

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

STRATEGIC PLAN

2021-2025



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



LIST OF ACRONYMS

APP	Annual Performance Plan
AVR	Audio visual recording
BAS	Basic accounting system
CCTV	Closed-circuit television
CPA	Criminal Procedure Act
CRT	Court Recording Technology
CSO	Civil Society Organisation
DG	Director-General
DIRCO	Department of International Relations and Cooperation
DPWI	Department of Public Works and Infrastructure
DOJ&CD	Department of Justice and Constitutional Development
ECMS	Electronic case management system
ENE	Estimates of National Expenditure
GBVF	Gender-based Violence and Femicide
HR	Human Resources
ICMS	Integrated Case Management System
ICT	Information and Communication Technology
IJS	Integrated Justice System
IT	Information Technology
JCPS	Justice, Crime Prevention and Security
JMIS	Justice Management Information System
JYP	Justice Yellow Page
Legal Aid SA	Legal Aid South Africa
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MC	Magistrates' Court
MOVIT	Masters' Own Verification Technology
MOU	Memorandum of Understanding
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NAP	National Action Plan
NDP	National Development Plan
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
NRSO	National Register for Sex Offenders
NTT	National Task Team
OCSLA	Office of the Chief State Law Adviser
OSD	Occupation-Specific Dispensation
OWP	Office for Witness Protection



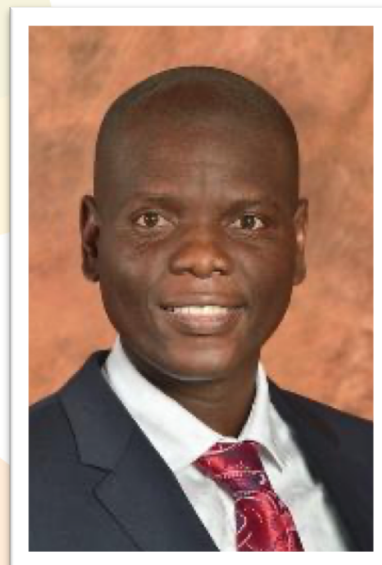
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PDI	Previously Disadvantaged Individual
PEAS	Paperless Estate Administration System
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SCA	Supreme Court of Appeal
SIU	Special Investigations Unit
TCC	Thuthuzela Care Centre
TRC	Truth and Reconciliation Commission

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FOREWORD BY THE MINISTER

This Strategic Plan was developed during a very difficult period. The outbreak of the Covid-19 pandemic has contributed to deepening negative economic growth and high unemployment. When we conceptualized these plans, we were mindful that our priorities should invoke a paradigm shift in our country. The shift must take place in two directions: on one end of the spectrum is the recalibrating and reviving of our economy, while on the other end of the spectrum is the need to stem the tide of corruption by reigning in those who are wielding state power for their own benefit. It is now more than ever that we need to be morally and ethically upright, and effective in our daily jobs.



The Department was qualified on the vote account and pre-determined objectives over the past four successive financial years and we cannot continue on that downward trajectory. The Department must implement radical interventions, including stabilising and turning around its efforts to address the negative audit outcomes and challenges relating to good governance, accountability and compliance with relevant regulatory prescripts such as the PFMA. The aim is to achieve and sustain unqualified audit opinions on all accounts and predetermined objectives by no later than the 2023/24 financial year. The Department must attract the best human capital to help fulfil not only its mandate but also help realise the priorities in the Medium-Term Strategic Framework (MTSF).

Our country faces the serious challenge of high rates of Gender-Based Violence (GBV) and violence against women, children, people with disabilities and vulnerable people. In order to support survivors of GBV, Sexual Offences Courts and regulations were developed in terms of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007. Over the Medium-Term Expenditure Framework (MTEF) period, we will designate over 99 courts dedicated to dealing with GBVF matters. The Department will play a major role in implementing the 2019 Presidential Summit Declarations and its National Strategic Plan on Gender Based Violence and Femicide.

Key Departmental deliverables that are aligned to the Presidential Summit Declaration, such as the development of the Femicide Watch Dashboard, will be realized. In order to address the scourge of GBV, the Department will enhance and tighten the legal and policy framework amending the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) (the principal Act); in particular, the provisions regulating the National Register for Sex Offenders (the NRSO). In addition, we will seek to reform our criminal justice system in order to comprehensively address matters affecting women, children, and the vulnerable. In this regard we will conduct a comprehensive review of the CPA of 1977 in reform outdated processes and deliver an efficient, effective and modernized criminal justice system.

Over this strategic planning cycle, we will implement programs that will increase access to justice services. These programs will include increasing the number of courts that will provide full services. The Department has experienced severe challenges due to the Covid-19 pandemic. However, these challenges have presented an opportunity to incorporate the benefits of the 4th Industrial Revolution into our programmes to increase access to justice services at all our service points through modernised processes which will improve the quality and speed of our services. Some of the services that will be available include maintenance applications, domestic violence and harassment applications, among others. Furthermore, the Department will roll out the court audio visual system which will enable court proceedings to run virtually in 21 magistrates courts by the 2023/24 financial year.

One of the Department's outcomes is the advancement of constitutionalism, human rights and the rule of law. In order to achieve this outcome, the Department will continue to implement the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. In addition, the Department will implement constitutional awareness and human rights education programmes, in order to protect the rights of LGBTI persons by way of work being done by our National Task Team. The Department of Justice and Constitutional Development is a key role player in the implementation of Priority 6: Nation building and safer communities. Programmes aimed at promoting nation building and social cohesion will be prioritized during this strategic planning cycle.

The commitment to build and deepen constitutionalism, respect for human rights and the rule of law is as significant now as it was when our Constitution was adopted. This year marks 25 years since the adoption and final certification of our Constitution. This historic milestone presents our nation with an opportunity to reflect and take stock of how far we come in implementing the priorities and objectives of our Constitution. Notably, after having reflected on our 25 year journey, we must begin to envision our next 25 year milestone towards a strengthened constitutional democracy that realises the aspirations of all our people – bearing in mind that today, South Africa is one of the most unequal countries in the world. Our goal must be to build a resilient and equal society supported by a just legal system that upholds the values of our Constitution.

Our Constitution is a living document and a social contract between the state and the people; it was not meant to be static but dynamic, robust and evolving.

We will implement programs to commemorate the 25th anniversary of the Constitution during the 2021/2022 financial year and review how far we have come as a nation in achieving the ideals of the Constitution, as well as to provide impetus to increase and deepen constitutionalism, respect for human rights and the rule of law, especially amongst the most vulnerable and marginalised.

The Department will prioritise the review, repeal and replacement of all colonial and apartheid legislation in order to align them with the Constitution of the Republic of South Africa, 1996 (Constitution). Almost three decades into the democratic dispensation, the South African statute book is still replete with several pieces of legislation dating back to the apartheid era, even stretching back to the colonial era. The statute book,

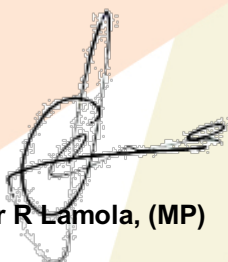
therefore, should be cleansed of these pieces of legislation that were designed to suppress the basic human rights of our people. The new legislative framework will ensure improved access to quality justice services within a transformed society which is freed from the divisions of the past and where every member of society has equal access to resources and an improved quality of life to ensure that the fruits of democracy are enjoyed by all – including vulnerable groups; i.e., women, children and previously disadvantaged persons. This will entail improved protection of children and women in respect of domestic violence and sexual offences.

Persistent corruption continues to erode the gains of democracy and remains a challenge in society. It negatively affects state capacity to deliver services to the poor and the vulnerable. To advance the fight against corruption over the MTEF period the Department will continue to roll out Specialised Commercial Crimes Courts where required and capacitate existing and new courts. The Department will continue to provide the infrastructure needed for initiatives related to the SIU's tribunal and the NPA's Investigative Directorate.

The transformation of state legal services and the creation of effective and efficient state legal services has been prioritized through the implementation of outstanding provisions of the State Attorney Amendment Act of 2014. This makes provisions for the appointment of the Solicitor General to oversee state litigation, and for the finalisation of policies that will culminate in the lowering of costs of litigation and the building of capacity to handle complex legal matters and establish well-run offices for the State Attorney. We seek to reduce the state's contingent liability and state liability which has been a huge drain on the fiscus by implementing a comprehensive state litigation strategy and policies under the leadership of the appointed Solicitor General.

The Department will prioritise the implementation of the Integrated Criminal Justice Strategy for monitoring performance of the criminal justice system. During the MTSF period, 29 KPIs will be on the IJS dashboard and 11 departments will be connected on the transversal system and will be able to share information.

In this strategic plan, we single out children and maintenance services, criminal and civil court support, and the transformation of the Master of the High Court and legal services, for improved access and service delivery and the advancement of constitutionalism, human rights and the rule of law. While working to ensure that we deliver services to transform the justice system, the Department will endeavour to address all the administrative issues resulting in persistent unqualified audit opinions.



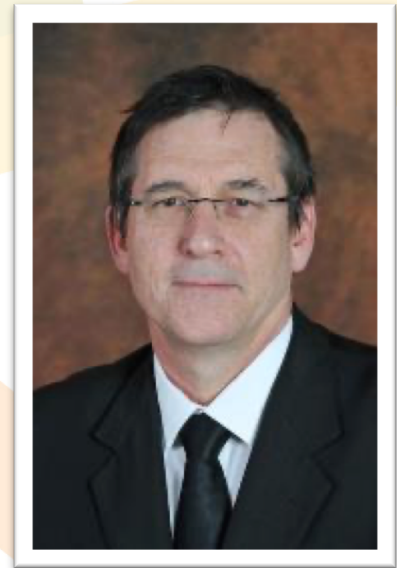
Mr R Lamola, (MP)

FOREWORD BY THE DEPUTY MINISTER

Access to justice goes to the heart of what drives our Department.

And access to justice can only be achieved by continuously improving our performance as a Department.

Across government, service delivery and departmental performance must never resort to “ticking boxes” – we must at all times focus on and assess the impact or the quality of what we deliver.



When we go through exercises like the preparation of a Strategic Plan, it should never be about simply choosing targets that are easy to achieve, but rather about looking, honestly and frankly, at the impact of our endeavours.

The constant question we should be asking is whether we are really delivering services to the public that makes their lives better.

With regards to the turnaround in the administration of the Department, a three-day strategic planning session was held in October 2020 to address various departmental challenges and under-performance. Robust discussions were held and we undertook an intense root-cause analysis of the problems that affect Departmental performance. A very practical and implementable plan has been developed to address this. The senior management of the Department has given a firm and resolute commitment to take accountability and to lead from the front in improving performance.

Covid-19 has forced us to change the way we do things. And while we may now be more physically or socially distanced, in other ways it has brought people closer together.

By showing us how vulnerable we all are, we become more aware of the vulnerabilities of the very people we are there to serve.

In the same way, virtual meetings have brought us closer together by allowing greater involvement from stakeholders across the country, regardless of where they are situated. And access to justice can only be achieved through sustained and meaningful stakeholder involvement, be it with the legal profession, the judiciary, civil society and international role-players.

Modernised and digitized justice services platforms will also increase efficiencies and improve service delivery turnaround times. Automation and digitization will enable global access to services provided by the Department to the public wherever they are and throughout the year. This will assist in reducing queues at service points.

