
GENERAL NOTICE

NOTICE 1178 OF 2013

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

INVITATION FOR PUBLIC COMMENTS

ON

THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 : REGULATIONS RELATING TO COMMUNITY REHABILITATION

1. INVITATION

- 1.1 The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed draft Regulations which are attached. The draft Regulations and a note, explaining the background of the proposed regulations, are also available on the website of the Department at the following address: <http://www.justice.gov.za>.
- 1.2 The comments on the draft Regulations must be submitted not later than **31 January 2014**, marked for the attention of Ms **I Botha** or Ms **F Bhayat**, and –
- (a) if they are forwarded by post, be addressed to -
The Director-General: Justice and Constitutional Development
Private Bag X276
Pretoria
0001
 - (b) if they are delivered by hand, be delivered at –
Salu Building, Room 23.23 or 23.09
315 Thabo Sehume Street
Pretoria
 - (c) if they are delivered by email, be emailed to inbotha@justice.gov.za or fbhayat@justice.gov.za
 - (d) if they are faxed, be faxed to **086 648 2289** or **086 754 8493**
- 1.3 For further information, please do not hesitate to contact Ms I Botha at 012 406 4756 or Ms F Bhayat at 012 406 4771.

2. BACKGROUND NOTE

The following background information is hereby furnished in order to assist interested parties to comment on the proposed regulations.

- 2.1 The Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995) (the Act), established the Truth and Reconciliation Commission (the TRC). The Act, among others, mandated the TRC to make recommendations to the President with regards to the policy which should be followed or measures which should be taken relating to the granting of reparation to victims or the taking of other measures aimed at rehabilitating and restoring the human and civil dignity of victims. The TRC made recommendations relating to individual reparation and community rehabilitation. The TRC completed its mandate, whereafter it was dissolved.

- 2.2 In compliance with section 27 of the Act, a joint committee was established to consider the recommendations of the TRC regarding reparation to victims. The TRC pointed out that it is important that communities which have been affected by gross human rights abuses must also benefit from reparation and rehabilitation measures. The TRC recommended that rehabilitation programmes be set up at both national and levels. The decisions of the joint committee were approved by Parliament. The decisions of the Joint Committee are dealt with under the following four headings : Symbols and monuments; rehabilitation of communities; medical benefits and other forms of social assistance; and final reparation. All amounts payable to victims by way of reparation must be provided for in the Regulations and must be paid from the President's Fund, which was established in terms of the Act. The regulations in respect of community rehabilitation are to be made in terms of section 40 of the Act. In terms of section 40(1) of the Act, the President is empowered to make regulations regarding a number of matters, including the matters required to be prescribed for the proper application of the Act, any matter relating to the affairs of the Fund and any matter which may be necessary for the effective allocation of the amounts to be paid towards the rehabilitation of communities.
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