:33.600

Judge Navi Pillay: So let us on the patient of the 25th anniversary make the strong core of the commitment to the original vision and the dedication to to achieve the goals of the Constitution, thank you very much.

145

00:30:36.000 --> 00:30:43.170

Adv Martin Mafojane, Facilitator : And you just delay, we thank you very much for for for the very things side means knowledge.

146

00:30:43.620 --> 00:30:58.380

Adv Martin Mafojane, Facilitator : But you have shared with us in a space of human rights, we really appreciate that we are also very thankful that your assessment was both a very balanced one and information is what you look at the highs.

147

00:30:59.250 --> 00:31:12.630

Adv Martin Mafojane, Facilitator : And the lows and it was a task on where we get to outstanding to me is that your your your dish and desire that we have to.

148

00:31:13.440 --> 00:31:18.270

Adv Martin Mafojane, Facilitator : slack and ensure that we get this the tuition that will stop corruption.

149

00:31:18.660 --> 00:31:28.710

Adv Martin Mafojane, Facilitator : and protect them within our constituency that's much appreciated, but much more will come when people will be posing questions as they interact with your paper and presentation.

150

00:31:29.010 --> 00:31:44.070

Adv Martin Mafojane, Facilitator : But we appreciate your insight knowledge, the experience yes in other countries, and the fact that it's not only the paper, but it is how we translate it in our day to day lives we appreciate that.

151

00:31:44.580 --> 00:32:00.300

Adv Martin Mafojane, Facilitator : presentation and input and we requested to stay for that has the other presenters will be presenting, they ask in return on to participate questions that would come from the people on on on on on the platform that.

152

00:32:02.490 --> 00:32:03.360

Adv Martin Mafojane, Facilitator : We are now.

153

00:32:05.700 --> 00:32:11.310

Adv Martin Mafojane, Facilitator : I have introduced our speakers, I am going to now request.

154

00:32:13.800 --> 00:32:19.710

Adv Martin Mafojane, Facilitator : seafood fellow simulate to present his paper.

155

00:32:21.090 --> 00:32:26.100

Adv Martin Mafojane, Facilitator : He is going to present his paper, particularly on a topic that I had.

156

00:32:27.150 --> 00:32:42.900

Adv Martin Mafojane, Facilitator : highlighted, and I will request to fulfill employees who fight to stay within your 20 minutes I am more good at the timing that could be the extra layer of who sits on the line to get the reference under clear over to you.

157

00:32:45.990 --> 00:32:56.190

Fulu Sinthumule: Thank you very much, our program director and it's good to have this kind of platform, may I say greetings to our DM.

158

00:32:57.060 --> 00:33:10.170

Fulu Sinthumule: Honorable John Jeffrey is good to see you on the platform, we lost him again when we were launching the national action plan to combat racism, racial discrimination, xenophobia and related intolerance in Pretoria.

159

00:33:10.860 --> 00:33:20.790

Fulu Sinthumule: and it's good to have a very lengthy and good informative background that was made by our judge Judge Mabile.

160

00:33:21.840 --> 00:33:29.580

Fulu Sinthumule: Thank you very much for having us this comes up, so I will be talking from the integrated approach point of view.

161

00:33:30.270 --> 00:33:52.170

Fulu Sinthumule: which will then also for cause a bit of the week that consortium for refugees and migrants do in the country to make sure that everyone who lives within the South African bought us it's afforded an opportunity to have a democratic government at democratic life and a fair, equitable.

162

00:33:52.260 --> 00:33:56.670

Fulu Sinthumule: Access to all the basic needs, that I enshrined in our constitution.

163

00:33:59.190 --> 00:34:11.220

Fulu Sinthumule: In my introduction, maybe one can start by saying, where, will we be without these booklets in this democratic country that we live in, in South Africa it's quite a nice booklet.

164

00:34:11.670 --> 00:34:17.040

Fulu Sinthumule: I always carry this booklet wherever I go, because to me, this is what guys.

165

00:34:17.670 --> 00:34:30.030

Fulu Sinthumule: everyone's lives in South Africa, yes, we might own our own lives, but when it comes to live in and engaging and participating in any democratic system authorities.

166

00:34:30.390 --> 00:34:44.820

Fulu Sinthumule: and processes that constitution prevails, to give us the guidance and to lay foundation in all policies and the laws and the living style that we all into a to have in the democratic country which is South Africa.

167

00:34:45.360 --> 00:34:53.280

Fulu Sinthumule: I will start my presentation, I will share the screen, so

that I can quickly project my presentation.

168

00:34:55.830 --> 00:34:59.190

Fulu Sinthumule: I don't know see if I have, that is to share my screen.

169

00:35:02.220 --> 00:35:03.480

Siyanda Sibiyana: Yes, you have the right to show.

170

00:35:07.230 --> 00:35:08.430

Fulu Sinthumule: Thank you very much, see on.

171

00:35:12.720 --> 00:35:26.970

Fulu Sinthumule: my presentation, as the program that is indicated focus so much on the integrated approach that we have, or that the Constitution provide in the South African as a as a republic.

172

00:35:28.260 --> 00:35:31.770

Fulu Sinthumule: This is a 25th anniversary of our larger constitution.

173

00:35:33.240 --> 00:35:50.970

Fulu Sinthumule: constitution that is highly recognized by every single country around the world the way it has been crafted the way it's our fault and the way it guys, as in terms of how the powers are segregated within the Republic of South Africa, so my presentation or my projection.

174

00:35:52.380 --> 00:36:02.280

Fulu Sinthumule: We went from this part will ask concert introduction, which you will be picky and then a congratulatory message and then we're why celebrate the contribution.

175

00:36:02.760 --> 00:36:13.170

Fulu Sinthumule: which we all know, and then importance of the Constitution to the contest where which will, I will tell much on that topic, and then the recommendation that will be sending to their.

176

00:36:13.890 --> 00:36:23.520

Fulu Sinthumule: Department of Justice and the constitutional development, so this is our congratulations message for the Department of Justice on the 25th.

177

00:36:23.940 --> 00:36:32.130

Fulu Sinthumule: anniversary of the Constitution, we are saying, congratulations on your 25 years of successful management and implementation of the South African constitution.

178

00:36:32.790 --> 00:36:43.410

Fulu Sinthumule: Overcoming 25 tremendous challenge in years of our young democracy that continues to grow, or does it really is not an easy thing to achieve well done.

179

00:36:43.800 --> 00:36:55.920

Fulu Sinthumule: This is a huge step towards our democratic country's future and as it comes up we can't wait to live to witness many more constitutional development and democrat, he has to come.

180

00:36:56.400 --> 00:37:06.480

Fulu Sinthumule: Of course we are over 2427 years into democratic state, and we have seen much critical and most most criticism and was.

181

00:37:07.800 --> 00:37:15.360

Fulu Sinthumule: Progressive commented letting go our constitution, you will be aware that there are quite a number of things that are currently happening in our country.

182

00:37:15.870 --> 00:37:25.020

Fulu Sinthumule: of which judge, now the players alluded to some of those we had the conditional judgments that took place two weeks ago, which led to quite a number of.

183

00:37:25.950 --> 00:37:35.460

Fulu Sinthumule: Alleged unrest that took place in our country, which has led to the damage and the nutrient of the shops as comes out, we had.

184

00:37:36.060 --> 00:37:53.610

Fulu Sinthumule: condemns all those actions of criminality and the looting of the shops which then destabilizes the economic development in our township and which trucks again the development of our country when it comes to economic and activities that takes place in our Council.

185

00:37:56.520 --> 00:38:03.120

Fulu Sinthumule: comes is a national electric with the current number of 26 Member organization in good standing with main objectives.

186

00:38:03.930 --> 00:38:16.290

Fulu Sinthumule: And mission are the promotion and the protection of the human rights of asylum seekers and refugees and migrants in a way that promotes well being of all in South Africa, the region and drop it.

187

00:38:18.210 --> 00:38:30.390

Fulu Sinthumule: comes up awaken its members comes it comes us, which involves engaging in advocacy know being including policing submission coordination and network building capacity building Community engagement and dialogue.

188

00:38:31.140 --> 00:38:37.920

Fulu Sinthumule: Right our news and information sharing, all these are made possible because our constitution.

189

00:38:38.580 --> 00:38:49.080

Fulu Sinthumule: provides that platform in the freedom of association in the freedom of movement and the in the freedom of opinion and societal orientation group belonging.

190

00:38:49.560 --> 00:38:57.510

Fulu Sinthumule: comes on members include local practitioners Community based refugee and immigrant Labor organization advice offices academic institution.

191

00:38:57.870 --> 00:39:10.740

Fulu Sinthumule: Humanitarian assistance and social service providers, amongst others, and this group of organizations combined they then comprised our membership based organization called kwanzaa.

192

00:39:13.470 --> 00:39:20.010

Fulu Sinthumule: Why celebrate the Constitution in South Africa, which is our toolkit and ally supreme law of the country.

193

00:39:21.780 --> 00:39:35.580

Fulu Sinthumule: Its aim is to use the division of the past and establish this society based on democratic failures, social justice, fundamental human rights, and what are those remember is that we are going to be discussing in this presentation.

194

00:39:36.390 --> 00:39:51.360

Fulu Sinthumule: It also lays the foundation for the democratic and open society in which government is based on the will of the people and in which every citizen is equal protected by the law so you know in South Africa.

195

00:39:53.430 --> 00:40:01.200

Fulu Sinthumule: Everyone who lives in South Africa, the LIFE is protected and the Constitution prevails in laying that Foundation and the chapter two of the bill of rights.

196

00:40:01.560 --> 00:40:08.730

Fulu Sinthumule: In providing those slides so that everybody can be and and can enjoy, that is, that is trying to knit together two.

197

00:40:09.690 --> 00:40:22.380

Fulu Sinthumule: And it's foggy of the Constitution it's also important for us to be celebrating the 25th anniversary of the Constitution, the human dignity, the achievement of equality and advancement of human rights and freedom.