We are pleased to be able to present this Strategic Plan.

When it comes to measuring performance, although we may refer to targets, these are not targets or numbers, but the lives of people.

Whether it be a maintenance beneficiary, or a Guardian's Fund beneficiary, or a survivor of a sexual offence, or a parent going through a divorce who is needing the help of the Family Advocate, or someone in the Small Claims Court – these are not numbers or targets, these are people.

And people are even more vulnerable now, because of Covid-19, than they were before.

These are people who rely on us and we simply cannot fail them.



Mr. J J Jeffery

Deputy Minister: Justice and Constitutional Development

FOREWORD BY THE ACCOUNTING OFFICER

The 2021/2022 performance cycle marks a critical moment in the life of our constitutional state. The period coincides with 25 years since the adoption, certification and coming into force of our Constitution. A quarter of a century of constitutionalism in a life of a nation is no mean feat but a significant progress registered.

Our Constitution and all its institutions have served our constitutional democracy well. Ours is not a Constitution cast in stone but a dynamic, responsive and evolving social contract. As the custodian of the Constitution, the Department has the greatest honour of mobilising the whole of society in marking the 25th anniversary.

The Department will utilise the opportunity of this epic moment to reposition itself and claim the centre stage in terms of its role in our government system and in broader society.

This is a great opportunity for the Department under the leadership of the Minister, Deputy Minister and the entire management of the Executive to remould itself into a lodestar organisation, with a high ethical standard, and one which inculcates Batho Pele principles and the delivery of first class services to our citizenry. The services that the Department offers to our citizens in the area of Masters (administration of Estates, Guardianship, Trust and Liquidation), access to Justice, will be delivered within the context of our renewed commitment to constitutional values.

The Department plays a critical role in providing state legal and litigation services which are primarily about protecting the interest of the state and reducing state contingent liability. The rapid implementation of the State Attorney Amendment Act, 2014, remains a game changer in our efforts to coordinate state litigation in its entirety.

We are mindful of the challenges that the Department has faced in the past few financial years. The senior management of the Department has committed itself to improving the services that the Department offers to the public, and we are bound to the stewardship of the resources entrusted to our care. The Department will build and improve systems and processes to improve effectiveness and efficiency in service delivery. We recognise the need to hold officials accountable for the lack of service delivery on projects and duties assigned to them and their contribution through action or inaction to qualified audits.

This Annual Performance Plan is the product and culmination of a renewal process that was initiated by the Minister and Deputy Minister in June 2019 upon assumption of office. It is my honour to join a team of senior management committed to serving the citizens of our country.



Adv D Mashabane

Director-General: Department of Justice and Constitutional Development

OFFICIAL SIGN-OFF

It is hereby certified that this Strategic Plan:

- Was developed by the management of the Department of Justice and Constitutional Development, under the guidance of the Minister of Justice and Correctional Services, Ronald Lamola, MP;
- Takes into account the relevant policies, legislation and other mandates for which the Department of Justice and Constitutional Development is responsible;
- Accurately reflects the impact and outcomes which the Department of Justice and Constitutional Development will endeavour to achieve over the period 2021-2025.

Ms C Mametja

DDG: Corporate Services

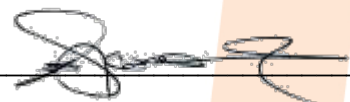
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Adv J B Skosana

DDG: Court Services

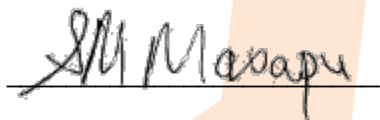
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Ms S Masapu

Acting Chief State Law Adviser

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Adv M Mafojane

Chief Master

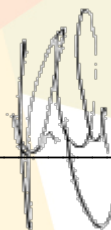
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Ms K Pillay

DDG: Legislative Development

Signature: _____



Dr G La Foy

DDG: Constitutional Development

Signature: _____



Mr N Mthembu

Acting Chief Financial Officer

Signature: _____



Mr T B Raseroka

Chief Director: Strategy, Monitoring and Evaluation

Signature: _____



Adv S Batohi

National Director of Public Prosecution

Signature: _____



Mr F Pandelani

Solicitor-General

Signature: _____



Adv D Mashabane

Director-General: Justice and Constitutional Development

Signature: _____



Mr J J Jeffery

Deputy Minister: Justice and Constitutional Development

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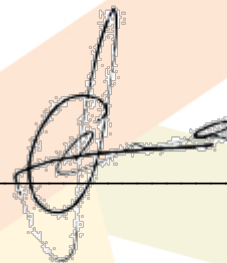


Approved by

Mr R Lamola, MP

Minister of Justice and Correctional Services

Signature: _____



PART A: OUR MANDATE

1. CONSTITUTIONAL MANDATE

The Department's mandate, derived from the Constitution, is two-fold. Firstly, it seeks to provide a framework for the effective and efficient administration of justice. Secondly, it seeks to promote constitutional development through the development and implementation of legislation and programmes that seek to advance and sustain constitutionalism and the rule of law. This is accomplished through the implementation of programmes to deepen and nurture our constitutional democracy. Following the transfer of superior courts to the Office of the Chief Justice, the Department continued to support lower courts in line with its constitutional mandate.

Furthermore, there are specific provisions of the Bill of Rights that give rise to other pieces of legislation which form a significant part of the legislative mandate of the Minister. The specific provisions are found in the following sections:

Section 9: "Equality"

Section 12: "Freedom and Security of the person"

Section 14: "Privacy"

Section 28: "Children"

Section 32: "Access to Information"

Section 33: "Just Administrative Action"

Section 34: "Access to Courts"

Section 35: "Arrested, detained and accused persons"

2. LEGISLATIVE MANDATES

The department derives its legislative mandate from various statutes and subordinate legislation. Most of these Acts impact, in some way or other, on the daily functioning of the Department, but, in the context of the priorities of government, the following legislative instruments are particularly relevant:

2.1 Legislation providing for the establishment and functioning of the superior courts, magistrates' courts and other courts, the most important of which are the following:

- (a) Superior Courts Act, 2013, (Act No. 10 of 2013)
- (b) Magistrates' Courts Act, 1944 (Act No. 32 of 1944)
- (c) Small Claims Courts Act, 1984 (Act No. 61 of 1984)

2.2 Legislation providing for the appointment of judges and other judicial officers, their conditions of service, discipline and training:

- (a) Judges' Remuneration and Conditions of Employment Act, 2001 (Act No. 47 of 2001)
- (b) Judicial Service Commission Act of 1994 (Act No. 9 of 1994)
- (c) South African Judicial Education Institute (SAJEI) Act, 2008 (Act No. 14 of 2008)
- (d) Magistrates Act, 1993 (Act No. 90 of 1993)

2.3 Legislation relating to the prosecution of offenders and combatting of crime:

- (a) National Prosecuting Authority Act, 1998 (Act No. 32 of 1998)
- (b) Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- (c) Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)
- (d) Special Investigation Units and Special Tribunals Act, 1996 (Act No. 74 of 1996)
- (e) Witness Protection Act, 1998 (Act No. 112 of 1998)
- (f) Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002)
- (g) Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004)
- (h) Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)
- (i) Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) (Sexual Offences Act)
- (j) Child Justice Act, 2008 (Act No. 75 of 2008)
- (k) Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013)

2.4 Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and court rules:

- (a) Legal Aid South Africa Act, 2014 (Act No. 39 of 2014)
- (b) South African Law Reform Commission Act, 1973 (Act No. 19 of 1973)
- (c) Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985)

2.5 Legislation providing for the administration of estates:

- (a) Insolvency Act, 1936 (Act No. 24 of 1936)

- (b) Administration of Estates Act, 1985 (Act No. 107 of 1985)
- (c) Trust Property Control Act, 1988 (Act No. 57 of 1988)

2.6 Legislation on the administration of legal services to government departments:

- (a) State Attorney Act, 1957 (Act 56 of 1957)
- (b) State Attorney Amendment Act, 2014 (Act No. 13 of 2014)
- (c) State Liability Act, 1957 (Act No.20 of 1957)

2.7 Legislation relating to the promotion, protection and enforcement of human rights:

- (a) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)
- (b) Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- (c) Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 52 of 2000)

2.8 Legislation relating to extraditions in relation to crime that occurred beyond the borders of the Republic

- (a) Extradition Act, 1962 (Act No. 67 of 1962)

2.9 Legislation which protect personal information

- (a) Protection of Personal Information Act of 2013 (Act No. 4 of 2013).

2.10 Legislation governing the legal profession, sheriffs and debt collectors

- (a) Legal Practice Act, 2014 (Act No. 28 of 2014)
- (b) Sheriffs Act, 1986 (Act No. 90 of 1986)
- (c) Debt Collectors Act, 1998 (Act No. 114 of 1998)

3. INSTITUTIONAL POLICY AND STRATEGIES OVER THE FIVE-YEAR PLANNING PERIOD

The Department of Justice and Constitutional Development will develop and implement institutional policies, Bills and strategies listed below during the five-year Strategic Plan period (2021-2025):

3.1 List of policies:

- (a) Policy on Community Courts
- (b) Policy on Judicial Governance and Court Administration
- (c) Court Interpretation Foreign Language Policy
- (d) Guidelines on the appointment of acting Judges in the Republic of South Africa
- (e) Guidelines on the conferral of Senior Counsel status
- (f) Policy recommendations to reform the Criminal Justice system and the Criminal Procedure Act
- (g) Policy to reform the Civil Justice system
- (h) Policy on Insolvency

3.2 Some of the Bills that the Department plans to introduce into Parliament during the MTSF period:

- (a) Commissions of Inquiry Bill
- (b) Criminal Procedure Bill
- (c) Land Court Bill
- (d) Lower Courts Bill
- (e) Magistrates' Court Bill
- (f) Insolvency Bill
- (g) Community Advice Offices and Paralegals Bill
- (h) Domestic Violence Amendment Bill
- (i) Criminal Law (Sexual Offences and Related Matters) Amendment Act
- (j) The Sheriffs Bill
- (k) The Small Claims Court Bill
- (l) The Administration of Estates Bill
- (m) Regulation of Trusts Bill
- (n) Regulation of Interception and Communications Amendment Bill

4. RELEVANT COURT RULINGS

4.1 Ramuhovhi and Others v President of the Republic of South Africa and Others 2017 ZACC 42

Section 7(1) of the Recognition of Customary Marriages Act, 1998 (Act No.120 of 1998), was declared unconstitutional and suspended for 24 months to afford Parliament an opportunity to correct the defect giving

rise to the constitutional invalidity. Section 7(1) of the Customary Marriages Act provides that proprietary consequences of customary marriages entered into before the commencement of this Act continue to be governed by customary law.

4.2 Levenstein and Others v Estate of the Late Sidney Lewis Frankel and Others 2018 ZACC 16

Section 18 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) (the CPA), was declared unconstitutional and suspended for 24 months to afford Parliament an opportunity to enact remedial legislation. Section 18 of the CPA provides that the right to institute a prosecution for all sexual offences other than rape or compelled rape is limited to a period of 20 years from the time when the offence was committed.

