

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 88**

**DATE OF QUESTION: 11 FEBRUARY 2016**

**DATE OF REPLY: 26 FEBRUARY 2016**

**88. Mr S M Gana (DA) to ask the Minister of Justice and Correctional Services:**

Whether he has entered into a performance agreement with the President, Mr Jacob G Zuma, with regard to the implementation of the Medium-Term Strategic Framework (MTSF) 2014-2019; if not, why not; if so, (a) which key indicators and targets from the MTSF are reflected in the agreement, (b) how many performance assessments has he undertaken in consultation with the President since the agreement was signed, (c) what progress has been made in meeting the key indicators and targets from the MTSF, (d) what are the key obstacles to implementation and (e) what is the plan to address such obstacles?

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**REPLY:**

I wish to inform the Honourable member that yes; I have entered into a Performance Agreement with the Honourable President, regarding the implementation of the Medium-Term Strategic Framework (MTSF) 2014-2019. In line with the cross-cutting nature of the various priorities of government as encapsulated in the various Outcomes underpinning the MTSF and the National Delivery Plan, the portfolio of the Minister of Justice and Correctional Services includes support to the implementation of the following Outcomes:

1. Outcome 2: A long and healthy life for all South Africans;
2. Outcome 3: All people in South Africa are and feel safe;
3. Outcome 11: Create a better South Africa; contribute to a better and safer Africa in a better World;
4. Outcome 12: An efficient, effective and development-oriented public service;
5. Outcome 13: An inclusive and responsive social protection system; and
6. Outcome 14: Nation Building and Social Cohesion.

Each of these Outcomes comprises various cross-cutting sub-outcomes and activities spanning the value chain of several Ministries and Departments. A brief summary of the key sub-outcomes in which my Ministry has a supporting role, is attached as Annexure A.

1. **The following main key indicators and targets from the MTSF are reflected in the agreement:**
2. Outcome 2: A long and healthy life for all South Africans; I support the Minister of Health in this regard, specifically by supporting the activities of the National Aids Task Team, both on a Departmental as well as an Inter-Ministerial level.
3. As a member of the Justice, Crime Prevention and Security (JCPS) Cluster my Ministry is jointly responsible with the other JCPS Ministers to implement the activities and Key performance indicators that resort under Outcome 3: : All people in South Africa are and feel safe. In this regard the main focus areas relate to fighting crime and corruption and strengthening the Criminal Justice System (CJS). Important KPIs and targets and progress in relation to these priorities include the following in terms of Outcome 3:
4. KPI: Sub-outcome 1: Reduced levels of contact crime:
   1. Conviction rate for trio crimes (NPA):

Target: 85 percent (2014/15) and maintained at that level there-after;

Progress: As at the end of Quarter 3, 2015/16, the statistics from the National Prosecuting Authority (NPA) indicates an 80% conviction rate. The conviction rate in all matters can fluctuate from quarter to quarter, but in general indicates a positive trend. In orders to improve on the performance in this regard, the NPA, however, continues to liaise with the other role players in the CJS value chain to ensure improved investigations and case flow management and this includes engagement of the role players, including the judiciary at the Office of the Chief Justice led National and Provincial Efficiency Enhancement Committees.

* 1. Conviction rate in sexual offences (NPA):

Target: 67% (2014/15); and 69% (2018/19);

Progress: As at the end of Quarter 3, 2015/16, the statistics from the NPA indicates a 71% conviction rate. This positive trend is the result of the focused attention within the Cluster to deal with sexual offences. The establishment and roll-out of sexual offences courts and Thuthuzela Care Centres as well as the work of the dedicated Police units in this regard is contributing to an improved outcome.

1. Sub-outcome 2: An Efficient and Effective Criminal Justice System:
   1. An integrated electronic CJS system for accurate and timely management of information (IJS);
   2. Integrated case management system (IJS and DoJCD);
   3. Integrated person related Information (IJS, with support from SAPS).

We are well on the way to consolidating the Integrated Justice System and a report in this regard, is attached.

* 1. Reduction of the number of criminal backlog cases in court

Target: 26 650 (2014/15); and 21 788 (2018/19). These targets were set against a backlog definition of cases longer on the court roll for 6 months in the district courts, 9 months in the regional courts and 12 months in the high courts without being finalised.

Progress: As at the end of Quarter 3, 2015/16, the statistics from the Department indicates that there were 33 875 cases (18.83% of the outstanding roll) on the current roll that were long outstanding. In view thereof that the case finalisation is largely dependent on the judiciary, this KPI is currently being revisited to align it with the Norms and Standards for court performance proclaimed by the Chief Justice and to identify a different methodology in determining timeframes for case finalisation.

