



Embargo: for immediate release

Publication of the Discussion Paper 162: Review of Colonial and Apartheid Legislation administered by the Department of Justice and Constitutional Development for public comment

The South African Law Reform Commission (Commission) has published Discussion Paper 162 for public comment and information on the review of colonial and apartheid era laws administered by the Department of Justice and Constitutional Development (DOJ&CD). This review seeks to identify pre-1994 laws that stifle or adversely affect the exercise of expressive rights (rights to express one's views, protest, associate, and political rights) contained in sections 15-19 of the Constitution.

The Commission has made the following recommendations in the discussion paper:

- (a) the repeal of:
- Sunday observance laws which prohibit, inter alia, economic activities and public entertainment on Sundays, including the Prohibition of the Exhibition of Films on Sundays and Public Holidays Act of 1977;
 - the Prevention of Public Violence and Intimidation Act of 1991 which established the Goldstone Commission;
 - the Indemnity Acts of 1961 and 1977 which accorded immunity to perpetrators of human rights violations during the Sharpeville massacre and Soweto uprising of 1960 and 1976 respectively; and
- (b) the amendment of the SA Law Reform Commission Act of 1973 to enable the Commission to regulate its processes and to publish its reports.

A draft Bill which, if enacted and promoted by the Executive, would give effect to the Commission's recommendations has been included in the paper.

In respect of other laws found constitutionally suspect or deficient in some or other respect, including the Commissions Act of 1947, the Inquests Act of 1959, the Riotous Assemblies Act of 1956, the Prohibition of Disguises Act of 1969, and the Criminal Procedure Act of 1977, the DOJ&CD working with other institutions of government, including the Commission, has either already initiated the process of having these replaced by modern legislation or intends to do so in the foreseeable future. Therefore, no recommendations have been made in relation to these laws.

The discussion paper is obtainable at the Commission's offices and is available for download on this link: <https://www.justice.gov.za/salrc/dpapers.htm>

The Commission encourages interested parties wishing to make inputs on the discussion paper to send their inputs by 30 September 2024 via email to fmdumbe@justice.gov.za

Alternatively, written submissions can be delivered by hand to the Commission's offices or sent via post to:

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