4.3 My Vote Counts NPC v Minister of Justice and Correctional Services and Another 2018 ZACC 17

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA), was declared invalid and unconstitutional to the extent of its inconsistency with the Constitution for failing to provide for the recordal, preservation and reasonable disclosure of information on private funding of political parties and independent candidates. Parliament must amend PAIA and take any other measure it deems appropriate to provide for the recordal, preservation and facilitation of reasonable access to information on private funding of political parties and independent candidates within a period of 18 months.

The court declared that information on the private funding of political parties and independent candidates is essential for the effective exercise of the right to make political choices and to participate in the elections. The court declared further that information on private funding of political parties and independent candidates must be recorded, preserved and made reasonably accessible.

4.4 Moosa and Others v Minister of Justice and Correctional Services and Others 2018 ZACC 19

Section 2C (1) of the Wills Act, 1953 (Act No. 7 of 1953) (the Wills Act), was declared unconstitutional and is to be read as including the following underlined words:

“If any descendants of a testator, excluding a minor or a mentally ill descendant, who, together with the surviving spouse of the testator, is entitled to a benefit in terms of a will, renounces his right to receive such benefit, such benefit shall vest in the surviving spouse. For the purposes of this sub-section, a ‘surviving spouse’ includes every husband and wife of a monogamous and polygamous Muslim marriage solemnised under the religion of Islam.”

The declaration of invalidity operates retrospectively with effect from 27 April 1994 except that it does not invalidate any transfer of ownership that was finalised prior to the date of this order of any property pursuant to the application of section 2C(1) of the Wills Act, unless it is established that, when the transfer was effected, the transferee was on notice that the property in question was subject to a legal challenge on the grounds upon which the applicant brought the present application.

4.5 Minister of Constitutional Development and Another v South African Restructuring and Insolvency Practitioners Association and Others 2018 ZACC 20

The court found that the policy in respect of the appointment of provisional trustees, in terms of the Insolvency Act, 1936 (Act No. 24 of 1936), is not reasonably capable of achieving equality due to the paucity

of information regarding its implementation and that the insolvency industry will not be transformed by this initiative. The Master is to relook the policy to address the gaps highlighted in the judgment.

4.6 Corruption Watch NPC and Others v President of the Republic of South Africa and Others 2018 ZACC 23

Section 12(4) and 12(6) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998) (the NPA Act), was declared unconstitutional and suspended for 18 months to afford Parliament an opportunity to correct the constitutional defect.

Section 12(4) of the NPA Act deals with the extension of the term of office of an NDPP who is otherwise liable to retire on grounds of age, and section 12(6) provides for the indefinite suspension of an NDPP by the President without pay or with such pay as the President may determine.

4.7 Minister of Justice and Constitutional Development and Others v Prince; National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton and Others 2018 ZACC 30

Sections 4(b) and 5(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), were declared unconstitutional to the extent that they criminalise the use or possession in private or cultivation in a private place of cannabis by an adult for his or her own personal consumption in private and was suspended for a period of 24 months from the date of the handing down of this judgment to enable Parliament to rectify the constitutional defects.

4.8 Bukelwa Nolzwe Holomisa v Sango Patekile Holomisa and Another 2018 ZACC 40

Section 7(3) of the Divorce Act, 1979 (Act No. 70 of 1979) (the Divorce Act), was declared unconstitutional to the extent that it excludes a spouse married out of community of property who has not entered into an antenuptial contract or an express declaration in terms of section 39(2) of the now repealed section 39 of the Transkei Marriage Act, 1978 (Act No. 21 of 1978) (Transkei Marriage Act), from its ambit. It was suspended for 24 months to allow Parliament to remedy this defect.

The case concerns the discriminatory oddity that women married out of community of property under the Transkei Marriage Act do not enjoy the protection, on divorce, of section 7(3) of the Divorce Act which empowers a court granting a decree of divorce in respect of a marriage out of community of property to order a redistribution of assets where it considers it just and equitable to do so, taking into consideration the contribution, monetary and otherwise, of the parties to the marriage.

4.9 Centre for Child Law and Others v Media 24 Limited and Others 2019 ZACC 46

This case was about the publication of the names of child witnesses, victims and accused persons. Section 154(3) of the Criminal Procedure Act was declared constitutionally invalid to the extent that the protection that children receive in so far as the publication of their names does not extend beyond their reaching the age of 18 years.

The declaration of constitutional invalidity was suspended for 24 months to afford Parliament an opportunity to correct the defect. The court provided a reading-in to remedy the defect in the interim, which will apply until the defect is remedied.

4.10 Economic Freedom Fighters and Another v Minister of Justice and Correctional Services and Another 2020 ZACC 25

Section 18(2)(b) of the Riotous Assemblies Act, 1956 (Act No. 17 of 1956), was declared inconsistent with section 16(1) (right to freedom of expression) of the Constitution and invalid to the extent that it criminalises the incitement of another to commit “any offence”. This case is about the criminal offence of incitement to commit a crime. The wording of this section was found to be overbroad in that it limits the right to freedom of expression. The operation of section 18(2)(b) was suspended for a period of 24 months to enable Parliament to rectify the defect. During this period, the court provided for a reading-in to cater for the offence of incitement in respect of serious crimes.

4.11 Smit v Minister of Justice and Correctional Services and Others 2020 ZACC 29

This court made a declaration of constitutional invalidity in respect of two different pieces of legislation. Section 63 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), was declared to be inconsistent with the Constitution and invalid to the extent that it purports to delegate plenary legislative power to amend Schedules 1 and 2 to the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) to the Minister of Justice and Correctional Services. Section 5(1)(a) of the Extradition Act, 1962 (Act No. 67 of 1962) is declared to be inconsistent with the Constitution and invalid. The order of invalidity in respect of the Schedules was suspended for a period of 24 months to enable Parliament to remedy the defect, and the order in respect of extradition came into effect immediately. Extradition orders are now issued only in terms of section 5(1)(b).

4.12 AmaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others; Minister of Police v AmaBhungane Centre for Investigative Journalism NPC and Others 2021 ZACC 3

The Constitutional Court, in respect of the regulation of interception of communications, declared the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002) (RICA), unconstitutional in so far as it fails to provide for safeguards to ensure that a Judge designated in terms of section 1 is sufficiently independent; provide for notifying the subject of surveillance of the fact of her or his surveillance as soon as notification can be given without jeopardising the purpose of surveillance after surveillance has been terminated; adequately provide safeguards to address the fact that interception directions are sought and obtained ex parte; adequately prescribe procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully, including prescribing procedures to be followed for examining, copying, sharing, sorting through, using, storing or destroying the data; and provide adequate safeguards where the subject of surveillance is a practising lawyer or journalist.

The declaration of unconstitutionality in paragraph 6 takes effect from the date of this judgment and is suspended for 36 months to afford Parliament an opportunity to cure the defect causing the invalidity.

PART B: OUR STRATEGIC FOCUS

5. VISION

An accessible justice system in a vibrant and evolving constitutional democracy.

6. MISSION

Enabling access to justice, advancement of constitutionalism, respect for human rights and the rule of law.

7. VALUES

- Commitment to constitutional values and a culture of human rights
- Promotion of the rule of law
- Batho Pele
- Good governance
- Ubuntu
- Professionalism and continuous improvement
- Transparency

8. SITUATIONAL ANALYSIS

The strategic focus over the medium term for the Department are outlined below.

Constitutionalism, respect for Human Rights and the rule of law:

It is more than a quarter of the Century since South Africa became a non-racial, non-sexist, united and democratic state. Our Constitutional democracy underpinned by a progressive world class Constitution remains resilient, robust and evolving. Our Constitution, regardless of the challenges that the Nation has experienced over the past years has served our people well. The commitment to build and deepen Constitutionalism, respect for Human Rights and Rule of law continues. The year 2021 presents a significant landmark in the creation of the constitutional democracy in South Africa. It marks various important milestones in our nascent democracy, including the commemoration of the 25th anniversary of the signing of the constitution into law. The commemoration of the 25th anniversary of the Constitution will extend beyond the year 2021 into 2022, as the Constitution's legal entry into force will be marked on the 4th of February 2022. The celebration of this historic marker provides an opportunity not only for celebration, but also for reflection. In the words of Chief Justice Sandile Ngcobo, the primary goal that we have set for ourselves in the Constitution is to establish a society based on democratic values, social justice and fundamental human rights.

The Department of Justice Constitutional Development, as custodian of constitutionalism in the country, in collaboration with key identified stakeholders, is embarking on leading and coordinating a focused national dialogue with the aim of reviewing and assessing the impact of 25 years of constitutional democracy in South Africa. This process aims to engage all of South Africa in a conversation about whether the intention of the Constitution to build a nation based on constitutionalism and human rights is being realised. The importance of engaging all sectors of society in this national conversation cannot be overemphasized due to the racial and social divisions, and resultant political and ideological divides that persist in the new constitutional era.

¹

In broad outline, the project to review implementation of the Constitution will be research and policy focused. It will culminate in a symposium to mark the celebration of 25 Years of the Constitution. This will be an opportunity for national and continental (and international) constitutional and human rights scholars to present their research focused on the implementation of the South African Constitution over the past 25 years. Over the next 18 months, the programmes leading up to this final conference which will be geared towards the development of research and policy on constitutionalism, human rights and the rule of law. This research will be generated internally within constitutional development, as well by researchers, universities, students and South African citizens. The collected research will be published as a compendium to celebrate 25 years of the Constitution. This research will be utilised to guide policy making within government. In the next five years efforts will be made to increase and deepen the Constitutional and human rights awareness of the citizenry.

¹ Combrink, N, 'Analysing the Resilience of the emergent culture of Constitutionalism in South Africa', Southern Journal for Contemporary History, Vol 29 No.3 2004, 42; 44-45

South Africa has over the past 25 years become a signatory to many international and regional human rights instruments and has complied with obligations emanating from instruments. Over the next five years the Department will table country reports in compliance with its international obligations arising out of core human rights treaties such as the Universal Periodic Review (UPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR); the International Covenant on Civil and Political Rights (ICCPR); and the International Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT). The Department will work towards the finalisation of accession to outstanding international instruments including the Convention on the Suppression and Punishment of the Crime of Apartheid (ICSPCA), International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and many relevant others. At the core of our Constitution is the fight against impunity for violations of human rights.

The Department will review, modernise and improve the Extradition regime and the Mutual legal assistance framework to ensure effectiveness and enhance collaboration with other States in the fight against crime in general. The conclusion of extradition and mutual legal assistance treaties will focus on countries in Latin America and South East Asia.

The Department will prioritize the review of justice-related colonial and apartheid era legislation with the aim of aligning this legislation with the Constitution of the Republic of South Africa, 1996 (Constitution). The new legislation will ensure improved and equal access to justice services that will cater for all, including vulnerable groups such as women, children, and people with disabilities, so as to create a transformed society which is freed from the divisions of the past.

The Department will continue with the implementation of the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance in order to advance constitutionalism, human rights and the rule of law. The Department will also continue with constitutional awareness and human rights education programmes to protect the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons. Furthermore, the Department will develop an intersectoral integrated system on Trafficking in Persons (TIP), which will be used to provide intersectoral data on the prevalence of TIP, as required by the UNODC, SADC and other international organizations.