* 1. Number of criminal court cases finalised through Alternative Dispute Resolution Mechanism (ADRM) (NPA):

Target: 149 204 (2014/15); and 161 503 (2018/19).

Progress: As at the end of Quarter 3, 2015/16, the statistics from the NPA indicates that for the year to date 125 899 cases were dealt with through ADRM and this is above the target for the year to date.

* 1. Number of criminal court cases finalised through Verdicts:

Target: 324 276 (2014/15); and 337 443 (2018/19).

Progress: As at the end of Quarter 3, 2015/16, the statistics from the NPA indicates that for the year to date 234 241 cases were finalised with a verdict. This is slightly below the year to date target. In orders to improve on the performance in this regard, the NPA, however, continues to liaise with the other role players in the CJS value chain to ensure improved performance.

1. Sub-Outcome 4: Secure cyber space:
   1. Conviction rate of cyber crimes:

Target: 74 percent conviction rate by 2018/19

Progress: As at the end of Quarter 3, 2015/16, the statistics from the NPA indicates a conviction rate of 97%.

* 1. Cyber-security Bill

Target: Cyber Act to be in place.

Progress: A Cybercrimes and Related Matters Bill was approved by Cabinet in August 2015 for purposes of public consultation. On 2 September 2015 the Bill was published in the Gazette requesting comments by 30 November 2015. Comments have been received and are currently being evaluated with the aim of introducing the Bill to Parliament during 2016 and Legislation enacted and implemented by 2018/19.

1. **Number of performance assessments undertaken:**

Minister has a signed performance agreement that is translated into a Medium Term Strategic Framework for a 5 years period.  This is broken down into an annual performance plan.

These documents form the basis of the department being held accountable by Parliament on a quarterly basis and also held accountable by the public.  The performance agreement of the Minister is therefore publicly assessed through the Portfolio Committees on a regular basis.

Additionally, the Public Finance Management Act (PFMA) compels all the Executing Authorities to subject their departmental expenditure to the Auditor General. This again is a measure that ensures full accountability to the public funds.

1. **The following progress has been made in meeting the key indicators and targets from the MTSF:**

I wish to inform the Hon Member that Quarterly Progress Reports on the implementation of the relevant Outcomes concerned, with inputs from the Ministry of Justice and Correctional Services, as well as the Departments of Justice and Constitutional Development and Correctional Services, are submitted to and discussed at Cabinet every three months, where-after the relevant progress reports are published on the Department of Performance Monitoring and Evaluation Website and media briefings are conducted. The 3rd quarterly Reports for 2015/16, from October to December 2015, are in the process of finalization and submission to Cabinet for discussion and deliberation during the week of the 7th to the 11th March 2016, where-after the progress will be made public in various media statements.

1. **The following are key obstacles to implementation:**

Key obstacles relate to the fact that as the system is a Cluster system, this basically means that a lot of consultation has to take place to ensure that everyone is on board with the implementation of policies and projects to implement the Medium Term Strategic Framework 2014-2019.

1. **The plan to address such obstacles, is:**

I have however, requested to be briefed on a regular basis by the senior members of my Departments, which means in practice that as soon as the Directors-General Cluster meetings have taken place, I am briefed on the outcomes, challenges and progress with such indicators and targets. I am furthermore briefed on the draft Quarterly Reports and give my inputs thereto, so that as a collective, we can ensure that such indicators and targets are met and/or inputs are given as to why indicators and targets cannot be met and recommendations may be made to address such challenges, where necessary.

**Annexure A:**

**The sub-outcomes and key actions are captured in detailed in the MTSF Chapters on the outcomes.**

**Outcome 2: A long and healthy life for all South Africans:**

Sub-Outcome 3: Implement the re-engineering of Primary Health Care

1. Contribute to a comprehensive and intersectoral response by government to violence and injury, and to ensure action;
2. Improve intersectoral collaboration with a focus on population wide and community based interventions and addressing social and economic determinants of Non-Communicable Diseases.

Sub-Outcome 8: HIV & Aids and Tuberculosis prevented and successfully managed:

1. 50 million men and women 15-49 tested for HIV by March 2019; and
2. 40 million people screened for TB by March 2019.

**Outcome 3: All people in South Africa are and feel safe:**

Sub-outcome 1: Reduced levels of contact crime:

1. Percentage of parolees without parole violations (Department of Correctional Services):
   1. 80.9% (44 247/ 54 694) by 2014/15
   2. 97% (73 195/ 75 459) by 2018/19
2. Percentage of probationers without violations (Department of Correctional Services):
   1. 81% (14 211/ 17 545) by 2014/15
   2. 97% (21 650/ 22 320) by 2018/19

**Sub-outcome 2: An Effective and Efficient Criminal Justice System:**

1. An integrated electronic CJS system for accurate and timely management of information (IJS);
2. Integrated case management system (IJS – SAPS – NPA – DoJCD – DCS);
3. Integrated person related Information (IJS - SAPS);
   1. See the updated Report attached for information purposes.

