



**Speech by Minister Lamola, During the Opening of Point Court In Durban
KwaZulu-Natal, Delivered on 26 March 2021**

Deputy Minister of Justice and Constitutional Development, Mr John Jeffery

Executive Mayor of the City of Ethekeweni, Councillor Mxolisi Kaunda;

**Member of the Mayoral Committee for Health and Infrastructure in the City of
Ethekeweni, Councillor Thanduxolo Sabelo;**

Chief Magistrate, Mr Ngubane

**The representative of the South African Women Lawyers Association, Ms S
Rajaruthnam**

**Officials from Departments of Justice and Constitutional Development and
Public Works and Infrastructure**

Ladies and Gentlemen

As we open this court today, during Human Rights Month, we once again affirm our firm belief that it is sites like these where the Constitution is not only effected, but also deeply entrenched in our lived experience.

Magistrates Courts are the first site of justice, or put differently they are courts of first instance for most of our citizens.

In this country magistrates courts were first introduced in the what was known then as the Cape Colony in 1830 and were later established in Natal in 1846.

By the time the colonial state took full shape and form in 1910 magistrates not only formed part of civil service but they were a well established form of the judicial system.

When, in 1917, the legislature passed the Magistrates Courts Act to establish a uniform pattern of magistrates courts for the whole country, it had the effect of significantly increasing the jurisdiction of magistrates courts.

In terms of the 1917 Act, the Governor-General was responsible for appointing all magistrates, although the Public Service Commission had some powers of recommendation in line with its general powers with regard to all civil servants. This has shifted radically over the years, under our constitutional democracy Magistrates are not seen as administrators but rather as judicial officers.

As a result in buildings like these it is not the will of the executive that is done but it is the interests of justice that prevails.

This court we open today is a branch court which in effect means that it concentrates on basket of services. Which over the years have been concentrated in the Durban Magistrates Court, which in itself has served and continues to serve the communities such as Kwa-Mashu, Umlazi, Chatsworth, and Phoenix.

From today onwards this court, will reduce the number of people who seek to address domestic violence issues, maintenance matters at the Durban Magistrates Court. This in essence is their specialist court.

It is becoming increasingly common for women to be the sole people responsible for the upbringing of kids. Not only does this facilitate other social problems in our communities, but it also entrenches a form of gender-based violence.

When my fellow brothers choose to run away from their responsibilities to raise their children, they commit an act of gender based violence.

Fellow countrymen, child maintenance and support is a heavily gendered issue. Most of us can bear testament to the fact it is single mothers and children who are most highly prone to poverty. The payment of maintenance is therefore not a favour to the mother, but it is for the well-being of our communities and most importantly, our children.

It is against this background that the department of justice and constitutional development has developed a tool that enables tracking absconders of maintenance via their digital footprint. Through this facility, our maintenance investigators are well equipped to ensure that justice is served in the interests of the child. Through this reliance on technology, we aid the support of custodial mothers in particular.

Section 28 of the Constitution enjoins us to act at all material times in the best of interest of the child. Through this Family Court today, we entrench that right. In this court, we introduce a much welcome innovation in our quest to gear our justice system towards an effective response to gender based violence.

This court will be the first court in South Africa, where domestic violence survivors can apply online for a protection order. We hope to learn important lessons from this pilot as we prepare to roll out a more comprehensive version throughout the country.

As we celebrate this very important month of our democracy, Human Rights Month, we do so in the name of our stalwart and heroine, Mme Charlotte Manye Maxeke. Human Rights Month is celebrated under the theme: ***“THE YEAR OF CHARLOTTE MAXEKE: PROMOTING HUMAN RIGHTS IN THE AGE OF COVID-19”***.

Through this court and its facilities such as respite rooms, we are not only demonstrating a shift towards gender sensitive courts, but also, we are displaying the implementation of gender of budgeting. Most of the features of this court are designed not just to dispense justice, but to achieve this objective also with the needs of women in mind.

Through this court, we will implement the National Strategic Plan on Gender Based Violence and Femicide. We address the underlying problems with the implementation of the Domestic Violence Act, the Maintenance Act, and the other pieces of progressive legislation such as the Children's Act, the Promotion of Equality and Prevention of Unfair Discrimination Act, Employment Equity Act and the Protection from Harassment Act. This is just but the beginning of a Victim-centred and survivor-focused justice system.

Ladies and Gentlemen, I wish to commend the justice family and our sister department, Public Works and Infrastructure, for rising to the challenge and delivering this facility in spite of the difficult times we live in. The COVID-19 pandemic has forced us to recalibrate plans and deliver our programmes within a new time frame. The work we are unveiling here today shows that we can be delayed, but we will not be derailed, we know our path, and that is delivering justice to citizens.

This year also marks the 25th year in which our supreme law, the constitution, was signed. There have been many victories, but equally, there were many challenges and lessons learnt. Some of the challenges are historical but in the main, most can argue that some have been self-engineered. It is my sincere hope that we will muster the courage to reflect deeply and honestly update the state of constitutional democracy and how we can sustain it.

Programme Director, in many parts of our country, gender based violence continues to rear its ugly head. Women and children are regrettably still subjected to insurmountable pains at the hands of those who ordinarily, should have protected them. More often, we are confronted with cries of help from survivors of gender based violence, it is through this court that we seek to respond to those cries in a manner that will encourage others to come out and seek justice. Through this court, we want to ensure that perpetrators of gender based violence and femicide do not escape accountability for their crimes.

Our people have marched, protested and demanded for protection of human rights of victims and survivors of the scourge of gender based violence, as the department of justice and constitutional development, we have heeded their calls and through this court, we are saying let justice reign, let human rights and dignity of those who were violated be restored.

I thank you.