Over the MTEF period, the Department will focus on addressing the scourge of Gender-Based Violence and Femicide (GBVF) and against women and children. Dedicated courts to deal with gender-based violence related matters will be designated in terms of Sexual Offences Courts Regulations developed in terms of Section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No.32 of 2007). Legal and policy framework will be enhanced and tightened by amending the provisions regulating the National Register for Sex Offenders (the NRSO) in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) ("the principal Act").

Modernising and increasing access to justice services will be the strategic focus during this strategic plan cycle. The Department will implement programmes that will modernize and digitize justice services and increase access to justice services. The Department will take advantage of the opportunities presented by COVID-19 and the Fourth Industrial Revolution (4IR) by increasing access to justice services at all service points through digitised processes which will improve the quality and speed of our services. Some of the services that will be available online include maintenance applications and domestic violence and harassment applications, among others. Furthermore, the Department will roll out the court audio visual system which will enable court proceedings, including testifying and interpreting, to be done virtually by the 2023/24 financial year. More periodical and/or branch courts will be converted into full services courts during this strategic plan cycle.

The transformation of state legal services to improve effectiveness and efficiency has been prioritized through the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014). The focus will be on the permanent appointment of the Solicitor-General who will oversee state litigation; the finalisation of policies that will lower the costs of litigation; capacity-building to handle complex legal matters; as well as establishing well-run State Attorney's offices. There are 13 Offices of state attorney reporting to the Solicitor-General, who is the executive officer over these offices. There is an average of 320 000 caseloads managed by 201 attorneys, 17 deputy state attorneys and 8 Heads of Offices. The vacancies currently stand at approximately 43 Attorneys, 13 deputies and 5 heads of state attorney. The number of attorneys measured against the number of files brings the ratio of files per attorney to 1477. The average ratio to attorney is extremely high and this contributes to the unintended professional negligence in the account of the attorneys. To make matters worse, the department has abolished/suppressed some of the attorneys and administrative positions.

As it stands, the state attorney offers services only to National and Provincial departments excluding Municipalities and SOEs even though they are funded by the state. This situation contributes to the lack of knowledge on the value of contingent liability for the entire state and the management thereof. The municipalities and SOEs manage their own legal services without procuring through the state attorney offices. There is no policy in place that regulate the management of state legal services therefore, the management of state legal services is full of interference by client departments on the operations of the state attorney and the procurement of legal services without engaging the offices of the State Attorney. The other challenging aspect is the unclear role of legal services units of the client departments and therefore this leads to ambiguous instructions to the offices of state attorneys.

For several years, the State Attorney offices procured legal services outside the guidelines provided for by the PPPFA and as a result expenses incurred were declared irregular by the office of the Auditor-General. In order to remedy the above-mentioned situation, the branch applied for an exemption from the PFMA and the PPPFA, however, exemption was only granted for PPPFA and not for PFMA. The exemption was granted on the condition that the procurement of legal services should follow the 3 quotations bidding process. The exemption is only granted up to the 31 March 2021. Even though the exemption was granted, it is very difficult for the State Attorney offices to procure using the 3 quotations.

Transformation of the legal profession and the fight against fraud and corruption will be one of the priorities in the medium-term period. The Department plans to finalise the policy guidelines on the conferral of senior counsels which will drive transformation of the legal profession. To enhance the fight against corruption over the MTEF period, the Department will roll out and capacitate specialised commercial crimes courts. The Department will continue to support initiatives by providing infrastructure needed in relation to the SIU's Special Tribunal, the NPA's Investigative Directorate, as well as the Commission of Inquiry into State Capture.

Masters' offices successfully rolled out the Paperless Estates Administration System (PEAS). This is being used by all 15 Masters' offices countrywide, as well as 280 magistrates' offices linked with the relevant Masters' offices. Further rollout of the PEAS and MOVIT to 15 service points will ensure that citizens receive the same quality of Masters' services within Magistrates' Courts. This is, however, dependant on the availability of funds and must take into account the need to curb the spread of Covid-19

The integration system with the Department of Home Affairs, which allows the Masters' offices to extract details of a deceased person directly from their database, is well entrenched within the Masters' environment. This ensures that details are captured correctly, curbs any fraudulent activities, and ensures that citizens receive the same services and can lodge their applications in the area where they reside, without the need to travel long distances. The Branch has been in the forefront of automation with regards to deceased estates and trusts.

The development and roll out of online registration of deceased estates and trusts will be a convenient method that allows people who want to report deceased estates or register trusts, to do so remotely from the comfort of their offices, homes, or any other place. This approach will be an effective move to reduce the number of customers in the offices of the Masters or at the service points, and will enhance access to the Masters' services in the country. Online registration will speed up the registration process and ensure quicker availability of the details/particulars of the beneficiaries and trustees. International trends to curb the abuse of trusts by keeping records of beneficial ownership will be answered by the online registration.

The Department is committed to providing facilities (offices/courts/service points) that allow access to persons with disabilities as required by building regulations. In 2010, a special project to make the facilities of DoJ&CD accessible to people with disabilities identified 531 courts to be upgraded. The project was done in two phases and it was intended to achieve the following: (i) at least one disability parking; (ii) access to the building for the disabled (ramps); (iii) at least one courtroom and toilet on the ground floor; (iv) lifts with voice activation; and (v) Braille and accessible counters. Currently, 69 courts remain to be upgraded and these will be completed in the next five years. The Department made it mandatory that all projects (new, additions and refurbishment) include the specifications for access for persons with disabilities.

As the Department moves ahead with plans for improving citizens' experience of justice services, it will be necessary to elevate public education of these services. This will involve the development and implementation of an integrated education campaign that will profile justice services across Masters, Criminal and Family Law matters. A variety of multi-media communication activities is envisaged to empower

citizens with information that affects their lives. Equally important, as the custodian of the Constitution of the Republic of South Africa, it is vital that constitutional rights awareness and encouraging discourse on constitutionalism is strengthened as the nation celebrates the 25th anniversary of the Constitution.

The transformation of the criminal justice system is aimed at forging and enhancing integration and synergy across the Justice Crime Prevention and Security (JCPS) cluster to boost the fight against crime. Cabinet approved the Integrated Criminal Justice Strategy (ICJS) in March 2017. This strategy includes modernisation and digitalisation of the criminal justice system with the objective to electronically enable and integrate the end-to-end criminal justice business processes and manage the related inter-departmental information exchanges across the CJS. These interventions will bring reform and improve efficiency within the criminal justice system.

Through the ICJS, comprehensive assessment of the 7 Point Plan and review of outdated legislation which inhibits the effective functioning of the system will be undertaken. This includes overhauling the Criminal Procedure Act of 1977 (Act No. 51 of 1977).

One of the priorities for the Department over the medium-term period is to improve audit outcomes. The Department received qualified audit opinions in respect of the vote account and pre-determined objectives over the past three successive financial years. The main findings on the vote account were on management of contingency liability and assets while issues on predetermined objectives were about the accuracy and reliability of data that support reported performance. The Department plans to implement interventions aligned to prescripts and ensure that it achieves and sustains unqualified audit outcome on vote account, performance information by the 2024/25 financial year.

The Department has for the past four (4) years seen a gradual decline in overall organizational performance; i.e. 51% in 2019/20 as compared to 85% in 2015/16. As a way of addressing this deterioration and in order to improve performance, the Department, amongst others, plans to finalise the reconfiguration of the macro structure, to fill critical vacant posts, and to train employees.

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Social Compact

The Constitution provides both the foundation and framework for the transformation of the State and society broadly. The transformation of the judicial system is a constitutional imperative which is entrusted upon the Executive as a Branch of the State that is assigned the responsibility of developing and implementing national policy and initiating legislation, amongst others. The constitutional mandate and obligation to transform the judicial system also derives from section 180 of the Constitution which provides that national legislation may provide for any matter concerning the the administration of justice that is not dealt with in the Constitution. The MTSF (2019-2024) proposes a social compact and engagement between the three Branches of Government with the fundamental outcome of “improved leadership, governance and accountability”. The Department envisages that the finalization of a social compact will strengthens the vision that a developmental state must be embedded in society, building constructive relations, collaboration with sectors of society and empower citizens to be active agents of change in communities. Thus the envisaged social compact between the three Branches of State is intended to foster and strengthen the constitutional relationship between the respective Branches and provide a platform for a constructive interface where matters of mutual interest can be ventilated. Such a process will provide a structured interface to address the policy reforms pertaining to the judiciary. Interim Uniform Guidelines for the criteria and procedures on the conferral of senior counsel honours to eligible Advocates

For the first time in our nascent democracy, the Minister of Justice and Correctional will be promoting with the President a set of Interim Uniform Guidelines for the Criteria and Procedures on the Conferral of Senior Counsel Honours to Eligible Advocates. The need for interim uniform arises from the urgent need to transform the senior counsel race and gender demographics. Presently the legal profession is dominated by white males at 67%. African females are the most under represented at 1,9%. The interim guideline recognizes the importance of a diverse leadership in the legal profession and that considerations of race and gender will be taken into account in the selection of candidates for recommendation as senior counsels. The guidelines also provide uniform criteria and procedures which all advocates will be required to comply with when applying for senior counsel honours. A more comprehensive process will commence during the period 2021-2022, wherein the entire system of granting will senior counsel honours and its impact on access to justice, will be embarked upon.

Increasing Case Backlogs:

The courts, both the district and regional courts, are experiencing an insurmountable increase in case backlogs which has been exacerbated by the COVID 19 outbreak and the national lockdown which is necessary to contain its spread.

Unless the Department takes radical measures to eliminate the backlogs, the courts are likely to come under a more simmering heavy caseload that may take several years to eradicate. It is for this reason that the Court Directions published under Alert Levels 2 and 3 provides for measures that are necessary to eliminate

case backlogs. These measures are:

- (i) A priority roll of criminal cases must be compiled in respect of each court under the direction of the presiding officer of such court and in consultation with the National Prosecuting Authority and Legal Aid South Africa.
- (ii) A case management structure established for each court must meet at least once a week under the direction of the judicial head of the court concerned for purposes of preparing, updating, reviewing or monitoring the priority roll in respect of each court.
- (iii) A local case management committee must monitor the effective implementation of measures that are geared to reduce case backlogs.

As part of implementing the above measures, the Department has established a Court Optimisation Committee which is chaired by the Deputy Minister of Justice and Constitutional Development. The Committee meets monthly to identify and address blockages in the criminal justice system leading to increased numbers of criminal case backlogs and develop solutions to allow for the effective and optimal operation of the courts. The Committee is constituted by key stakeholders in the criminal justice system including Regional Court Presidents and Chief Magistrates

In order to intensely address the Case Backlogs in courts, which was exacerbated by the Covid 19 Pandemic and the accompanying levels of lockdowns, the Department will therefore, in this coming financial year, develop a Framework for the Reduction of Case Backlogs, in order to identify blockages with stakeholders, so that these blockages can be dealt with. It is important to emphasise the role of and consultation with the Judiciary in the process in view of their Case flow Management responsibilities.

The Department is continuously engaging with the Judiciary, including the Regional Court Presidents and the Chief Magistrates, guided by the Deputy Minister of Justice and Constitutional Development. The Department is furthermore consulting with the other stakeholders in the Criminal Justice System, to ensure continuous engagement and support.