**Ensure Domestic Stability:**

1. Improve investigation and prosecution of criminal and violent conduct in public protests (SAPS and NPA).

**Corruption in the public and private sectors reduced:**

1. Anti-corruption and money laundering related legislation (DoJ&CD: Legislation Development):
   1. Reviewed, amended and implemented by December 2015.
   2. Progress: The Prevention and Combating of Corrupt Activities Amendment Bill is on the point of imminent introduction in Parliament. The Bill will seek to address practical challenges and gaps identified since the principal Act became operational in April 2004.
   3. The Protected Disclosures Amendment Bill was also tabled in December 2015 with the aim of improving the level of protection available to whistleblowers. This particular Bill seeks to make it mandatory for all employers to have appropriate internal procedures in place for receiving and dealing with information about alleged improprieties – bringing independent contractors, consultants, agents and service providers placed by temporary employment agencies within the ambit of the principal Act.

| **Outcome** | **Sub-Outcome** | **Description** | **MTSF Target** | **Performance to date** | **Responsible Unit** |
| --- | --- | --- | --- | --- | --- |
| Reduce levels of corruption in public and private sector, thus improving investor perception, trust in, and willingness to invest in South Africa. | Number of persons convicted for corruption or offences relating to corruption where the amount involved per case(s) is more than R5 million. | 52 persons convicted.  2012/13= 42 convictions  2013/14= 21 convictions.  Base line  should be 63 | 2015/2016  target - 20 (68 cumulative)  **Quarterly Target**  5 persons convicted | 2 persons were convicted for the period under review  For the three quarters of 2015/2016 a total of 29 persons has been convicted where the amount involved was more than R5 million.  20 persons have been sentenced while the other 9 in respect of the Trifecta matter will be sentenced in June 2016.  **Reasons for Variance**  **Remedial Actions**  Efforts to strengthen operational strategies for management of these cases are being undertaken. | ACTT Database NPA |
| Value of freezing orders obtained | R1.38 billion | R550mil for 2015/16  **Quarterly Target**  R270 mil | R45.4 mil | NPA AFU |
| Value of recoveries (Proceeds of crime and government losses) | R120 million | 2015/2016  target  R40 million (R1.593 billion cumulative)  **Quarterly Target**  11m | R103.6m |  |
| Reduce corruption amongst government officials to enhance its effectiveness and its ability to serve as a deterrent | Number of government officials convicted for corruption or offences related to corruption. | 532 persons convicted | 2015/2016  targets  90 (752 cumulative)  **Quarterly Target**  21 government officials convicted | 27 government officials convicted | NPA |
| Value of recoveries (Proceeds of crime and government losses) | None | 2015/2016  target  (R200 000.00)  **Quarterly Target**  R54 000 | R50 000  **Reasons for Variance**  Freezing order in the amount of R27 000. Final order outstanding as at 31 December 2015  **Remedial Actions** | NPA |

**Annexure B:**

Herewith responses in relation to Outcome 14: Nation Building and Social Cohesion, utilising the indicators for said MTSF PoA outcomes:

**(c) What progress has been made in meeting the key indicators and targets from the MTSF?**

Following several initial engagements between the coordinating department (Department of Arts and Culture), the Department of Performance Monitoring and Evaluation and the key relevant departments responsible for implementing Outcome 14, the DOJ&CD has been contributing to the implementation of various activities included and contained in the current Cabinet approved MTSF for 2014-2019, which covers the first five years of the National Development Plan.

In particular, the DOJ&CD is contributing towards the outputs relating to the following sub-outcomes:

* Sub-outcome 1: Fostering Constitutional values (conducting constitutional rights awareness campaigns);
* Sub-outcome 2: Equal Opportunities, Inclusion and Redress (conducting anti-xenophobia campaigns; drafting and finalising the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP); conducting consultations/dialogues nationally with the participation of municipalities and other relevant sectors and stakeholders; convene summit to adopt resolutions to be submitted as the final NAP to the UN Human Rights Council).