198

00:40:25.800 --> 00:40:29.280

Fulu Sinthumule: supremacy of the Constitution, which is the supreme law of the country.

199

00:40:33.000 --> 00:40:35.910

Fulu Sinthumule: importance of the Constitution to come see us wake.

200

00:40:38.940 --> 00:40:43.950

Fulu Sinthumule: It is a supreme law of the country that's what we need to be celebrating industry defeated and guess either.

201

00:40:44.850 --> 00:41:01.830

Fulu Sinthumule: Nothing or there's not any other law can surpass the constitution of South Africa, when we have the Constitution, we know that we have the country in our hands as citizens as non nation is as people were deciding within the Republican for us.

202

00:41:02.910 --> 00:41:09.300

Fulu Sinthumule: The condition, protect and promote the human rights of all people within the Republic of South Africa, with no to the races.

203

00:41:11.670 --> 00:41:25.680

Fulu Sinthumule: And it states in its preamble that everyone is equally protected before the law, which means that no one can be discriminated or there is not any law that can be applied in the country.

204

00:41:26.190 --> 00:41:37.080

Fulu Sinthumule: Where prejudices will have a space or where discrimination will have a crowd to play the Constitution comes to protect and prevail in that circumstances.

205

00:41:37.590 --> 00:41:50.520

Fulu Sinthumule: The applicable use of the Web everyone, as contained in the chapter two of the Constitution, this automatically includes asylum seekers and refugees, migrants to enjoy equal beneficial and protection of the law in the country.

206

00:41:51.270 --> 00:42:03.150

Fulu Sinthumule: As comes out, we really appreciate the Constitution in the way it has been drafted and we really appreciate it, and the background that was made and how the Constitution was drafted by.

207

00:42:03.930 --> 00:42:16.770

Fulu Sinthumule: Our politicians that when everyone, which is constantly used in our Constitution brings joy to many people who are living within the South Africa because it simply means that.

208

00:42:17.160 --> 00:42:33.090

Fulu Sinthumule: You can be a move vendor speaking somebody you couldn't be and the nationalist speaking somebody you can be a French speaking somebody you can be easy, as a pseudo speaking somebody or pasta or she found out or try notice as soon to either way.

209

00:42:34.170 --> 00:42:38.820

Fulu Sinthumule: You are protected by the Constitution, you are part and parcel of the have everyone.

210

00:42:40.170 --> 00:42:47.670

Fulu Sinthumule: On my Christian management, including policy development and implementation by this eight miles and to be in accordance, to the Constitution.

211

00:42:48.690 --> 00:43:09.120

Fulu Sinthumule: This is what becomes very important in how our laws are getting to be trusted and crafted and implemented in the country, because there is no law that should be or must be drafted and implemented if it's not into in accordance, to the Constitution, it has to be constitutionally compliance.

212

00:43:10.920 --> 00:43:17.040

Fulu Sinthumule: Then it gives us as the secret society organization and other activists and add that activist organization.

213

00:43:17.820 --> 00:43:25.500

Fulu Sinthumule: to rise out and come to engage me in law or any implementation of the policy which is not in line with the Constitution.

214

00:43:25.950 --> 00:43:44.610

Fulu Sinthumule: And we are also appreciated the fact that all our migration policies, including the citizen policies that are crafted within South Africa should comply and mask it into the Constitution if there's a rise to access to justice on policies should also be promoting such kind of pride.

215

00:43:48.360 --> 00:44:01.680

Fulu Sinthumule: My Christian places in South Africa, please to answer some integration approach, therefore, the Constitution, provide the survival and livelihood guiding principle for asylum seekers, refugees and migrants in South Africa.

216

00:44:02.850 --> 00:44:12.960

Fulu Sinthumule: The pillow Fries guarantees the rise to housing, healthcare, food, water, social security and education, however, these slides are not available to everybody immediately.

217

00:44:14.580 --> 00:44:24.570

Fulu Sinthumule: Why, they are not available to everyone immediately Jackson if you play also indicated that we still have a lot to do a little to access to housing.

218

00:44:25.500 --> 00:44:37.290

Fulu Sinthumule: Water and other social security device needs to be applied before they can be realized, and the policies that guides those right they need to be in accordance, to the Constitution.

219

00:44:38.070 --> 00:44:45.570

Fulu Sinthumule: refugees and asylum seekers and migrants, including all citizens in South Africa, they have the right to exercise and access.

220

00:44:45.960 --> 00:44:53.070

Fulu Sinthumule: How is even healthcare food, water, social security and access to healthcare services and all the policies that provide.

221

00:44:53.670 --> 00:45:05.610

Fulu Sinthumule: The guy the guiding principle on how to access those services they should be in line with the Constitution, and we as comes up, we appreciate how the Constitution has been crafted and how it provides.

222

00:45:06.150 --> 00:45:22.770

Fulu Sinthumule: The foundation of all people weren't at Africa in terms of how can they access their rights, it also addresses and discourages any form of discrimination, for example, you know phobia that we have witnessed currently in the past and we continue to witness.

223

00:45:24.000 --> 00:45:33.750

Fulu Sinthumule: very hot sheet and very protons in the four big trends that you see in the country, what now recently when we were celebrating the youth man.

224

00:45:34.380 --> 00:45:51.690

Fulu Sinthumule: On the 16th of June in South Africa, we had to experience the operation to doula wherefore international were targeted to be very forcefully removed from that place of residence, without the relevant documentation or without the left and.

225

00:45:53.520 --> 00:45:57.240

Fulu Sinthumule: authorities involved in the removal of people from the place of residence.

226

00:45:58.290 --> 00:46:03.480

Fulu Sinthumule: The Constitution guard against that, in terms of the access to justice for those people to be protected.

227

00:46:05.160 --> 00:46:22.170

Fulu Sinthumule: Discrimination continue to grow in the country and the violence against gender based violence continued to grow in South Africa, including sexual orientation violence that we see the violence targeted or related to the LGBT Q group.

228

00:46:22.950 --> 00:46:31.110

Fulu Sinthumule: The Constitution guard against it and cause upon the 11th chapter nine institution like the Commission for gender equality.

229

00:46:31.410 --> 00:46:40.590

Fulu Sinthumule: The South African human rights commission to come on board and see how best can you promote those rights and you make sure that everybody in South Africa is protected.

230

00:46:40.860 --> 00:46:48.330

Fulu Sinthumule: And they can enjoy the ride peacefully, which include asylum seekers and refugees and migrants and the South African cities and at large.

231

00:46:49.200 --> 00:46:59.070

Fulu Sinthumule: We are all equal before the law, the Constitution, the Constitution also provide guidelines under segregation of power and money within the government of South Africa.

232

00:47:00.450 --> 00:47:08.190

Fulu Sinthumule: which then applies to everyone, including all the civil society organization or the private sector, the businesses.

233

00:47:08.520 --> 00:47:24.210

Fulu Sinthumule: And everyone else, because it is where it has been laid out in the Constitution in terms of where can we address certain issues and other live in bodies to engage with when our rights are violated, including.

234

00:47:24.720 --> 00:47:32.040

Fulu Sinthumule: The right to vote, how do we participate in, on the whole team and processes as citizens.

235

00:47:32.430 --> 00:47:41.430

Fulu Sinthumule: And also, it also provides a foundation to migrants in terms of how can they access employment why they arise when it comes to the Labor.

236

00:47:41.970 --> 00:47:53.010

Fulu Sinthumule: Issues what are they arise when it comes to access to healthcare say disease, which is mostly violated in South Africa, when they have to access health care services within the health care providers.

237

00:47:55.500 --> 00:48:02.640

Fulu Sinthumule: We have devised the following recommendation to the Department of Justice and constitutionality but augments.

238

00:48:04.740 --> 00:48:16.200

Fulu Sinthumule: The Department of Justice master continue to work with all the relevant stakeholders to enhance construction accountability, because without the stakeholders, like the secret society organization that.

239

00:48:16.680 --> 00:48:25.590

Fulu Sinthumule: Is the private sector, because the machine will just remain a booklet it will remain within the constitutional court for them to.

240

00:48:26.010 --> 00:48:36.060

Fulu Sinthumule: uphold but if the Department of Justice like what I indicated when I was starting that we have went a lot as comes up with a deeper within my department of justice.

241

00:48:36.450 --> 00:48:45.780

Fulu Sinthumule: In promoting at the national action plan to combine Racism, Racial Discrimination snow phobia and related intolerance Those are the kinds of activities that should be.

242

00:48:46.230 --> 00:48:53.010

Fulu Sinthumule: taken into cloud, so that we can promote the peaceful coexistence of people within our communities.

243

00:48:53.340 --> 00:49:02.670

Fulu Sinthumule: While we are doing that, we will be able to address the high level of gender based violence, the high level of violence direct to the LGBT

Q.

244

00:49:03.270 --> 00:49:11.940

Fulu Sinthumule: And there's no phobic attacks, including the racism and discrimination that continue to take place in our Community of the construction highly.

245

00:49:12.450 --> 00:49:23.730

Fulu Sinthumule: discourage those actions for the Department of Justice and personal development, to ensure that copies of the Constitution available to everyone, all the time, regardless of one location.

246

00:49:24.180 --> 00:49:37.500

Fulu Sinthumule: I was so disturbed at one stage when I was doing my Community wag when I went to a to drive in Eastern Cape where I carried a box, full of constitution.

247

00:49:38.370 --> 00:49:44.100

Fulu Sinthumule: And when I went to the Community with distribution they're both constitution, I still think the Department of.

248

00:49:44.460 --> 00:49:53.760

Fulu Sinthumule: Justice national office for providing the box, for us as comes up to go and distribute in that Community what it is that me in that regard, was the fact that.

249

00:49:54.420 --> 00:50:04.110

Fulu Sinthumule: 90% of the participants or 90% of the people that are engaged we it was their first time putting are laid a hand in the copy of the Constitution.