The Branch: Court Services in the Department will therefore now co-ordinate the drafting, development, finalisation, consultation and submission for adoption as well as coordinate the necessary resources to implement a Framework for the Reduction of Case Backlogs as well as the reduction of postponement of cases in line with the adopted framework.

Specialised commercial crime courts (SCCC)

The Department will continue to play a crucial role in the fight against corruption, particularly, through its implementation of the anti-corruption strategy. Part of the Department's responsibility in combatting corruption, is ensuring the effective and optimal functioning of the Specialised Commercial Crime Courts (SCCCs) which the current MTSF envisages as being extended to every province in the country which does not yet have an SCCC.

Much success has been derived from the existing SCCC model which allows for a close integration of the work between prosecutors and investigators and dedicated courts which can, once matters are enrolled, process matters speedily and effectively instead of matters having to await space on the open court roll.

Whilst it was initially envisaged that these courts would be set up in 3 years, the Department was able to expedite this by establishing 6 courts in the 2020/2021 financial year. In the following 2021/2022 and 2022/2023 financial years, the Department will be ensuring that the capacity and efficacy of the SCCCs is enhanced and optimised.

Description of the strategic plan process: The strategic planning process involved a critical evaluation of the Department's operating environment, which includes the internal, external, and macro environment which influences the way the Department executes its mandate. In preparation for the Five-Year Strategic Plan, each Branch was engaged to reflect on its strategic direction and to ensure that they are in line with the revised planning framework. Subsequent to that, the Department held its first strategic planning session from 19-21 October 2020 and its second strategic planning session from 13 to 15 March 2021. The purpose of these sessions was to allow senior management of the Department an opportunity to have strategic discussions that will inform the revision of the Annual Performance Plan (APP) and Strategic Plan. At the end of the session, management set priorities and strategies in line with the changes happening in the space where the Department operates.

During the planning session, a PESTEL and SWOT analysis exercise was conducted to diagnose the Department's operational environment and to inform its strategic direction for the next five years. The tools assisted participants in identifying problems confronting the Department and to propose solutions that will ensure that the Department realises its mandate. During the session, the current Vision, Mission, Values and Impact, Outcomes (and 5 Year Targets), and Outputs and its accompanying targets were also reviewed and confirmed. The Department has identified nine (9) outcomes with the aim to improve public perception, confidence in the justice system and respect for the rule of law. For the Department to meet their objectives, the Theory of Change approach was followed to determine how the Department will meet its long-term goals by mapping the Outcomes, developing Outcome measures, identifying Interventions and Assumptions as well as Outputs.

Department contribution to the National Development Plan (NDP) and Medium-term Strategic Framework (MTSF)

The NDP sets out a long-term vision that South Africans should feel safe at home, at school and at work and enjoy a community life free of fear by 2030. This vision could be achieved through a well-functioning criminal justice system in which the police, prosecution, judiciary and correctional services work together to ensure that suspects are caught, prosecuted, convicted if guilty and incarcerated. This is one of the 7 priorities that underpin Government's Programme of Action and is directly attributed to the JCPS Cluster. The MTSF is a tool used to implement the NDP as it outlines the activities departments should take over the five-year term the 2024/25 financial year. The table shows how the Department contributes to the NDP outcomes and various Priorities as outlined in the MTSF.

Table below shows how the Department contributes to the NDP outcomes and various Priorities as outlined on the MTSF.

Priority	Outcomes	Department contribution	Target
Priority 1: A Capable, Ethical and Developmental State	Outcome 12 – Building a capable State	Social Compact between the Executive, Judiciary and the Legislative tiers of government	A Social Compact developed by 2021 and implemented by 2024
		Percentage resolution of reported incidents of corruption in government	95% resolution of reported incidents of corruption in government by 2024
		Percentage of fruitless and wasteful expenditure in the Department eliminated	100% elimination of wasteful and fruitless expenditure in the public sector institutions incrementally from baseline of 2019 by 2024
		Percentage of irregular expenditure in the Department reduced	75% reduction of irregular expenditure in public sector institutions from incrementally from baseline of 2019 by 2024
Priority 6: Social Cohesion and safer communities	Chapter 15: Nation Building and Social Cohesion	Hate Speech and Hate Crimes Bill enacted	Hate Speech and Hate Crimes Bill enacted by 2020
		Number of sustained and visible anti-xenophobia campaigns conducted with departments and role players	30 sustained and visible campaigns by 2024

Priority	Outcomes	Department contribution	Target
		Effective governance structure to lead and co-ordinate the overall implementation of the NAP	Governance structure established by 2021
		Funding model for the implementation of the NAP	Funding model developed by 2022
		Rapid response mechanism to respond to incidents of racism and xenophobic offences/hate	Rapid response mechanism institutionalised by 2022
		Data collection of disaggregated statistical data for measurements of racism, racial, discrimination, xenophobia and related intolerance	Virtual data repository on disaggregated statistical data by 2024
Priority 6 Social Cohesion and safer communities	Chapter 12: Building safer communities and 14: Fighting against corruption	R12 billion: value of freezing orders obtained for corruption or offences relating to corruption	R2.4 billion annually (R12 billion over 5 years)
		R7 billion: value of recoveries orders relating to corruption or related offences obtained for corruption or offences relating to corruption	R1.4 billion annually (R7 billion over 5 years)
		Percentage conviction rate for cable theft	74% conviction rate of persons arrested for cable theft
		Specialised Commercial Crime Courts (SCCCs) established in 5 provinces (LMP, NW, MP, ECD, FS)	5 SCCC's phased in over the MTSF period. (at least 1 SCCC, annually 5 SCCC's over 5 years)
		Criminal Procedure Amendment Bill tabled in Parliament in 2022	Criminal Procedure Amendment Bill tabled in Parliament in 2022
		Number of Government Departments and Entities connected to transversal platform and exchanging information electronically	11
		Percentage of disability-related complaints and investigation where reasonable accommodation measures were provided	At least 40% compliance by 2024

Crime statistics: According to the SAPS's 2019/20 statistics, the overall crime level was down when compared to statistics reported in prior year. The number of incidents of contact crime were 621 282 (0.7%) up as compared to 617 210 incidents reported in 2019. The number of incidences of other serious crime reported in 2020 were 426 589, (4%) lower than the incidents reported in 2019. During the same period, property related crime was 469224, (5.2%) less than the incidents reported in 2019, and contact related crime was reported at 112 244, (4.2%) lower than the incidents reported in 2019.

Crime committed against women has been increasing over the years. In the 2020 financial year, there were 53 293 sexual offences cases reported against 52 420 sexual offences matters recorded in the 2019 financial year. Although the numbers of reported crimes increased marginally, the numbers dealt with in court are still very high and will require a responsive criminal justice system. Consistent failure to speedily and successfully prosecute criminals might cast doubt on the effectiveness of the criminal justice system which may negatively affect people's confidence in the justice system. The Department will continue to establish dedicated sexual offence courts to deal with the scourge of gender-based violence and child abuse.

Demographics: The South African population is continuously growing. The 2020 mid-year population estimate² indicates that South Africa's population is estimated to have increased to 59.62 million. The mid-year estimate indicates that the population is estimated to have grown by 1.5%, compared to 58.73 million reported in the 2019 mid-year population estimate.

The 2020 mid-year population estimate further indicated that for the period 2016–2021, Gauteng and the Western Cape were estimated to have experienced the largest inflow of migrants: approximately 1 643 590 and 493 621, respectively. The inflow of migrants in Gauteng and the Western Cape is estimated to grow by 49% and 43%, respectively, as compared with immigration inflow estimated in the 2019 mid-year population estimate. During the same period, it was reported that the number of international migrants entering the provinces was highest in Gauteng, with the Western Cape ranking second. When expanding services that the Department provides, these immigration patterns need to be considered.

Section 35 of the Constitution and the Bill of Rights contain several references that ensure that every accused person has a right to a fair trial, which includes the right to be tried in a language that he or she understands, or, if that is not practicable, to have the proceedings interpreted in that language. Increasing numbers of legal and illegal immigrants may result in greater numbers of court cases involving immigrants. Due to the provision of Section 35, the Department is compelled to provide interpreters to ensure that they understand court proceedings. The continued increase in demographics might result in added administrative tasks provided by courts and other justice service delivery points in the affected provinces. Furthermore, the Department will be expected to develop additional courts to deal with growing number of matters on the court rolls.

² P0302 – Mid-year population estimates 2020 by Statistics South Africa

Impact of Covid-19 on the operations of the Department: The Covid-19 pandemic continues to negatively impact on service delivery as a result of intermittent office closures and high absenteeism due to Covid-19 positive cases, as well as other officials working remotely due to comorbidities and other factors. The majority of the closures of service points took place during the beginning of Quarter 2. The performance outlook may be poor since closures are congruent to the prevalence of infections. Criminal and other matters have fallen into the “backlog” category and as such lead to public dissatisfaction due to delays in finalising matters.

The Department, since Alert level 4, has been hard at work implementing its Risk Adjusted Plan (RAP) to ensure that potential risks of exposure to the pandemic are minimized, if not eliminated under each Alert Level. The RAP is premised on 7 pillars which include strategies to modernize business processes to reduce face-to-face contact between members of the public, and governance structures to manage Covid-19 related matters and to ensure that Covid-19 Awareness Programmes are in place to ensure strict adherence to regulations.

During the various Alert levels, the Department continued to apply different hierarchies of control which included:

- Elimination of worker exposure: by permitting vulnerable and eligible (with tools of trade) staff to work from home;
- Engineering/Isolation controls: Partitioning and installing of screens especially in the frontline;
- Administration controls which included encouraging paperless processes and provision of Personal Protective Equipment to all staff members; and
- Risk mitigation through communication: employees of the Department were constantly provided with Covid-19 information as a strategy to promote compliance to prevention and infection control measures.

8.1 External Environment Analysis.

Public confidence

According to the 2018/19 Victim of Crime Survey³, the percentage of victims of sexual offences who reported at least one incident is 88%. This is a significant increase from 73% reported in 2017/18. According to the report, incidences of deliberate damage to residential property, arson, theft of personal property and street robbery increased in 2018/19 compared to incidents reported 2017/18. The Western Cape had the highest (1.9%) percentage of persons who were victims of street robbery compared to other provinces. There were about 70 00 incidences of deliberate damage to residential property and arson in 2018/19.

Over the next two financial years, the Department must review the Criminal Procedure Act (Act No. 51 of 1977), in order to address gaps identified in the Act such as issues relating to bail and the adoption of a

³ P0341 – Stats SA Victim of Crime Survey, 2018

victim-centric approach. To enhance confidence in the justice system, the Department will develop initiatives that will provide information to victims.

Corruption Perception Index

The Corruption Perception Index measures the perception levels of public sector corruption in 180 countries and territories around the world. According to the 2019 Corrupt Perceptions Index Report⁴ published in January 2020 by Transparency International, South Africa scored 44 out of 100 and ranked 70 out of 180 participating countries. The Perception Index Report published in 2019 indicated that South Africa ranking improved from 73 to 70 out of 180 participating countries. This improved insignificantly to a ranking of 69 for 2020 out of 180 participating countries. The Department of Justice and Constitutional Development will continue establishing specialised courts that will deal with corruption and complex economic crime cases in order to restore the public and investor confidence in South Africa's justice system.