Progress made by the DOJ&CD during the 2015/16 financial year to date has been very positive:

* + 1. In relation to the 1st sub-outcome:

1. % of persons in vulnerable and marginalised groups aware of the Constitution: the DOJ&CD (in collaboration with the Foundation for Human Rights as its implementing agency)  has up to and including Quarter 3 reached a total of 2, 800, 526 persons (against the target for the year of 4 million). The DOJ&CD is well on track to achieve the annual target.
   * 1. In relation to the 2nd sub-outcome:
2. Change attitudes and behaviour in relation to gender issues and xenophobia, with a target of the Number of (6) Sustained and visible campaigns throughout the year, the DOJ&CD has up to and including Q3 achieved 5 campaigns so far, thus it is well on track to reaching the annual target.
3. Number of Consultations or dialogues on combating racism, racial discrimination, xenophobia and related intolerance at (ward) level/year, with a target of 1 dialogue or consultation/ ward level/year up to 2018/19: the draft NAP was approved by Cabinet for public comments during Q3 and could thus not be consulted upon broadly within communities as planned. Instead consultations were held with government departments and civil society organisations. Broader public consultation will commence during February 2016.
4. Summit convened on combatting racism, racial discrimination, xenophobia and related intolerance and resolutions adopted by the Summit to be submitted to the United Nations Human Rights Council, with a target by 2015; the broad public consultation process has to be finalised prior to a summit on the NAP. This will be done only in the 2017/18 financial year.
5. National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance drafted and submitted to the United Nations Human Rights Council (UN), with a target by 2015: Cabinet granted approval of the Draft NAP for publication for public comment on 9 December 2015, the roll-out of the broader public consultations will commence during early 2016.

**(d) What are the key obstacles to implementation?**

The DOJ&CD has been in continuous engagement with the coordinating department (DAC) and the DPME regarding obstacles to implementation.

A letter from the DOJ&CD dated 12 December 2014 was sent to the DAC as the coordinating department for Outcome 14, containing written inputs regarding the key issues that were identified as giving rise to blockages in the implementation as well as responsibilities assigned to the DOJ&CD as per the “Cabinet approved Outcome 14 Nation Building MTSF Chapter” document dated 11 August 2014.

The comments and inputs related specifically to those sub-outcome responsibilities, actions, indicators and targets that had been assigned to the DOJ&CD as per the approved Outcome 14 MTSF Chapter, and with which the DOJ&CD had identified certain challenges. Some of these challenges related to certain responsibilities assigned to the DOJ&CD falling outside of its mandate, and others related to refinements of targets and logical sequencing of indicators.

**(e)  What is the plan to address such obstacles?**

It has been indicated that departments that have identified such blockages should make use of the window of opportunity provided to submit refinements of MTSF Chapters. The DOJ&CD is in the process of refining its targets which, once approved internally, will be submitted to DAC and DPME for approval.

**Annexure C: Progress against Outcome 12:**

**SUMMARY OF PROGRESS AGAINST OUTCOME 12:**

**An Efficient, Effective and Development-Orientated Public Service**

MTSF OUTCOME COORDINATION

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**SUMMARY OF PROGRESS AGAINST OUTCOME 12:**

**An Efficient, Effective and Development-Orientated Public Service**

1. MTSF OUTCOME COORDINATION

The Ministry of Justice and Correctional Services and the Department of Justice and Constitutional Development have been supporting the implementation of *Outcome 12: An Efficient, effective and development-orientated public service*, by regularly attending meetings of the Governance and Administration [G&A] Cluster workshops and meetings, contributing to the relevant discussions and providing input to reports of the cluster with regards to achieving at least level 3 during MPAT assessments, vacancy rate, unqualified audit reports, payment of legitimate invoices from service providers within 30days, etc.

With regards to my Department’s specific deliverable towards Outcome 12, the Protected Disclosures Amendment Bill, 2015, was introduced into Parliament on 8 December 2015. The Bill aims to amend the Protected Disclosures Act, 2000, so as to extend the application of the Act to any person who works or worked for the State or another person or who in any manner assists or assisted in carrying on or conducting the business of an employer or client as an independent contractor, consultant, agent or person rendering services to a client while being employed by a temporary employment service. The Bill further aims to amend the principal Act by regulating joint liability of employers and their clients; and to introduce a duty to inform employees or workers who have disclosed information regarding unlawful or irregular conduct. The Bill also aims to provide for immunity against civil and criminal liability flowing from a disclosure of information which shows or tends to show that a criminal offence has been committed.

1. **MTSF SUB-OUTCOMES, KEY ACTIVITIES AND TARGETS**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Outcome** | **Sub-Outcome** | **Description** | **MTSF Target** | **Performance to Date** |
| Outcome 3: All People in South Africa are and feel safe | Sub-Outcome 4: Secure Cyber Space | Number of trained personnel in cyber crime | 120 by 2018/2018 | * **156** DoJ&CD & NPA employees were trained in the 2014/2015 financial year by Justice College. * **82 DoJ&CD & NPA employees trained** in the 2015/2016 financial year by Justice College. * **An additional 60** DoJ&CD & NPA employees will be trained by the University of Pretoria in the 2015/2016 financial year. * **Cybercrime** will continue as a standard programme offered in the Justice College work programme in the 2016/2017 financial year. |