250

00:50:04.560 --> 00:50:14.850

Fulu Sinthumule: And I asked myself why should it be like that, when we have a mandated government to produce and provide the Constitution to everyone will use within that Africa.

251

00:50:15.090 --> 00:50:23.820

Fulu Sinthumule: So we are at the Department of Justice and constructive allotment to make the provision of the Constitution to be available in our the magistrates courts.

252

00:50:24.150 --> 00:50:34.230

Fulu Sinthumule: Are all government beauty that people go to visit to seek assistance and i'd be society for logmein rather be an SAS i'd rather be.

253

00:50:35.760 --> 00:50:44.130

Fulu Sinthumule: Any department should have copies of the question available in the language of the choice, as you know, that is Africa we have four different languages.

254

00:50:44.820 --> 00:50:53.010

Fulu Sinthumule: Set up all to hold accountable, the perpetrators of human rights abuse and violence violation through working with additional prosecuting authority.

255

00:50:53.370 --> 00:50:59.220

Fulu Sinthumule: This includes supporting chapter nine institution, we have seen in the past and we have witnessed that.

256

00:50:59.640 --> 00:51:06.300

Fulu Sinthumule: The Constitution is de la to provide to the Foundation in terms of how human rights can be promoted in protected.

257

00:51:06.660 --> 00:51:13.350

Fulu Sinthumule: Then we have to call upon the chapter nine institution to be supported in order to uphold and hold those five.

258

00:51:13.830 --> 00:51:22.860

Fulu Sinthumule: invites because the Constitution has made that provisions so if the chapter nine institutional will work insider without the support from the Department of Justice.

259

00:51:23.250 --> 00:51:34.920

Fulu Sinthumule: in enhancing the protection of human rights, as enshrined in the Bill of Rights Chapter two, it will take, and it will be alone Jamie and we will continue to witness the human rights violation.

260

00:51:36.120 --> 00:51:44.190

Fulu Sinthumule: Also, to monitor all the development and implementation to be in compliance with the Constitution, I can assure you, and I can also.

261

00:51:44.610 --> 00:51:52.380

Fulu Sinthumule: share with you and other parents and all the attendees that in the past five seven years we have seen, and we have witnessed.

262

00:51:52.740 --> 00:52:12.570

Fulu Sinthumule: Especially in our field, which is the migration field, we have seen that our government to the Department of former fast, they are trying to manage migration through making migration policy, various data for my grant

to be an able to access documentation and other CPC.

263

00:52:12.930 --> 00:52:14.010

Fulu Sinthumule: So we have seen.

264

00:52:14.160 --> 00:52:24.180

Fulu Sinthumule: To the Department of Justice can they do the Constitution monitor all the policies and all the laws that are developed by our different.

265

00:52:24.990 --> 00:52:31.980

Fulu Sinthumule: departments, so that they can be in compliance and they can comply with the Constitution so that everybody can be.

266

00:52:32.250 --> 00:52:41.940

Fulu Sinthumule: Protected before the law and the issue of equality can be protected, because if the policies that are developed are not in compliance, which means there will be some people.

267

00:52:42.510 --> 00:53:00.180

Fulu Sinthumule: Especially the asylum seekers, refugees and migrants, there will be deprived of sitting right because day one, have a free and fair, equitable access to the human rights that are given all that automatically and conveyed.

268

00:53:00.390 --> 00:53:01.320

Fulu Sinthumule: For them to.

269

00:53:01.380 --> 00:53:03.510

Fulu Sinthumule: Access so Those are some of the.

270

00:53:04.830 --> 00:53:09.720

Fulu Sinthumule: insights that we thought we should be sharing, because without the Constitution in South Africa.

271

00:53:10.260 --> 00:53:20.310

Fulu Sinthumule: Most of the work will not just be carried out and, of course, there will be the gaps like what Jackie and Maggie play has indicated that we add continue.

272

00:53:21.180 --> 00:53:34.620

Fulu Sinthumule: to witness, we think the Constitution by those gaps if the if the constraint development and Justice Department can come on board and say let's work together how fast, can we.

273

00:53:35.820 --> 00:53:38.280

Fulu Sinthumule: work together to make sure that the Constitution is.

274

00:53:38.340 --> 00:53:39.330

Fulu Sinthumule: idea to.

275

00:53:39.510 --> 00:53:49.500

Fulu Sinthumule: by everyone, because most of the time when we go to the ground and many people can attest to this when we look to the cloud, there is an element and they believe.

276

00:53:49.800 --> 00:54:02.340

Fulu Sinthumule: That the migrants who are the asylum seekers and refugees and economic migrants enjoy more right and protection from the government as compared to the South African citizens, which is not true.

277

00:54:02.730 --> 00:54:11.790

Fulu Sinthumule: Why is those sentiments being taken on the ground is because there's a lack of constitutional education on the ground level.

278

00:54:11.850 --> 00:54:14.070

Fulu Sinthumule: In making sure that everyone has.

279

00:54:14.220 --> 00:54:24.060

Fulu Sinthumule: The same right same protection of the law, so we are calling upon the Department of Justice to address that case, so that if those gaps address.

280

00:54:24.090 --> 00:54:25.110

Fulu Sinthumule: We might have.

281

00:54:25.500 --> 00:54:34.110

Fulu Sinthumule: Or we might see a decrease in sooner for pickup trucks snow for big sentiment and then, finally, the Director to the gender based.

282

00:54:34.560 --> 00:54:44.880

Fulu Sinthumule: Violence, including the LGBT violence and the races in because the constitutional rights and education will have been carried out underground never.

283

00:54:45.420 --> 00:55:03.690

Fulu Sinthumule: buy clothes, for us, we are saying this is our Constitution Where would we be 2525 years later, when will we be 27 years into democratic

Without the Constitution, which our target beneficiaries was and i'm seekers and refugees, mostly rely on the Constitution.

284

00:55:03.840 --> 00:55:20.220

Fulu Sinthumule: to receive and protection, in closing, it is the very same Constitution that we are celebrating today that has laid a foundation in scraping the data policies related to migration and.

285

00:55:20.460 --> 00:55:21.900

Fulu Sinthumule: Then introduces.

286

00:55:22.110 --> 00:55:38.520

Fulu Sinthumule: That you will critique laws like the refugee act of 1998 the integration of 2018 through their citizenship and I got an agent policies day in like the laws that judge magic players, I do that to hijack the promotion of just.

287

00:55:38.730 --> 00:55:41.730

Fulu Sinthumule: Administrative at what is the important law.

288

00:55:41.880 --> 00:55:43.620

Fulu Sinthumule: In the our country where.

289

00:55:43.740 --> 00:55:56.040

Fulu Sinthumule: Right I denied or service, it might actually receive a return, the reason why this is why access to justice is so important, by those those few ways that uphold our constitution.

290

00:55:56.400 --> 00:56:00.990

Fulu Sinthumule: let's continue to work together so that everybody can have.

291

00:56:01.740 --> 00:56:13.170

Fulu Sinthumule: Access to the basic arise that are enshrined within the chapter two of the Constitution without fear without favor and without prejudice is because the Constitution.

292

00:56:13.530 --> 00:56:25.980

Fulu Sinthumule: It gives rise to everyone except the rights that are politically that are reserved for the first season, other than that the right in the Bill of Rights belongs to everyone who lives within the South African.

293

00:56:26.490 --> 00:56:32.220

Fulu Sinthumule: Because even as i'm seekers and refugees and migrants, they do not just come to South Africa.

294

00:56:33.150 --> 00:56:46.980

Fulu Sinthumule: Every country they hold for an end the host to migrant but for South African because it's a democratic country, and he has got a progressive policies that have been put in place and we have a prosecution that make provisions for.

295

00:56:47.400 --> 00:56:56.490

Fulu Sinthumule: Protection before the law and the equality and access to justice let's continue to build this country and discouraged or four years that.

296

00:56:57.030 --> 00:57:13.230

Fulu Sinthumule: is to destroy our democracy that has been built over the years that aims to destroy and change the image of our Constitution that we love the most that makes the South Africa what it is because of the Constitution, thank you very much.

297

00:57:15.750 --> 00:57:17.070

Adv Martin Mafojane, Facilitator : And you flew.

298

00:57:17.100 --> 00:57:19.530

Adv Martin Mafojane, Facilitator : us really was a.

299

00:57:20.040 --> 00:57:36.210

Adv Martin Mafojane, Facilitator : It is assuring one that our asylum seekers and refugees are indeed well guided by yourself with your immense knowledge but also your initiation of the fact that.

300

00:57:37.710 --> 00:57:48.240

Adv Martin Mafojane, Facilitator : it's something we can do our Constitution, the very document that we celebrating today the very book that you say you came along, whenever you go.

301

00:57:48.870 --> 00:58:00.630

Adv Martin Mafojane, Facilitator : Indeed, is necessary to assure that I guess in areas where we need to buy the response for money will come from our Honorable.

302

00:58:01.140 --> 00:58:11.190

Adv Martin Mafojane, Facilitator : Minister later when the response to a number of your your your your your recommendations and we will say that as a department should reflect they're all.

303

00:58:11.700 --> 00:58:32.730

Adv Martin Mafojane, Facilitator : Just too late for that i've checked on the chat box there's a need and a request that we need to request our speakers to avail the representation for those that were participating and in attendance, yet the question will be communicated to them and.

304

00:58:33.960 --> 00:58:41.970

Adv Martin Mafojane, Facilitator : By the numbers that i've been chasing new game paintings more than hundred and 50 people on.

305

00:58:43.230 --> 00:58:47.520

Adv Martin Mafojane, Facilitator : The web joining and participating in this number has been.

306

00:58:49.080 --> 00:58:51.990

Adv Martin Mafojane, Facilitator : dropping to around hundred and four, but it has never been.