Economic growth

Gross Domestic Product (GDP) fell by over 16% between the first and second quarter of 2020, giving an annualized growth rate of -5.1%. The significant contraction in the economy was recorded in the second quarter when the country implemented lockdown restrictions in response to Covid-19. The GDP is forecasted to decrease by 7.8% in 2020, revised down from 7.2% projected in the 2020 special adjustments budget. The weak economic growth resulted in a high unemployment rate and revenue collection shortfall. During the 2020 Medium-term budget policy statement speech, the Minister of Finance adjusted downward the tax revenue target by R8.7 billion compared to the projection made during the special adjustment budget. Gross tax revenue is expected to be 17.9% lower than the collections in 2019/20 or R312.8 below the 2020 budget forecast. The tax collection to GDP ratio is expected to decline substantially from 26.3% to 22.9%.

Revenue shortfalls have affected the budget allocation of government departments, and this may have negatively impacted on service delivery. The Department should find a way to do more with less to provide its services within the constrained financial environment. The Department must build capacity through training and re-skill of personnel in order to meet service delivery demands and the unchanged mandate. The Department will finalise the reconfiguration of its structure in the 2021/22 financial year and implement it in subsequent years in order to address service delivery needs.

Unemployment

According to Stats SA, the unemployment rate decreased from 34.1% recorded in the second quarter of 2020 to 30.8% in the third quarter of 2020. The number of unemployed persons increased by 2.2 million in Quarter three (Q3) of 2020 following a decrease of 2.8 million in the previous quarter. The rise in unemployment was exacerbated by the lockdown which shut down large parts of the economy. National

⁴ www.transparency.org

Treasury forecasts that the impact of Covid-19, and resulting lockdown period, could lead to job losses of between 690,000 and 1.79 million.

If the high unemployment rate increases, the risk of people committing crimes for survival is high. To deal with this problem, the Department will need to act against crime by ensuring that all cases are dealt with and finalised speedily. The persistent high unemployment rate might lead to more people defaulting maintenance payments. The Department has developed an Online Tracing System to track and trace maintenance defaulters to ensure that they attend court for purposes of the maintenance enquiry. The system will also assist in tracking and tracing the assets of the defaulters as well as determining the defaulter's financial position. With this system the Department will close the gap between the formal and informal economy which had in the past resulted in maintenance applications being prolonged.

Poverty and inequality

Poverty⁵ in South Africa remains high for an upper middle-income country, with 55% of its population being poor (living on less than R992 per person per month in 2015 prices). Although poverty declined from 66.6% recorded in 2006 to 53.2% in 2011, inequality has worsened. According to the 2015 Study⁶ by the World Bank in close collaboration with the National Planning Commission Secretariat at the Department of Planning, Monitoring and Evaluation and Statistics, South Africa's Gini co-efficient stood at 0.68%. The study revealed that labour market incomes are the largest contributor to inequality in South Africa, contributing more than 90% of the overall Gini co-efficient between 2006 and 2015.

Poverty levels are consistently highest among female-headed households, black South Africans, and children below the age of 15 mainly from rural areas, and those with little or no education.

Without effective strategies to reduce poverty and inequality, increased criminal activity remains a risk that stands to put more pressure on the over-stretched capacity at court level. The Department will prioritise the Exempted Micro Enterprises (EMEs) and Qualifying Small Enterprises (QSEs) when awarding bids.

Death and Mortality rate

Life expectancy at birth is continuing to rise. The 2020 mid-year population estimate indicated life expectancy at birth at 62.5 years for males and 68.5 years for females as compared to the estimated life expectancy of 61.1 years for males and 67.3 years⁷ for females reported in the 2019 mid-year population estimate. The 2020 mid-year population estimate shows an improvement in life expectancy at birth. The infant mortality rate for 2020 is estimated at 23.6 per 1000 live births.

⁵ *Overcoming poverty and inequality in South Africa An Assessment of Drivers, Constraints and Opportunities March 2018*

⁷ *P0302 Mid-year population estimates 2019 by Statistics South Africa*

Economic crimes

According to the 2018 Global Economic and Fraud Survey conducted by Price Waterhouse and Coopers (PWC), 77% of South African organisations have experienced economic crime. Over the past years, economic crime has affected the country's business confidence index. It declined from 44% reported in January 2018 to 21% in August 2019. The current business index is at its lowest level since June 1999 due to poor economic growth. The Department, together with the JCPS cluster, should strengthen their efforts to fight economic crimes. In addressing the problem, the Department should establish specialised commercial crimes courts in provinces where they don't exist.

Technology

According to the Digital Report published in January 2020, South Africa's internet users increased from 35.44 million to 36.54 million as compared to the 2019 report. The vast majority of citizens are accessing the internet on their mobile phones. Facebook and WhatsApp are still the most popular social media networks in South Africa, with 15 million and 16 million active users respectively, followed by YouTube at 8.52 million and Twitter at 7.5 million.

Technology changes rapidly and attempts to keep up with improvements must be undertaken with caution. The growing number and variety of devices connected to the internet are augmenting both the potential and impact of cyber-crimes and cyber-related crimes. Cyber-crime in general poses problems of jurisdiction and legislation for law enforcement when it comes to transnational crimes.

According to a 2017 South African Banking Risk Information Centre (SABRIC) report, South African consumers lost more than R2.2 billion to cyber-attack. The report further indicated that 1 in every 3 businesses has been a victim of cyber-crime. South Africa introduced to Parliament the Cyber Security Bill to deal with cyber-crime. The introduction of the Bill will ensure that South Africa is in line with the international laws in dealing with cyber-crime.

The use and embracing of technology is inevitable. A growing usage of the internet may help the Department improve on justice services and allow its clients to access services in the comfort of their homes. Therefore, as part of the process of implementing online solutions, the Department will need to upgrade its underlying IT infrastructure to enable online services as well as its network connections that will enable it to carry the workload. Strong network connectivity will also enable the integration of services which will make accessing services easier for clients. An upgraded IT Infrastructure will help the Department to keep abreast of the fast-growing rate of technology and improve online and virtual operations. However, factors such as theft of data and of electrical cables, load shedding, and an increase in cyber-crime will impact negatively on the Department's online/virtual operation.

8.2 Internal environment analysis

Department of Justice and Constitutional Development structure

The Department of Justice and Constitutional Development is structured into five programmes. The programmes are Administration, Court Services, Legal Services, National Prosecuting Authority, and Auxiliary and Associated Services. Under the Legal Services programme there are five branches, namely: Legislative Development and Law Reform, Master of the High Court, Office of the Chief State Adviser and Constitutional Development. Although there was a cut on the budget allocation over the past three years, the Department has filled critical posts in order to deliver its Constitutional and Legislative mandate. There are 16 825 positions in the establishment, of which 15 868 are filled. The majority of employees (12 719) are employed in Programme 2: Court Services, which is the Department's core business.

The Department is in the process of reviewing its macro structure in order to create human resource capacity that will respond to service delivery needs and its mandate. The Department will continue to prioritise the filling of critical positions at all levels which directly impact on service delivery and organisational performance. The Department is building capacity through the provision of training and re-skilling of officials in the areas identified in their Personal Development Plan. The Justice College in collaboration with Human Resource Development Unit will play a vital role in that regard.

The table below shows the number of employees and vacancies per critical categories for the Department of Justice and Constitutional Development as at the end of 31 March 2020.

AGE GROUPS	DJC: ADMINISTRATI ON	DJC: COURT SERVICES	DJC: STATE LEGAL SERVICES	Grand Total	% of total workforce
20-24	9	83	5	97	0.6%
25-29	66	739	116	921	5.8%
30-34	173	2115	299	2587	16.3%
35-39	275	2947	416	3638	22.9%
40-44	215	2393	420	3028	19.1%
45-49	155	1865	422	2442	15.4%
50-54	102	1365	197	1664	10.5%
55-59	79	906	117	1102	6.9%
60-64	21	305	61	387	2.4%
>64		1	1	2	0.0%
TOTAL	1095	12719	2054	15868	100%

Human resources

The Departmental workforce profile, as at 31 January 2021, indicated that 48% of women were at SMS levels which is below the 50% set target. At middle management, women representation is at 50% and people with disability achieved a 2.2% target. The revised Departmental Employment Equity Plan, which commenced on 1 July 2020 to 30 June 2025, is a five-year plan which will ensure the achievement of numerical goals by 2025 of 50% women at SMS levels and 2.5% of persons with disability at all levels.

In the year 2016, the Department experienced a shortfall on compensation of employees' budget allocation. In response to a call that government departments should reduce their compensation costs, the DoJ&CD established a post review committee to determine critical and vacant posts for funding and filling. As a result 1456 posts were suppressed because they remained unfunded. As at 31 December 2020 the overall vacancy rate was 8%, while the vacancy rate for SMS was at 22.5%.

Financials

Within the context of the current global economic dynamics and the poor performance of South Africa on the latest World Corruption Index, the Department remains committed to improved accountability, fiscal discipline and stewardship of its resources. The focus is on ensuring that all decisions taken when funding, enabling and executing departmental strategy are grounded in sound financial criteria and supporting the core mandate of the Department. The Department strives to remain realistic when funding its activities – specifically considering the operational dynamics of its activities.

Given the current financial constraints, the objective of the Department is to achieve efficiency gains in processes through modernisation. Investment of resources is directed towards significant contributors that will ensure the achievement of the NDP and especially addressing the needs of the most vulnerable in society. The resourcing of value-chain functions through an effective and integrated JCPS cluster is required to reduce crime. It is important that the justice cluster is seen to increase prosecution on corruption cases, with emphasis on the cases disclosed at the State Capture Commission, and continuous realignment of funding will be done accordingly.

The impact of litigation against the state has increased to the level where significant interventions are required in the Office of the State Attorney. In this regard, the implementation of the State Attorney Amendment Act will be funded. The Department provides professional services that are heavily reliant on human resources. The cap on the compensation budget significantly impacts on internal controls in the environment and services offered. The Department is therefore continuously reviewing its mitigation efforts to reduce the potential impact on service delivery and will pursue a business case to request permission from the National Treasury to implement Enterprise Resource Planning (ERP) systems due to the delays in the rollout of the Integrated Financial Management System by the National Treasury.

Further to the above, the alignment with the supply chain management reforms being instituted by National Treasury is a priority for the Department to enhance the integrity of procurement processes and to realise

benefits that contribute to cost containment and support economic development. The Department is still collaborating with the National Treasury on the development of a framework contract model to support the fair and transparent procurement of litigation services and is also working closely with the relevant lead departments to ensure inclusivity in its procurement practices within the legal parameters.

Information technology

Over the past MTSF period, the Department has implemented ICT in two chronological phases: strengthening the ICT Foundation, and implementing key Business Solutions, respectively. The strengthening of the ICT Foundation entailed upgrading the underlying ICT Infrastructure (e.g. computers, laptops, servers and networks) that is required for the implementation of business solutions. The implementation of business solutions, which were aligned to the key strategic goals of the Department, included development of solutions for key services: i.e. Masters' Services, Court Services, State Attorney services, Third Party Funds, JCPS Cluster Integrations and Internal Administration services.

Over this MTEF period, in line with its strategic approach on the use of ICT as an enabling resource to function more effectively and efficiently, the Department will intensify its efforts to use ICT as a strategic enabler, with the objective of digitising access to justice services, service delivery and internal operations, thus creating a smart justice system.