307

00:58:53.070 --> 00:58:55.170

Adv Martin Mafojane, Facilitator : And we really welcome those and.

308

00:58:57.270 --> 00:59:10.320

Adv Martin Mafojane, Facilitator : mindful of the fact that it is a very interesting topic talking closer to the hearts of everyone so welcome to the mix on the platform Jenny I just moved to the.

309

00:59:11.130 --> 00:59:16.590

Adv Martin Mafojane, Facilitator : heart of the area of interest that you're dealing with this industry law, I must mention that.

310

00:59:17.370 --> 00:59:30.450

Adv Martin Mafojane, Facilitator : As a goal at university of the dentist to the zoo and that's when I met with Professor Carol baby on the strip club projects and i'm one of the products of that activity.

311

00:59:31.230 --> 00:59:51.060

Adv Martin Mafojane, Facilitator : We work up who can be totally you going to address, I have already given an intro of your value is how a concept use the Constitution to leverage people's access to justice and to promote constitutionalism amongst the groups like the homeless.

312

01:00:06.930 --> 01:00:07.620

Janine Hicks: i'm changing.

313

01:00:21.000 --> 01:00:21.270  
Okay.

314

01:00:22.470 --> 01:00:29.400  
Janine Hicks: hi colleen said sorry I care to have a glitches I was about to start talking apologies for that can you see me now I can hear me.

315

01:00:33.570 --> 01:00:34.800  
Siyanda Sibiyana: Yes, we can hear you Jenny.

316

01:00:35.430 --> 01:00:45.900  
Janine Hicks: I can hear you great Thank you and thank you so much, every good mother journey for that introduction it's wonderful that you mentioned Carol becky she was my mentor back in.

317

01:00:46.200 --> 01:00:55.350  
Janine Hicks: 1992 and I worked, managed to work for six years, with her the Community law Center on rural access to justice so it's wonderful that you invoke turning.

318

01:00:55.980 --> 01:01:03.630  
Janine Hicks: And so good afternoon colleagues a very good afternoon to judge, now the Palais i'm an ardent admirer of your work.

319

01:01:04.020 --> 01:01:13.650  
Janine Hicks: And to our Deputy Minister john Jeffrey my fellow panelists colleagues within the Department of Justice and online participants in today's important discussion.

320

01:01:14.130 --> 01:01:24.480  
Janine Hicks: i'm going to pick up the three way, my fellow participants left off judge Pillay spoke to us about the context of poverty, inequality and unemployment.

321

01:01:24.870 --> 01:01:37.800  
Janine Hicks: and called for a fundamental transformation of South African society and flew has made an impassioned plea for that society where everyone can enjoy fair and equitable access to justice.

322

01:01:38.340 --> 01:01:46.410  
Janine Hicks: my presentation and my input is going to focus exactly on that, on the implementation of an all access to.

323

01:01:46.710 --> 01:01:58.890

Janine Hicks: Those equality and socio economic rights guarantees in our Constitution and the potential of stress potential of those guarantees and our Constitution to transform.

324

01:01:59.340 --> 01:02:10.830

Janine Hicks: This embedded discrimination and the historic and widening inequality that we witness in our society, in a nutshell, the argument, the case that i'm going to make.

325

01:02:11.190 --> 01:02:18.780

Janine Hicks: Is that it should not be left to our courts alone to drive the transformation project of our society.

326

01:02:19.050 --> 01:02:31.980

Janine Hicks: Our state, the government is obliged to devise policies and implement programs needed to bring them up as transformation and society to get effects of the kinds of results that that food has been calling for.

327

01:02:33.240 --> 01:02:44.460

Janine Hicks: Our governments current policy approach argue is distinctly anti poor and it does not give effect to the principles, values and rights contained in our constitution.

328

01:02:44.940 --> 01:02:54.300

Janine Hicks: And as part of my argument i'm going to provide some examples, to my mind of the highs and the lows that we've witnessed in this regard to illustrate my point.

329

01:02:54.870 --> 01:03:03.000

Janine Hicks: So as a starting point, let me just talk about this call for one the case for a transformative constitutionalism what does that mean.

330

01:03:03.660 --> 01:03:11.040

Janine Hicks: And when we look at and I love that we all carrying around many pocket version of the Constitution and the bill of rights.

331

01:03:11.400 --> 01:03:19.320

Janine Hicks: The principles, the venues, and the rights contained within our Constitution I argue have been used predominantly by our courts.

332

01:03:19.740 --> 01:03:30.720

Janine Hicks: they've been used by our courts to leverage access to justice and to promote transformative constitutionalism and it's by no accident that that happens, because the Constitution itself.

333

01:03:31.110 --> 01:03:41.130

Janine Hicks: stipulates and spells are very clearly an obligation on our courts to adopt the transformative jurisprudential approach when they interpret the bill of rights.

334

01:03:41.550 --> 01:03:52.260

Janine Hicks: And it's very clear provisions stating that when courts are interpreting the Bill of Rights, they must promote the values that underlie an open and democratic society.

335

01:03:52.530 --> 01:04:04.980

Janine Hicks: Based on the key magic words that come up again and again, and all our equality case law, human dignity, equality and freedom these go to the heart of the issues of equality.

336

01:04:05.460 --> 01:04:15.060

Janine Hicks: Human dignity, equality and freedom and the Constitution goes further, to say that when interpreting any legislation, so when there's any legislation that's been challenged.

337

01:04:15.750 --> 01:04:22.860

Janine Hicks: or when there is common law that needs to be interpreted every quarter must promote the spiritual support and objects of the bill of rights.

338

01:04:23.280 --> 01:04:31.200

Janine Hicks: Now, and understanding what the potential of this transformation project can bring about and make reference to the work of Kathy albertson.

339

01:04:31.590 --> 01:04:43.500

Janine Hicks: who argues that this transformation project has as its objective the attainment of these values of dignity, the achievement of the quality and the advancement of human rights and freedoms.

340

01:04:43.830 --> 01:04:57.030

Janine Hicks: linked with the eradication of poverty and the inequality that judge was talking about this transformation aims to improve the quality of life and free the potential of all persons.

341

01:04:57.570 --> 01:05:07.530

Janine Hicks: It requires the attainment of substantive equality, which is quite distinct from formal notions and require of equality, which requires the use of remedial.

342

01:05:07.800 --> 01:05:16.710

Janine Hicks: And redistributed redistributed measures to ensure that people can satisfy their basic needs and enjoy equal levels of well being.

343

01:05:17.220 --> 01:05:22.530

Janine Hicks: Okay, so in this regard, they have been calls for a more interventionists state.

344

01:05:22.950 --> 01:05:33.720

Janine Hicks: We need a state or government that assumes stronger positive duties to respect protect promote and fulfil the rats contained in the Constitution.

345

01:05:33.960 --> 01:05:44.400

Janine Hicks: Including taking the necessary remedial and redistribution measures to address those areas of persistent institutionalized inequality and discrimination.

346

01:05:45.060 --> 01:05:55.500

Janine Hicks: i'm going to give you some examples of the highest in terms of, to my mind, these are highs and our past 25 years of working with this Constitution.

347

01:05:55.950 --> 01:06:02.940

Janine Hicks: And I believe that our courts have a critical role to play, particularly within the context of a separation of powers.

348

01:06:03.210 --> 01:06:14.970

Janine Hicks: And our courts have the power and the responsibility to hold the state to account in fulfilling its obligations and upholding a pro poor constitutional democracy.

349

01:06:15.480 --> 01:06:24.300

Janine Hicks: And our courts and provided a platform for transformation a platform for an opportunity for social justice advocates.

350

01:06:24.690 --> 01:06:33.750

Janine Hicks: To bring challenges to state policy to the form of our courts for adjudication and i'm just going to put on I had a whole host of examples, but because of.

351

01:06:34.230 --> 01:06:44.430

Janine Hicks: Time constraints and had to whittle it down to my three favorite cases and i'm going to call on three of them in go management much longer and the crippling judgment.

352

01:06:44.760 --> 01:06:54.210

Janine Hicks: So then go management, this was a 2019 case, this was in Khomeini and others against the city of Johannesburg metropolitan municipality.

353

01:06:54.690 --> 01:07:06.180

Janine Hicks: While i'm going to tell you some stories now really and while i'm telling you these stories what i'd like you to seize upon really is the power of our constitution and how our courts have leveraged.

354

01:07:06.570 --> 01:07:13.500

Janine Hicks: Those rights of freedom, equality and dignity to bring about that transformative impact and address.

355

01:07:14.190 --> 01:07:20.040

Janine Hicks: The violation of rights that have been experienced by ordinary people, so in the anger management here.

356

01:07:20.700 --> 01:07:29.520

Janine Hicks: The Court sentient the city of Johannesburg for its treatment of homeless people what had happened there and the story will sound very familiar and to job tonight's.

357

01:07:30.000 --> 01:07:41.610

Janine Hicks: A group of people have been living under a bridge in the city for four years and keeping the amiga positions, the cardboard boxes a shelter the pieces of corrugated iron they bags they blankets.

358

01:07:41.940 --> 01:07:44.730

Janine Hicks: they've been keeping that stash under the bridge during the day.

359

01:07:45.270 --> 01:07:52.230

Janine Hicks: The city alleged that the site where they were living and they positions was obstructing the pavement and enabling.

360

01:07:52.590 --> 01:07:59.640

Janine Hicks: Crime, so the city conducted a cleanup raid they confiscated and they destroyed the property of the homeless people living there.

361

01:07:59.940 --> 01:08:09.780

Janine Hicks: Now the Court held that that conduct of the Metropolitan Police and the destruction of homeless people's property that was deemed to be unlawful and unconstitutional.

362

01:08:10.020 --> 01:08:16.320

Janine Hicks: The Court upheld homeless people's right to dignity to privacy and not to be deprived of the property.

363

01:08:16.800 --> 01:08:21.630

Janine Hicks: The Court stated that the conduct of the government personnel, the Metropolitan Police.

364

01:08:21.930 --> 01:08:36.660

Janine Hicks: was not only a violation of the applicants property rights and they belongings, but it was also disrespectful and demeaning which obviously caused them to stress, and it was a breach of their right to have the inherent dignity respected and protected.

365

01:08:37.980 --> 01:08:51.480

Janine Hicks: I turned out too much longer, my second favorite case much longer in another visit, as the Minister of Labor and others, this was a wonderful judgment handed down by our article in judge President in 2020.

366

01:08:51.990 --> 01:09:05.400

Janine Hicks: And case food before the Constitutional Court, the concord was required to consider in law, the exclusion of domestic workers so domestic workers employed and private households like yours and mine.

367

01:09:05.850 --> 01:09:10.830

Janine Hicks: Domestic workers had previously been excluded from the definition of employee.

368

01:09:11.310 --> 01:09:16.620

Janine Hicks: In our queda legislation, which was compensation for occupational injuries and diseases.

369

01:09:16.950 --> 01:09:24.840

Janine Hicks: What is the impact of that it means that if a domestic workers suffered an accident or an injury or even a death during the course of her employment.

370

01:09:25.350 --> 01:09:27.540

Janine Hicks: She would not be entitled to compensation.

371

01:09:28.290 --> 01:09:41.520

Janine Hicks: And the applicants non behalf of the domestic workers Muslim who made the case that that exclusion constitutes indirect discrimination on the basis of race and gender a drew at the intersection ality is of race and gender.

372

01:09:41.880 --> 01:09:51.300

Janine Hicks: Because domestic workers are predominantly black women, and I want to call out to specific and comments very powerful comments made by the Court.

373

01:09:51.840 --> 01:09:57.660

Janine Hicks: noting that the cornerstone of any young democracy is a comprehensive social security system.

374

01:09:57.990 --> 01:10:12.210

Janine Hicks: Particularly for the most vulnerable members of society, the Court held that that exclusion constitutes a violation of domestic workers rights to equality and dignity and declared that section constitutionally invented, however.

375

01:10:13.110 --> 01:10:26.040

Janine Hicks: If I have chance to me to come back to this coming by the Court if we're talking about the power of our Constitution to transform our society, the Court and much longer stated that the founding daddy's of the Constitution.

376

01:10:27.180 --> 01:10:35.130

Janine Hicks: As expressed in the preamble confirm that one of the aims of the Constitution is to heal the divisions of the past.

377

01:10:35.640 --> 01:10:47.640

Janine Hicks: improve the quality of life of all citizens and free the potential of each person, the Court went on, and made reference to earlier decision in the 2016 verses every forum case.

378

01:10:48.150 --> 01:11:00.990

Janine Hicks: And it noted that this principle in the preamble, here comes the heavy bold underlined underscoring section this principle in the preamble imposes a constitutional obligation on the state.

379

01:11:01.410 --> 01:11:10.380

Janine Hicks: to eradicate all systems of subordination and oppression inherited from South Africa's colonial and a party past.

380

01:11:10.710 --> 01:11:18.750

Janine Hicks: So here we have the core telling us very strongly that this preamble in this Constitution imposes an obligation on the state.

381

01:11:19.620 --> 01:11:28.740

Janine Hicks: A positive application to eradicate all systems of subordination and oppression inherited from our colonial and a party process.

382

01:11:29.430 --> 01:11:38.340

Janine Hicks: Now it has come before our courts as our final case that I want to draw your attention to the headwind judgments, many of us in the socio economic rights and the social justice sphere.

383

01:11:38.640 --> 01:11:45.990

Janine Hicks: Come back to the brooklyn judgment over and over again, because it sets the standard for us in terms of what can we expect of the government.

384

01:11:46.740 --> 01:11:54.840

Janine Hicks: And follow has just read out, everyone is entitled to help to social security i've spoken about property and dignity, rights and equality reds.

385

01:11:55.290 --> 01:12:07.440

Janine Hicks: What does the standard said for the government if the State is obliged to promote and protect those rats What can we expect of the State it's in the hookworm judgment, which is a case Irene herberman others.

386

01:12:08.250 --> 01:12:17.460

Janine Hicks: who've moved from an informal settlement this isn't the Cape and unlawfully occupied a piece of private land because of the desperate circumstances they were living under.

387

01:12:17.910 --> 01:12:29.490

Janine Hicks: And the municipality evicted them, these were people who had no basic shelter no housing and they sort of court order requiring the government to provide them with adequate basic shelter.

388

01:12:29.880 --> 01:12:36.690

Janine Hicks: And this was appealed to the concord and the Constitutional Court that and any challenge so where.

389

01:12:37.380 --> 01:12:45.720

Janine Hicks: Government with state has been challenged regarding its delivery on, for instance, socio economic rats and, in this case, it was housing.

390

01:12:46.170 --> 01:12:51.570

Janine Hicks: The question will be whether the legislative and other measures taken by the state or reasonable.

391

01:12:52.020 --> 01:13:00.510

Janine Hicks: So we've just said, the state has to eradicate the legacy of our colonial and a party past the status of black to protect and promote.

392

01:13:00.810 --> 01:13:09.180

Janine Hicks: These principles and rats and the values of the Constitution and the question then arises is Government doing enough, the Court tells us.

393

01:13:09.540 --> 01:13:22.560

Janine Hicks: That state measures will be deemed to be reasonable, if they are comprehensive if they are well coordinated if they can facilitate the progressive realization of the rat and question.

394

01:13:23.220 --> 01:13:36.180

Janine Hicks: If those measures are balanced and flexible if they do not exclude a significant segment of society and, importantly, if they prioritize the urgent needs of those in desperate circumstances okay.

395

01:13:36.450 --> 01:13:43.080

Janine Hicks: I could read out a host of other judgments relating, for instance, to the right of same sex couples to marry to adopt.

396

01:13:43.410 --> 01:13:54.360

Janine Hicks: The rattle employment of non citizens and have permanent residence property rights of women and customary marriages and rats on inheritance these judgments provide a powerful illustration.

397

01:13:54.990 --> 01:14:08.400

Janine Hicks: Of what our courts have undertaken, but above all they provide a path of illustration of the potential of our Constitution, the transformative potential of our constitution and how it can be used to eradicate.

398

01:14:08.850 --> 01:14:17.670

Janine Hicks: discriminate tree provisions in our norm that still exist, but above all how they can be used to address state failure to deliver.

399

01:14:18.030 --> 01:14:32.970

Janine Hicks: on access to social good, such as land, water, housing, social security, which impact on millions of people in our country, and particularly on categories of people who have suffered persistent discrimination and inequality.

400

01:14:33.570 --> 01:14:45.870

Janine Hicks: And according appropriate relief and it's my view that the implementation of such constitutional guarantees is key to transforming the

unequal discriminate tree and prejudice society.

401

01:14:46.470 --> 01:14:56.940

Janine Hicks: in which we live and now speaking to the lawyers, unfortunately, my friends must talk to the persistent embedded inequality and lows.

402

01:14:57.300 --> 01:15:06.780

Janine Hicks: And that are manifest within our society and to which insufficient attention has been paid and believe by the state, so this embedded inequality.

403

01:15:07.500 --> 01:15:20.580

Janine Hicks: As judge Pillay spoke at the beginning of this, the seminar, it was evident and made manifest in the racial tensions that were highlighted during the recent rioting in my province and President of talent in particular.

404

01:15:21.210 --> 01:15:31.170

Janine Hicks: The embedded inequality in the desperation within many communities, has been aggravated by the impact of covert 19 and the lockdown measures on our on our economy.

405

01:15:31.530 --> 01:15:43.050

Janine Hicks: We see the embedded inequality and discrimination in our widening and deepening poverty in the increasing levels of gender based violence that fool made reference to, but above all.

406

01:15:43.680 --> 01:15:51.480

Janine Hicks: of grave concern is that any quality is manifest in the challenges that ordinary people experienced every day and trying to access.

407

01:15:52.050 --> 01:16:02.460

Janine Hicks: Those socio economic rats provided for our constitution, including the writer, social security, the rattler land the rata housing the writer clean and safe environment.

408

01:16:02.820 --> 01:16:11.730

Janine Hicks: And, to my mind, the stark realities and represent the laws, the fact that after 25 years of constitutionally guaranteed equality.

409

01:16:12.030 --> 01:16:21.930

Janine Hicks: and the guarantee of the full and equal enjoyment of all rights and freedoms we still live in such an equal society, in my view, the implementation of.

410

01:16:22.380 --> 01:16:30.570

Janine Hicks: This constitutional potential and of the rights and freedoms in catch it and our constitution needs to be radically improved to achieve.

411

01:16:30.900 --> 01:16:40.710

Janine Hicks: And the potential offered by our Constitution, and I want to say just two examples and advocate muscle journey, just to illustrate.

412

01:16:41.520 --> 01:16:49.350

Janine Hicks: Why basis, I made that claim and they to schisms that I particularly want to point to the one is formal versus informal.

413

01:16:50.070 --> 01:16:59.910

Janine Hicks: And the one is citizen versus other okay so formal versus informal currently only workers who are recognized as employees.

414

01:17:00.240 --> 01:17:08.580

Janine Hicks: By our Labor law framework unemployment insurance legislation on Labor relations legislation only those who recognizes employees.

415

01:17:08.910 --> 01:17:27.510

Janine Hicks: quantify for social security benefits such as unemployment insurance workers compensation maternity benefits as a result, we have a whole suite of our working population self employed workers owner COMP workers independent contractors and the myriad of informal sector workers.

416

01:17:28.680 --> 01:17:41.520

Janine Hicks: who hold South Africa, together, have no access to these forms of social protection, resulting in real financial hardship within their families, particularly for those for informal employment.

417

01:17:41.880 --> 01:17:55.080

Janine Hicks: Less than 10% of workers in sub Saharan Africa and have access to social security right, whereas an other developing countries, this goes up to around 50% of workers have have access to social security.