B-BBEE compliance performance information.

Executive Summary - B-BBEE LEVEL		
Description	Total Amount	%
Level 1	525 820 945,25	39%
Level 2	114 877 311,94	8.52%
Level 3	6 348 162,83	0.47%
Level 4	39 472 773,21	2.93%
Level 5	29 447 093,97	2.18%
Level 6	949 204,68	0.07%
Level 7	1 983 798,97	0.15%
Level 8	52 681 366,67	3.91%
Non-compliant contributor	576 613 592,08	42.77%
GRAND TOTAL	1 348 194 249,60	100%

The Broad-Based Black Economic Empowerment Act (Act No. 53 of 2003) was developed with the objective of addressing the inequalities of the past by ensuring that the South African economy is structured and transformed to enable the meaningful participation of the majority of its citizens and to further create capacity within the broader economic landscape at all levels through skills development, employment equity, socio-economic development, preferential procurement enterprise development (especially small and medium

enterprises), promoting the entry of black entrepreneurs into the mainstreaming of the economy activity, and the advancement of the cooperatives.

The Department is committed to mainstream enterprise development, empowerment and equity in the economy to designated groups through the implementation of National Treasury prescripts. The Department will support its procurement spend to advance historically disadvantaged persons by giving preference to Exempt Micro Enterprises (EME) and Qualifying Small Enterprises (QSEs).

The Department has awarded approximately 39% of all contracts (bids and quotation) to BBBEE level one contributors to a value of R525 820 945.25 and a further 8.52% to level two contributors to a value R114 877 311.94. The Department is committed to creating environment that ensures that previously disadvantaged people benefit from the Department preferential procurement policies by breaking down larger service contracts into smaller contracts to afford as many designated groups with an opportunity to participate as main contractors, service providers, or suppliers.

Strengthening the empowerment of women, youth and people with disability

The Department of Justice and Constitutional Development personnel is mainly dominated by women at various levels. Women represent about 63% of all employees in the Department. Youth represent 23% of all employees in the Department. Only 48% of Senior Management Services (SMS) posts are occupied by women. The Department aims to reach equity targets and sustain them to reflect the demographics of the designated groups in our South African society. As at the end of December 2020, the Department has achieved 2.17% of employees being people with disability.

AGE GROUPS	FEMALE	% FEMALE PER AGE GROUP	MALE	% MALE PER AGE GROUP	Grand Total
20-24	57	58.8%	40	41.2%	97
25-29	576	62.5%	345	37.5%	921
30-34	1630	63.0%	957	37.0%	2587
35-39	2336	64.2%	1302	35.8%	3638
40-44	1995	65.9%	1033	34.1%	3028
45-49	1488	60.9%	954	39.1%	2442
50-54	1005	60.4%	659	39.6%	1664
55-59	694	63.0%	408	37.0%	1102
60-64	231	59.7%	156	40.3%	387
>64	0	0.0%	2	100.0%	2
TOTAL	10012	63.1%	5856	36.9%	15868

Stakeholders Management

The Department of Justice and Constitutional Development has a wide spectrum of stakeholders and partners who jointly contribute to its vision of an accessible justice system in a vibrant and evolving constitutional democracy. The stakeholders include civil society, international stakeholders, the Parliament of South Africa, the Portfolio Committee on Justice and Correctional Services, JCPS Cluster partners and Media and Chapter 9 institutions and various government departments.

The table below gives the list of identified key stakeholders and their roles in the delivery of the Department outputs.

Stakeholders	Definition of stakeholders	How do they influence the delivery of outputs	Role of stakeholders
Audit Committee	Independent oversight body.	Directly	Advisory role over management responsibilities.
Auditor-General South Africa (AGSA)	Constitutional body tasked with the responsibility of oversight accountability.	Directly	Audit role on compliance with legislation.
Cabinet	Executive Structure of Government.	Directly	Approval of policy documents, legislations and the Department plans.
Chapter 9 institutions	Section 181(1) of the Constitution establishes state institutions supporting constitutional democracy. These are the Public Protector, Auditor General, South African Human Rights Commission, Commission for Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and the Electoral Commission	Directly	Each institution is established in terms of specific constitutional mandates to strengthen constitutional democracy in South Africa.
Civil Society	Organisation found in communities either as Non-profit organisation, advocacy groups foundations and faith organised groups.	Directly	Participate in the implementation of National Action Plan and hold government to account to account for the use of public resources.
Department of Arts and Culture	A custodian of South Africa's diverse cultural, artistic and linguistic heritage.	Directly	Facilitator of Outcome 14: Social cohesion and Nation Building.

Stakeholders	Definition of stakeholders	How do they influence the delivery of outputs	Role of stakeholders
Department of Home Affairs	Maintain the national population register (civil registry) including the recording of births, marriages, deaths, issuing of identity documents and passports.	Directly	Decide on how to establish procedure in terms of which particulars of persons to be included on the register should be forwarded. Verification of registration of birth of children and travel status.
Department of Social Development	Management and oversight over social security, encompassing social assistance and social insurance policies.	Directly	Assists in terms of international social services. Conducting investigation on the Department behalf in foreign countries. Refer all family related to the Office of Chief Family Advocate.
Department of Health	Department responsible for Health Portfolio in the Republic.	Directly	Provide with Psychiatric observation services and DNA testing services.
Department of Planning , Monitoring & Evaluation	Holds the mandate for Planning, Monitoring and Evaluation.	Directly	Ensure for Planning, Monitoring and Evaluation.
Department of Public Works and Infrastructure	Custodian of state immovable assets portfolio and property manager for privately owned leased accommodation.	Directly	Provide accommodation, maintenance and cleaning services of state immovable assets.
International Organisations	International bodies like the United Nations with which South Africa has signed treaties.	Directly	Oversee the implementation of treaties and conventions signed by the various countries.
Judiciary	In terms of section 165(1) and (2) of the Constitution, the judicial authority of the Republic is vested in the courts, which are independent and subject only to the Constitution and the law which they must apply impartially and without fear, favour or prejudice. The Judiciary comprises the Chief Justice, Deputy Chief Justice, President of the Supreme Court of Appeal, Judge Presidents and Deputy Judge Presidents of the High Court, Judges of the High Courts, Chief Magistrates	Directly	In terms of section 166 of the Constitution, the courts are the Constitutional Court, Supreme Court of Appeal, High Courts including any high court of appeal that maybe established or recognized in terms of an act of Parliament to hear appeals from High Courts, Magistrates Courts and any other courts established or recognized in terms of an Act of Parliament, including any court of a status similar to either the High Courts or

Stakeholders	Definition of stakeholders	How do they influence the delivery of outputs	Role of stakeholders
	and Magistrates of the Lower Courts.		<p>the Magistrates' Courts. The above-mentioned courts (civil and criminal courts) are thus responsible for the administration of justice in South Africa.</p> <p>Section 165(4) of the Constitution provides that "organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence [...]"</p>
Legal Aid SA and IJS	Entities connected to transversal platform and exchanging information electronically.	Directly	Maintenance of integration and messaging requirements through IJS Transversal Hub.
Legislature	Section 42 of the Constitution provides Parliament consists of the National Assembly and the National Council of Provinces.	Directly	<p>In terms of section 42(3) of the Constitution, the National Assembly is elected to represent the people and to ensure government by the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinizing and overseeing executive action.</p> <p>Section 42(4) of the Constitution provides that the National Council of Provinces represents the Provinces to ensure that provincial interests are taken into account in the national sphere of Government. It does this mainly by participating in the national legislative process and by providing a national forum</p>

Stakeholders	Definition of stakeholders	How do they influence the delivery of outputs	Role of stakeholders
			for public consideration of issues affecting provinces.
National Executive	<p>In terms of section 91(1) of the Constitution of the RSA, 1996, the Cabinet consists of the President, as Head of the Cabinet, a Deputy President and Ministers.</p> <p>Section 92 of the Constitution defines the accountability and responsibilities of the Deputy President and Ministers. The Minister of Justice and Correctional Services is the Cabinet Minister responsible for the administration of Justice in South Africa.</p>	High	The Department of Justice and Constitutional Development has been identified as the lead department together with the contributing Departments: DPME and the Presidency.
National Treasury	Allocation of the budget.	Directly	Approves the proposed Funding model.
National Prosecution Authority	Institute and conduct criminal proceedings on behalf of the State.	Directly	Focus promotion of social cohesion in our communities while ensuring that communities are safe for all inhabitants.
Private Sector	Driver of economic growth.	Directly	Provide capital though investment.
Ruling Party	Set out manifesto.	Directly	Develop the election manifesto.
South African Police Services (SAPS)	To oversee law and order in the country.	Directly	<p>Give confirmation as to whether a person is pending investigation before the removal or expungement of a criminal record.</p> <p>Assist with the service of process, subpoena and invitation letters.</p>
State Information Technology Agency (SITA)	Manages the procure of ICT products and services in government.	Directly	Approved the procurement of ICT goods and services in government.

PART C: MEASURING OUR PERFORMANCE

9. INSTITUTIONAL PERFORMANCE INFORMATION

9.1 Measuring the impact

Impact Statement	Improved public perception, confidence in the justice system and respect for the rule of law
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9.2 Measuring Outcomes

MTSF Priority 6: Social cohesion and safe communities				
MTSF Priority 1: Capable, ethical and developmental state				
Outcome		Outcome Indicators	Baseline	Five-year target
1.	Modernized and digitized justice services platforms	1a. Number of justice services provided online	-	14 services
		1b. Number of sites providing court proceedings virtually.	-	170 sites
		1c. Number of KPIs completed on the Integrated Justice System dashboard	22	28 KPIs completed on the Integrated Justice System dashboard
2.	Improved organisational capabilities and good governance	2. Unqualified audit opinion on all accounts and pre-determined objectives achieved and sustained	i. Guardian's Fund: unqualified ii. Justice Administered Fund: unqualified iii. President's Fund: unqualified iv. Vote Account: qualified v. Predetermined Objectives: qualified	Unqualified audit opinion achieved on: i. Guardian's Fund ii. Justice Administered Fund iii. President's Fund iv. Vote Fund v. Predetermined objectives
3	Improved awareness of justice services and constitutionalism	Percentage of people who are aware of justice services	-	55%

MTSF Priority 6: Social cohesion and safe communities**MTSF Priority 1: Capable, ethical and developmental state**

Outcome		Outcome Indicators	Baseline	Five-year target
4	Increased access to justice services	4a. Number of approved service standards increased for justice services	13	18
		4b. Number of justice services footprint increased	720	725
		4c. Number of courts providing full services increased	479	520
5	Improved Masters' services	5a. Percentage of Masters' services accessed online	-	40% of Masters' services accessed online
		5b. Master's matters finalised within the required timeframes increased	80% of Masters matters finalised within the required timeframes	85% of Masters matters finalised within the required timeframes
6	Colonial/apartheid era justice-related legislation reviewed and replaced	6. Percentage of constitutionally-sound legislative instruments that withstand court challenges	0%	Less than 2% of legislative instruments successfully challenged in court for constitutionality ⁸
7	Transformed state litigation services	7. Percentage decrease in state litigation liabilities annually	-	5% annually
8	Transformed legal profession	8a. Percentage increase of previously disadvantaged individuals (PDI) legal practitioners briefed	1971	PDI legal practitioners briefed increase by 2% annually
		8b. Percentage increase annually of previously disadvantaged individuals legal practitioners conferred as senior counsels in line with the Policy Guideline	188	10% increase annually in PDI legal practitioners conferred as senior counsel