418

01:17:55.500 --> 01:18:06.480

Janine Hicks: We have testimonies from self employed women and South African who speaks, but specifically about the hardships and the tough choices that they experience in relation to sexual and reproductive health threats.

419

01:18:06.870 --> 01:18:21.210

Janine Hicks: As a result of their lack of access to paid maternity leave, so self employed workers informal economy workers, the Mamas who selling sweets and bananas and clothes on the side of the road cannot take paid maternity

leave.

420

01:18:21.960 --> 01:18:30.750

Janine Hicks: Upon falling pregnant, to my mind, is a strong case to be made, that this is a failure by the state to regulate and enable access to.

421

01:18:31.080 --> 01:18:35.430

Janine Hicks: The constitutional right to social security, as envisaged by section 27.

422

01:18:35.820 --> 01:18:46.680

Janine Hicks: This is a delegation of the state's responsibility to enact reasonable legislative and other measures within available resources to achieve the progressive realization of these threats.

423

01:18:47.220 --> 01:18:53.910

Janine Hicks: It constitutes differential treatment between workers as violation of our our section nine of the Constitution.

424

01:18:54.270 --> 01:19:00.600

Janine Hicks: and pleased to say that this matters currently before the South African Law Reform Commission on a project on which I serve.

425

01:19:01.020 --> 01:19:12.240

Janine Hicks: and which has acknowledged this lacuna and our legislation and we have we're very proud to have just released a discussion document presenting proposed reform on the legislative framework in this regard.

426

01:19:13.110 --> 01:19:20.340

Janine Hicks: And i'm going to speed up a bit and bring you to my second point, which is in relation to citizens versus other.

427

01:19:20.760 --> 01:19:26.040

Janine Hicks: And made reference to that and go manage judgment against the city of Johannesburg against homeless people.

428

01:19:26.370 --> 01:19:37.860

Janine Hicks: To my mind, this indicates the clear need for transformation in how our state and how municipalities are approaching and policing homelessness and informal trade.

429

01:19:38.490 --> 01:19:52.110

Janine Hicks: What we are seeing in the main, is that municipalities are enforcing in many instances apartheid era municipal by laws that are no longer

fit for an entirely different socio economic set of contexts.

430

01:19:52.470 --> 01:19:59.820

Janine Hicks: And are simply unconstitutional in my province in my city of ethic, we need at greenie municipality.

431

01:20:00.090 --> 01:20:09.000

Janine Hicks: continues to use irrational and vaguely termed municipal bylaws to victimize unfairly discriminates against homeless people.

432

01:20:09.360 --> 01:20:17.220

Janine Hicks: We have a host of research undertaken by the human sciences Research Council work done by the dana's hurley Center and local NGO.

433

01:20:17.520 --> 01:20:27.300

Janine Hicks: i'm very proud of some of our final year street law students at the school of law and interning and volunteering at the valley Center taking statements of the abuse.

434

01:20:27.600 --> 01:20:36.210

Janine Hicks: of homeless people what we're seeing is that officials are using their own discretion and deciding what constitutes the promotion of public order.

435

01:20:36.480 --> 01:20:45.180

Janine Hicks: And what behavior constitutes loitering or vacancy such as urinating bathing or sleeping in public and as a result.

436

01:20:45.810 --> 01:20:54.060

Janine Hicks: We are seeing instances of unlawful arrests, unlawful detention harassment extortion and abuse.

437

01:20:54.420 --> 01:21:11.970

Janine Hicks: By our metropolitan security officers and personnel of vulnerable groups of people such as homeless people sex workers informal traders street children confiscating destroying property without following do and fade procedure, simply because they can get away with it.

438

01:21:12.450 --> 01:21:20.940

Janine Hicks: and go man he tells us that this is a violation, this is unfair unlawful discrimination and it's a violation of the rights to equality and to dignity.

439

01:21:21.840 --> 01:21:31.320

Janine Hicks: What i'm going to move towards then really In conclusion, colleagues, when considering these highs what our courts have been able to achieve.

440

01:21:31.800 --> 01:21:43.110

Janine Hicks: In us utilizing these provisions and rats within the Constitution and the lows the perpetuating of inequality and discrimination through our existing legislative.

441

01:21:43.440 --> 01:21:52.920

Janine Hicks: Framework in many instances, but equally through State policy through State programs and through State practice, the question that arises for me and.

442

01:21:53.520 --> 01:21:58.530

Janine Hicks: A deputy minister would appreciate input and insight from our participants on this.

443

01:21:59.040 --> 01:22:11.340

Janine Hicks: Do we need to take every instance of inequality and in justice to our courts to force our state to overhaul discriminate tree legislation.

444

01:22:11.820 --> 01:22:25.470

Janine Hicks: Or to force our government to enact meaningful policy to ensure delivery on socio economic rights for us to attain the progressive realization of rights envisaged by the Constitution.

445

01:22:25.890 --> 01:22:33.600

Janine Hicks: My view is that we need a far more proactive administration to identify such gaps in our legislative framework for Law Reform.

446

01:22:34.080 --> 01:22:41.880

Janine Hicks: And, such as the project on maternity benefits we need coordinated monitoring and reporting between state and civil society.

447

01:22:42.210 --> 01:22:50.250

Janine Hicks: And to identify shortcomings and policy information policy implementation and, above all, we need political accountability.

448

01:22:50.640 --> 01:23:01.800

Janine Hicks: For policy failures by the state and the violation of rights that ensues so accordingly, what I would like to ask, and I would appreciate input and discussion on this.

449

01:23:02.220 --> 01:23:11.370

Janine Hicks: How do we get the state to reset the policy agenda, how do we get government to enact policies and programs that are popular.

450

01:23:11.820 --> 01:23:19.980

Janine Hicks: That are rats based and that promote the attainment of equality, our Constitution offers the promise of a transform society.

451

01:23:20.310 --> 01:23:30.720

Janine Hicks: And, as I heard that demonstrated our code seven many instances taken up that mandate to hold the state to account in interpreting those constitutional rights and freedoms.

452

01:23:31.050 --> 01:23:36.960

Janine Hicks: How do we create an environment where Dennis Davis uses the expression, we politics.

453

01:23:37.260 --> 01:23:51.780

Janine Hicks: Rather, more so than the work of judges determines the scope of the Constitution and it's possible implementation we politics rather than judges determine the scope of the Constitution and it's possible implementation.

454

01:23:52.080 --> 01:24:02.640

Janine Hicks: I argue this requires a new political agenda, it requires citizen pressure and political parties, it requires effective oversight by Parliament of the executive.

455

01:24:03.120 --> 01:24:15.930

Janine Hicks: And it requires the use of our courts challenge racial and class based inequality and inadequate implementation by the government of the provisions and obligations outlined by the Constitution.

456

01:24:16.410 --> 01:24:23.700

Janine Hicks: So, while our courts have proven their ability to use the Constitution to eradicate inequality and promote redress.

457

01:24:24.180 --> 01:24:33.270

Janine Hicks: Our challenge at argue is fundamentally one of the politics of law do our political leaders and do our government departments have the vision.

458

01:24:33.780 --> 01:24:48.390

Janine Hicks: The courage and the capacity to drive the transformation of our society, what will it take for our state to take appropriate legislative and other measures to use our Constitution to its full potential.

459

01:24:48.900 --> 01:25:01.050

Janine Hicks: and eradicate i'm using the words and my shampoo again eradicate all systems of subordination and oppression inherited from South africa's colonial and a party past.

460

01:25:01.410 --> 01:25:11.700

Janine Hicks: Particularly when such measures challenge that inherent embedded economic power imbalance that is so prevalent in our society, thank you.

461

01:25:15.000 --> 01:25:17.550

Adv Martin Mafojane, Facilitator : Thank you very much Jimmy I.

462

01:25:20.130 --> 01:25:22.800

Adv Martin Mafojane, Facilitator : believe everybody has really no test.

463

01:25:23.520 --> 01:25:39.750

Adv Martin Mafojane, Facilitator : The role that Kate our quarter rate is two days that the have gathered to show how to what extent the quarter chiefly assisted in ensuring and all those constitutional rights that there are millions.

464

01:25:40.560 --> 01:25:48.720

Adv Martin Mafojane, Facilitator : And you go to your your nose and I am now mindful of the time and wouldn't stay much longer in.

465

01:25:50.340 --> 01:26:04.950

Adv Martin Mafojane, Facilitator : My comments safe to say in my latest an exciting judgment is totally judgment on the on the rise or fall in particular the marital status of the many after.

466

01:26:05.640 --> 01:26:14.160

Adv Martin Mafojane, Facilitator : Their or their husbands are perfect that that judgment is retrospectives and that's the part that really excites me and now even the.

467

01:26:14.190 --> 01:26:16.350

Adv Martin Mafojane, Facilitator : Culture was created inside.

468

01:26:16.410 --> 01:26:17.160

To see.

469

01:26:18.390 --> 01:26:19.290

Adv Martin Mafojane, Facilitator : sure that.

470

01:26:21.810 --> 01:26:31.080

Adv Martin Mafojane, Facilitator : Those that are affected are not automatically just magnify whatever has happened and get that approach, good to see to what extent it can be.

471

01:26:31.860 --> 01:26:52.920

Adv Martin Mafojane, Facilitator : I am excited and thankful that indeed there is a recognition that part of our suffering keynote powers, the judiciary is giving an exciting way there, and indeed our government has so much to do, but I mean best to respond there to assistant human rights.

472

01:26:54.450 --> 01:27:07.440

Adv Martin Mafojane, Facilitator : participant and activist our deputy minister, I have noted that there weren't many of the questions on the under common chat box and and therefore having this opportunity to.

473

01:27:08.700 --> 01:27:14.400

Adv Martin Mafojane, Facilitator : Catch him on your 30 minutes, but over to you DM to reflect and respond to these.

474

01:27:15.780 --> 01:27:21.480

Adv Martin Mafojane, Facilitator : informative and insightful and a balanced view that our panelists present and Jenny.

475

01:27:23.130 --> 01:27:23.430

Adv Martin Mafojane, Facilitator : What.

476

01:27:24.720 --> 01:27:27.600

John Jeffery: The thanks thanks very much and good afternoon everybody.

477

01:27:29.250 --> 01:27:41.190

John Jeffery: Also thanks to advocate muffle Johnny he introduced us, but he wasn't introduced and just to say that advocate muffle Johnny is the the chief master.

478

01:27:42.330 --> 01:27:57.180

John Jeffery: So dealing with all estates wills insolvencies and and matters like that, so you can maybe also contact him on the chat group if you've got if you've got issues and also just to say that that this.

479

01:27:59.220 --> 01:28:05.550

John Jeffery: webinar was organized by the regional office of the Department of

Justice inquisitive in a towel.

480

01:28:06.270 --> 01:28:19.230

John Jeffery: The intention is that all regional offices will organize some kind of event for the 25th anniversary of the Constitution, this is the first one that that case it in has has done, and to thank.

481

01:28:19.740 --> 01:28:29.910

John Jeffery: The regional head miss pat woodley for for the hard work that she's put in, particularly in a very difficult period in closer Luna towel.

482

01:28:32.190 --> 01:28:37.140

John Jeffery: The sort of brief i've got is is basically to to respond.

483

01:28:39.720 --> 01:28:40.530

John Jeffery: Which is sort of.

484

01:28:41.610 --> 01:28:42.300

John Jeffery: Quite quite.

485

01:28:42.360 --> 01:28:45.300

John Jeffery: Tough I mean there's some specific I think it's I think the.

486

01:28:45.450 --> 01:28:48.270

John Jeffery: All three inputs, have been very good.

487

01:28:49.560 --> 01:28:54.990

John Jeffery: raises raised a lot of issues dreams, at the end was particularly hard hitting.

488

01:28:56.910 --> 01:28:58.770

John Jeffery: But just, I think, to say that that.

489

01:29:00.180 --> 01:29:02.040

John Jeffery: You know, we we.

490

01:29:04.530 --> 01:29:07.200

John Jeffery: There are highs and lower lows of the Constitution.

491

01:29:09.180 --> 01:29:15.480

John Jeffery: I think the panelists have spoken a lot about about both both sides, the highest being.

492

01:29:16.590 --> 01:29:30.780

John Jeffery: The justiciable social economic rights, the supremacy of the Constitution, which I wanted to come back to two later, and that has led to significant improvements.

493

01:29:31.920 --> 01:29:33.240

John Jeffery: For example.

494

01:29:35.700 --> 01:30:03.510

John Jeffery: 14.6 learners at school in 2019 participation was almost universal 96.6% by the age of 15, which is the last compulsory age percentage of learners attending no fee schools, improving from 21.4% to 66.2% social grants in the numbers of people going up from 13.9% in sorry going up.

495

01:30:04.710 --> 01:30:11.610

John Jeffery: Up to 30.9% in 2019 and 45.5% of households receive one or more grants.

496

01:30:13.560 --> 01:30:26.310

John Jeffery: The the issue of access to to water and electricity, increasing quite substantially electricity 76.7% to 85% in 2019.

497

01:30:27.990 --> 01:30:44.610

John Jeffery: And so on now, the problem with those statistics is yes they're real they're factual those are from stats sad but tell that to the person who has a households, which doesn't have electricity or how sword which doesn't have access to to pipe water so that that's that's understandable.

498

01:30:46.080 --> 01:30:54.210

John Jeffery: And janine particularly focused on on many of many of the speakers, I think, judge pillai as well the.

499

01:30:56.760 --> 01:31:07.140

John Jeffery: The problems, the lows the poverty, the inequality, the unemployment, the weak economic growth, the racism, xenophobia and homophobia so we've got good laws of lowering them.

500

01:31:08.460 --> 01:31:08.970

John Jeffery: But.

501

01:31:10.020 --> 01:31:22.740

John Jeffery: In terms of the way people live their daily lives, some people, they still live it by eggs exhibiting racism, xenophobia, or homophobia.

502

01:31:23.850 --> 01:31:36.120

John Jeffery: GB is a gender based violence as a huge challenge yet we've got equality of women, but you can't speak of freedom or human dignity for women.

503

01:31:36.540 --> 01:31:55.620

John Jeffery: If they're not safe in their homes and their schools or in their communities so but I think I think the main low is is the stark any qualities, the high equality between the rich and the poor and those are things that that a lot more needs to be done, that that needs to be addressed.

504

01:31:56.940 --> 01:32:01.140

John Jeffery: And just to say, though, that that I mean some of the points.

505

01:32:02.310 --> 01:32:16.590

John Jeffery: When judge pillow was was referring to the I think the order organization was idea I can't remember now what it stood for I didn't know what it stood for the issues of their complaints on the 20th review relating to.

506

01:32:18.060 --> 01:32:25.980

John Jeffery: one party dominance that's not really the constitution's faults, the Constitution sets up the electoral system.

507

01:32:27.060 --> 01:32:37.110

John Jeffery: there's debates around the electoral system, but what it does do is ensure that the representation in the legislature's Parliament and.

508

01:32:37.950 --> 01:32:55.740

John Jeffery: The party support in those bodies is proportionate to the vote that the people, the votes actually cast, and that even applies it at local government level where you do have a reward system, there has been some debate as being the my vote counts case at the.

509

01:32:56.940 --> 01:33:08.820

John Jeffery: At the Constitutional Court, which said that independence must be allowed to to stand we may well move to a similar system to a municipal level where you have.

510

01:33:10.200 --> 01:33:18.030

John Jeffery: Independent more you have ward's effectively where individuals can stand and then the proportional representation system.

511

01:33:18.450 --> 01:33:38.850

John Jeffery: balances out so that the balances things out so each party

actually has the support that it actually the the majority or the size in the in the Council is the same as the support that they have they gotten the votes and that's better I mean if you look at you know other countries.

512

01:33:39.870 --> 01:33:53.220

John Jeffery: The United States, you can have a well, you can very nearly have a President who got a few million votes less than his his competitor becoming President in terms of.

513

01:33:55.980 --> 01:34:09.390

John Jeffery: trump if a certain key states had had had voted another way Donald trump would have been the President Hillary Clinton beat Donald trump in terms of the number of popular votes in the United Kingdom.

514

01:34:11.460 --> 01:34:20.640

John Jeffery: you've never actually had a government since universal franchise you've never actually had a government elected by the majority of people who voted in that election.

515

01:34:22.740 --> 01:34:30.720

John Jeffery: Because of the first past the post system, in other words you vote for your MP, or the constituency and all the if they went by one but.

516

01:34:31.080 --> 01:34:35.760

John Jeffery: All the other votes cast for the other parties or the other candidates just get discarded.

517

01:34:36.090 --> 01:34:45.150

John Jeffery: So i'm just I went into that in a bit more detail in in terms of just saying, these are you know these are complicated areas, and we need to to debate them.

518

01:34:46.080 --> 01:34:58.380

John Jeffery: And the there was, I mean judge Pele raise the issue of problem of an anti corruption, you know thumping and our constitution and, and that is something that is being looked at.

519

01:34:59.730 --> 01:35:18.690

John Jeffery: and considered not necessarily in the Constitution, but it'd be setting up a statutory body, I presume, in 1994, although the apartheid regime had been pretty corrupt, I think there was maybe I hope that the democratic regime would get democratic government would not be.

520

01:35:19.950 --> 01:35:23.730

John Jeffery: But I mean clearly that, as has not has not worked.

521

01:35:26.250 --> 01:35:27.210

John Jeffery: The.

522

01:35:28.410 --> 01:35:30.570

John Jeffery: Then just.

523

01:35:32.370 --> 01:35:44.220

John Jeffery: Some of the the other responses just in terms of monitoring i'd say just in terms of educating the public, it was fuller's.

524

01:35:45.120 --> 01:35:55.230

John Jeffery: Point and educating the public about the Constitution, but the Constitution is available in in all 11 languages and in in Braille.

525

01:35:56.160 --> 01:36:02.850

John Jeffery: We all have also produced mainly for learners in schools, a what we call a slimline constitution.

526

01:36:03.240 --> 01:36:11.640

John Jeffery: Which is the preamble, the Chapter one and the Bill of Rights, and then a section of the back, about the particularly the chapter nine institutions.

527

01:36:12.180 --> 01:36:22.170

John Jeffery: But definitely much more needs to be done, as far as constitutional awareness and I think that we also need to work with civil society on that.

528

01:36:23.700 --> 01:36:32.070

John Jeffery: Then on just responding to to some of janine points look I would disagree obviously that.

529

01:36:34.290 --> 01:36:47.910

John Jeffery: You know the the government can definitely do better, or the ruling party because it's a party based issue could do better, but things like the National Development Plan, I think I mean, are you are you saying that that is not.

530

01:36:49.470 --> 01:37:01.110

John Jeffery: not geared to dealing with inequality, poverty and it's not right based so and that's the prime document of government so.

531

01:37:02.580 --> 01:37:12.990

John Jeffery: This government tries very or continually evaluates our its policies in line, particularly with the electrical mandated received.

532

01:37:13.710 --> 01:37:25.980

John Jeffery: The the issues outlined in the in the manifesto of the ruling party at the time I can't the manifesto at the time of the ruling party I can't speak for other parties.

533

01:37:26.760 --> 01:37:35.490

John Jeffery: and basically from from government side all laws before they go to Parliament to get certified by the State Law advisors.

534

01:37:36.000 --> 01:37:54.660

John Jeffery: As being consistent with the Constitution, the same applies to to any policies any regulations, one could obviously disagree with them and sometimes they have been wrong, but there is an effort to to ensure that there's consistency with the with the Constitution.

535

01:37:57.420 --> 01:38:09.990

John Jeffery: But one of the I think the strongest points of our Constitution is the supremacy of the Constitution and the fact that is the constitutional quarter body of 11 people.

536

01:38:11.370 --> 01:38:21.000

John Jeffery: where you have to get a majority, I think the quorum correct me if i'm wrong anyone, I think the quorum is is nine so it would then be a majority of five at least.

537

01:38:21.690 --> 01:38:31.650

John Jeffery: To decide what is constitutional and what isn't I think that in this current period, particularly inquisitive in the towel with the rest of.

538

01:38:32.850 --> 01:38:52.800

John Jeffery: The arrest ordered by the former President by the Constitutional Court and the fact fact that that arrest was was affected before the deadline show the importance of the the supremacy of the Constitution there's been a lot of calls for this, the zoomer to be to be released.

539

01:38:54.240 --> 01:39:08.160

John Jeffery: The matter is still in the Constitutional Court in terms of waiting judge judgment on the rescission application so it's it's quite difficult for government to intervene at at this stage, but we also need to look at.

540

01:39:09.180 --> 01:39:23.160

John Jeffery: You know, sometimes a constitutional court can give a ruling you don't like but it's the best system you've got to accept it in the past, the national party regime had a constitution.

541

01:39:24.270 --> 01:39:31.830

John Jeffery: They managed, because the Constitution wasn't that strong they managed to oust the courts in a number of incidents instances.

542

01:39:32.250 --> 01:39:41.520

John Jeffery: They also made pretty sure about who was going to be judging in the courts, so there was the incident for those who know history of the attempt by the National Party to.

543

01:39:41.970 --> 01:39:49.500

John Jeffery: Remove colored people from the voters role the appellate division, or which was the highest court at the time.

544

01:39:50.010 --> 01:39:59.700

John Jeffery: ruled against that, and so the National Party Government then went and increase the size, they couldn't get rid of the judges, but they increase the size of the appellate division.

545

01:40:00.090 --> 01:40:03.360

John Jeffery: And appointed judges that they knew would side with them.

546

01:40:03.810 --> 01:40:17.640

John Jeffery: So that's what's happened in our in our past if we don't have the Constitution, the Constitutional Court adjudicating on what's correct or incorrect in the Constitution, even if they get it wrong then who else do we have.

547

01:40:18.300 --> 01:40:26.190

John Jeffery: The issue of Parliament has has I think across the world shown the limitations, particularly when it comes to the.

548

01:40:27.660 --> 01:40:34.050

John Jeffery: Protection of people's rights, the limitations of that if you had a referendum on.

549

01:40:35.040 --> 01:40:49.980

John Jeffery: In when when was civil unions passed in 93 or 2003 or something if a referendum was passed in as to whether same sex couples should be allowed to marry it probably would have been rejected, I think tolerance has increased.

550

01:40:51.330 --> 01:40:54.750

John Jeffery: And if you if you had a referendum on many issues.

551

01:40:55.770 --> 01:41:10.590

John Jeffery: Where where people have their rights protected, you probably wouldn't we probably would none of us would probably will most of us probably wouldn't like the results, so I just do want to emphasize the importance of constitutional supremacy, and that is the role of the the courts.

552

01:41:11.910 --> 01:41:17.820

John Jeffery: Obviously, because everything is reviewable based largely there's a lot of litigation going on.

553

01:41:19.290 --> 01:41:21.360

John Jeffery: You can have on the.

554

01:41:23.040 --> 01:41:33.930

John Jeffery: On the the disaster regulations, a High Court in in Johannesburg saying agreeing with an applicant that the restrictions were.

555

01:41:34.650 --> 01:41:48.840

John Jeffery: irrational and and not correct that was that own judges view but you end up then going to the the the Supreme Court of Appeal where there's a different position so that also does happen with our with our courts.

556

01:41:49.890 --> 01:42:04.410

John Jeffery: um yeah so I see we're sort of large we're running out of time, so let me, let me stop there, but from the side of the Ministry of Justice to thank everyone for their their participation.

557

01:42:06.030 --> 01:42:08.730

John Jeffery: And i'll hand it back to advocate muffle Johnny.

558

01:42:12.210 --> 01:42:21.780

Adv Martin Mafojane, Facilitator : Thank you very much DM for we're responsible for the indication that indeed our team is equal to the Constitution, the.

559

01:42:23.040 --> 01:42:25.410

Adv Martin Mafojane, Facilitator : Information he caught him off.

560

01:42:26.010 --> 01:42:27.750

John Jeffery: guard so advocate advocate.

561

01:42:28.350 --> 01:42:38.400

John Jeffery: advocate sorry I forgot to respond to one comment that was specifically to me, I was trying to read the new ones, but just if I give me a minute to do to just respond, and that was from.

562

01:42:39.630 --> 01:42:40.020

Adv Martin Mafojane, Facilitator : You.

563

01:42:40.680 --> 01:42:58.380

John Jeffery: The number was who are where P 30 light I don't know the name, but it was about the the murders in phoenix and Mumbai basically those needs to be investigated properly i've also seen on social media some of the videos of the treatment of people.

564

01:42:59.460 --> 01:43:12.750

John Jeffery: There needs to be an investigation and it is an investigation into that so that is being investigated and and then there's the issue of the essay MDF not being deployed in Cape Town, with the.

565

01:43:13.800 --> 01:43:25.560

John Jeffery: With the taxi conflict, I know, the Minister of Transport is directly involved in that I can't respond directly as to what the need is whether they've been requests or whatever.

566

01:43:26.430 --> 01:43:35.820

John Jeffery: or so just to say that the Human Rights Commission will tomorrow they told me I hope they have announced it to be having a virtual in bs or.

567

01:43:36.480 --> 01:43:48.210

John Jeffery: On the whole issue of the the public violence inquisitive and the talent and how 10 so just if I can give that, by way of response, my apologies advocate for joining for interrupting you.

568

01:43:49.830 --> 01:43:50.100

John Jeffery: know.

569

01:43:51.840 --> 01:44:13.050

Adv Martin Mafojane, Facilitator : Thanks DM there it's understood, and I was just going to say that we caught on on the concord in terms of Section one seven subsection as judges and I think that time we have allocated for today really.

570

01:44:14.250 --> 01:44:23.790

Adv Martin Mafojane, Facilitator : Few on our fees as we were thinking we

trying to craft them create a vibrant into action, but I have seen that in the chat box.

571

01:44:24.300 --> 01:44:42.780

Adv Martin Mafojane, Facilitator : Many of the questions or comments that came most part of the of the panelists have responded there to particularly even as the DM was concluding it touched on one of those prices so so Basically, this is an ongoing activity from from the.

572

01:44:43.620 --> 01:44:53.190

Adv Martin Mafojane, Facilitator : us this is celebrating the 25 years of our constitution, this is not the end, we will go into very many other provinces thanks.

573

01:44:53.700 --> 01:45:06.060

Adv Martin Mafojane, Facilitator : for reminding us and our listeners to be very good way and very involved and a very strange circumstances by our regional office in an attempt to.

574

01:45:06.420 --> 01:45:19.590

Adv Martin Mafojane, Facilitator : stage and ensure that today's webinar takes place, we are appreciative of our leader, the original head my head woodley and her team for ensuring that.

575

01:45:20.190 --> 01:45:33.210

Adv Martin Mafojane, Facilitator : We succeeded stage in this, I want to express my gratitude and thankfulness to the Deputy Minister for taking the time to listen and to put into perspective.

576

01:45:33.780 --> 01:45:38.070

Adv Martin Mafojane, Facilitator : The government position in this for the shoe is it.

577

01:45:38.730 --> 01:45:52.500

Adv Martin Mafojane, Facilitator : A panelist as they put forward what has been the of view and the assessment of how we determine the Constitution, we can add them for being available and for the insight.

578

01:45:52.770 --> 01:46:05.700

Adv Martin Mafojane, Facilitator : and your activism for the human rights that you articulate so well, and certainly can see where we can maybe misjudging it in so far as how we take perhaps.

579

01:46:06.240 --> 01:46:19.950

Adv Martin Mafojane, Facilitator : Some of the developments, I want to say that

another day for having also so well expressed an indicator the jurisprudence and international experience my gratitude goes further also.

580

01:46:21.030 --> 01:46:30.780

Adv Martin Mafojane, Facilitator : On reflecting encouraging us as a government and its employees to look into their policies that really assist and ensure that.

581

01:46:31.530 --> 01:46:47.340

Adv Martin Mafojane, Facilitator : The refugees and asylum seekers are treated properly and also the message to be seeing more and more of these constitutional events have to be shared, so that people can relate to this document and be informed by.

582

01:46:48.300 --> 01:46:55.260

Adv Martin Mafojane, Facilitator : The name, we thank you very much for looking at basically how our constantly dealing with.

583

01:46:55.740 --> 01:47:08.400

Adv Martin Mafojane, Facilitator : What is really inspiring is the fact that, at least from all of the panelists there isn't one that says even our judicial arm is dropping the.

584

01:47:09.210 --> 01:47:17.550

Adv Martin Mafojane, Facilitator : ball, indeed, we are in aws years of government would try and look at how we can best do.

585

01:47:18.120 --> 01:47:30.330

Adv Martin Mafojane, Facilitator : We surely requested to keep looking in this space that Department of Justice will continue for a year or so, to continue to celebrate a stage these webinars where we celebrate.

586

01:47:30.750 --> 01:47:41.220

Adv Martin Mafojane, Facilitator : The existence of our Constitution, the 25 years, and perhaps we may even reflect back and see between the 20th year now the 20th da.

587

01:47:41.610 --> 01:48:00.270

Adv Martin Mafojane, Facilitator : How we do if there is the improvement, but we are more grateful to all who came and participated and to our our families, and we thank you for attending and closing the events, thank you very much, have a pleasant evening bye.