⁸ Measures legislation developed from 2010

MTSF Priority 6: Social cohesion and safe communities				
MTSF Priority 1: Capable, ethical and developmental state				
Outcome		Outcome Indicators	Baseline	Five-year target
		on the conferral of Senior Counsel		
9	Advanced constitutionalism, human rights and the rule of law	9a. Percentage of people who have knowledge and awareness of constitution	51%	55%
		9b. Percentage compliance with international obligations	63%	100%
10	Crime and corruption reduced through effective prosecution	10a. Level of satisfaction with the prosecution of identified crime types ⁹	No baseline	Baseline +30%
		10b. Percentage of identified high impact corruption prosecutions instituted ¹⁰	No baseline	Baseline +25%
		10c. Level of customer satisfaction with NPA services	81.5%	92%

9.3 Explanation of planned targets over the five-year targets

Ensuring a socially cohesive and safe South Africa requires a series of intersecting interventions that unite our country. Achieving social cohesion and safe communities requires strengthening criminal justice platforms, police services and community participation in public policing. This work cannot be done without improving trust in the public sector and its institutions. The country's vision of building cohesive and safe communities is detailed in Chapters 12, 14 and 15 of the National Development Plan. The implementation of these chapters is detailed in Priority 6 of the 2019-24 Medium-Term Strategic Framework (MTSF). The Department plans to achieve its impact statement of "improved public perception, confidence in the justice system and respect for the rule of law" that is centered on the 9 Departmental Outcomes that will be pursued over the five-year period. The explanation for the planned target over 5 years for each outcome indicators' targets is provided below:

⁹ Level of satisfaction seeks to determine the public's perception regarding prosecutors' efficiency in dealing with certain prioritised crime types (murder, rape, trio crimes).

¹⁰ High impact corruption relates to cases identified as priority by all divisions, cases managed by the ID (SOEs and State Capture) including cases prioritised from the ACTT.

Outcome 1: Modernised and digitized justice services platforms

- The Department will increase efficiencies and improve service delivery turnaround times.
- Automation and digitization will enable universal access to services provided by the Department to members of the public at any time and wherever they are.
- This will in turn assist in reducing queues at service points, as well as the cost of receiving the service (e.g. transport costs).
- The cost of providing the service will be reduced (e.g. paper).
- The enablement of an integrated criminal justice system will be supported.

Outcome 2: Improved organisational capabilities and good governance

- Improve the Department's current performance.
- Improve the image and public perception of the Department.
- Improve the delivery of services.
- Contribute to Priority 1: Development of the capable state.
- Contribute to the improvement in good governance in the Department.
- Improve management of state resources.
- The achievement of unqualified audit opinions will improve the public perception of the Department management integrity.

Outcome 3: Improved awareness of justice services and the Constitution

- Improve the public's understanding of the Department's services and how to access these.
- Support awareness of the modernization programme being introduced by the Department to make services user-friendly and convenient.
- Increase awareness of the Constitution and the rights enshrined therein.

Outcome 4: Increased access to justice services

- Improve the satisfaction level of justice services recipients.
- Improve efficiency in delivering justice services.
- Assist in bringing justice services in closer proximity to the communities.
- Assist the Department in achieving its intended impact: improved public perception, confidence in the justice system, and respect for the rule of law.

Outcome 5: Improved Masters' Services

- The five-year target will enable the Department to increase efficiencies and improve service delivery.
- It will assist the Department in achieving its intended impact: improved public perception, confidence in the justice system, and respect for the rule of law.
- Development of system that will enhance transformation.

Outcome 6: Colonial/apartheid era justice-related legislation reviewed and replaced

- It will assist the Department in achieving its intended impact: improved public perception, confidence in the justice system, and respect for the rule of law.
- The repeal of apartheid and colonial era justice-related legislation will assist in aligning legislation to the Constitution.

Outcome 7: Transformed state litigation services

- To reduce state liability.

Outcome 8: Transformed legal profession

- Increase the pool for potential candidates for the Bench.
- Transfer of skills.
- Enhance transformation.
- Establish a nerve-centre for state legal services.
- Enhance transformation of the legal profession.
- Assist the Department in achieving its outcomes of top legal professionals reflecting the demographics and diversity of the country.

Outcome 9: Advanced constitutionalism, human rights and the rule of law

- To raise awareness about the Constitution and human rights, particularly with regards to vulnerable groups (LGBTQI, women and children), in communities and in international fora.
- Improve compliance with international obligations.
- Co-operation with foreign states regarding extradition and requests for Mutual Legal Assistance signifies South Africa's commitment to fighting crime and eliminating impunity for perpetrators. Active participation in the multilateral fora contributes to a better South Africa, a better and safer Africa in a better world.
- It will contribute to Priority 7: A better South Africa, a better and safer Africa in a better world.

Outcome 10: Crime and corruption reduced through effective prosecution

Level of satisfaction with the prosecution of identified crime types:

- The NPA recognises that crime and activities related to crime in South Africa has a dire effect on the citizens' feelings of safety and security. The NPA therefore recognises that a functional, effective and professional prosecution service will result in improved trust in the work of the NPA and, ultimately, in the credibility of the criminal justice system.
- This will assist the NPA to understand the level of quality of service that is offered to ensure that justice is served, especially in crimes that have an impact on feelings of safety.

Percentage of identified high impact corruption prosecutions instituted:

- The level of corruption and/or perceived corruption is unacceptably high in South Africa. Based on this premise, the NPA has prioritised its efforts to address and combat the scourge of such crimes.
- Improved efforts in the prosecution of corruption matters, including holding culprits accountable and removing profits gained from corrupt activities.
- This will further contribute to the fight against fraud and corruption, and will contribute to inclusive growth – which requires addressing the vast amounts of money South Africa has lost to the illicit economy – thereby improving investor confidence.

Level of customer satisfaction with NPA services:

- In line with the Batho Pele principles of providing equal and quality access to the public, the rendering of quality and effective prosecution services remains a top priority for the NPA. Thus, the acknowledgement is that the NPA will pursue a more victim-centric prosecution strategy that promotes justice for all.
- This includes offering court preparations services at all courts as well as increasing the TCC footprint.

10. KEY RISKS AND MITIGATION

Risk Identification		Risk Acceptability	Control Improvement Plans	
Risk No.	Risk Description		Control Improvement Plan(s)	Risk Owner(s)
1	Ageing and unstable ICT infrastructure resulting in disruption of systems.	Unacceptable	1. Identify further modernization initiatives, priorities and plans. 2. Continuous review of ICT infrastructure plans based on the available budget.	Head ISM
2	Non-compliance with departmental SCM policies and procedures and poor contract management.	Unacceptable	1. Finalisation and implementation of management of state litigation, Briefing and Tariff and Mediation policies.	Solicitor General
3	Inadequate management of people.	Unacceptable	1. Review of the Human Resources Plan. 2. Realignment of functions in the Department. 3. Consolidation of functions where there are possible duplications.	DDG: Corporate Service

Risk Identification		Control Improvement Plans		
Risk No.	Risk Description	Risk Acceptability	Control Improvement Plan(s)	Risk Owner(s)
4	Compromised physical and information security.	Unacceptable	<ol style="list-style-type: none"> 1. Stakeholder Management planning for high profile cases. 2. Develop security needs analysis report. 3. Prioritize funds for maintenance of security infrastructure. 4. Conducting awareness sessions. 5. Conducting audits and inspections. 	DDG: Corporate Services
5	Delays in delivering infrastructure projects.	Unacceptable	<ol style="list-style-type: none"> 1. Turnaround plan of the delivery projects and spending. 2. Monitor the implementation of the project plan. 	DDG: Court Service
6	Inadequate disclosure of contingency liabilities by clients.	Cautionary	<ol style="list-style-type: none"> 1. Develop state electronic contingent liability register. 2. Develop and implement policy framework to manage state litigation contingent liabilities. 3. Review of final contingent liability register. 4. Establish the oversight structure to monitor contingent liability for the entire state. 	Solicitor General
7	Inability to plan/manage the effects of Covid-19 resurgence.	Cautionary	<ol style="list-style-type: none"> 1. Monitor the procurement of the required resources (e.g. PPE). 2. Issue clear directives/circular to employees. 3. Continuous implementation and enforcement of Covid-19 Guidelines and Regulations at workplace. 4. Compliance Officers to regularly observe compliance with Covid-19 regulations in working environment. 	DG
8	Vacancy in key positions and inadequate organizational structure resulting in instability across the Department.	Cautionary	<ol style="list-style-type: none"> 1. Realignment of functions in the Department. 2. Filling of vacant posts 	DDG: Corporate Service

11. PUBLIC ENTITIES

Name of Public Entities	Mandate	Outcome	Current Annual Budget
Legal Aid South Africa	Legal Aid South Africa was established in terms of section 2 of the Legal Aid South Africa Act (2014) to provide legal aid and legal advice to eligible people at the state expense. It is mandated to ensure access to justice and the realisation of people's rights to have legal representation.	Modernised, accessible and people-centred justice services for all.	R1.8 Billion
Special Investigating Unit	Investigates and litigates on serious malpractice, maladministration and corruption in connection with the administration of state institutions.	Modernised, accessible and people-centred justice services for all.	R718.1 Million

12. PART D: TECHNICAL DESCRIPTION TABLE

Indicator Title	1a. Number of justice services provided online
Short definition	This indicator measures the number of justice services that will be provided by the Department through the DOJ internet portal to increase the accessibility to Justice services, among other services.
Source/Collection of Data	List of services provided online
Method of Calculation	Simple count
Assumptions	<ul style="list-style-type: none"> Funds will be available to implement the system. Development of online systems is completed within envisaged timeframes. Public will have access to the internet and make use of this digital service delivery channel. System will be developed taking into consideration improved and enhanced business processes that will enable the implementation of online systems.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired Performance	Justice services available on the DOJ internet portal and used by the public as a preferred service delivery channel.
Indicator Responsibility	Head: ISM, DDG: Court Services, Chief Master and Solicitor-General

Indicator Title	1b. Number of sites providing courts proceedings virtually
Short definition	This indicator measures the number of sites that will provide virtual court proceedings to increase access to justice services.
Source/Collection of Data	List of sites providing virtual court proceedings
Method of Calculation	Simple count
Assumptions	<ul style="list-style-type: none"> Funds will be available to implement virtual platforms for court proceedings. The directions allowing virtual court proceedings during the Covid-19 National State of Disaster remain applicable post the disaster ("new normal").
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired Performance	Virtual platforms for court proceedings implemented and is used as a preferred platform for court proceedings.
Indicator Responsibility	Head: ISM, DDG: Court Services

Indicator Title	1c. Number of KPIs completed on the Integrated Justice System dashboard
Definition	The indicator measures the number of KPIs that are on IJS performance dashboard system.
Source of Data	Signed off report by the chairperson of the Integrated Justice System (IJS) Board, project schedules and project minutes.
Method of Calculation	Simple count
Assumptions	Department report on the Key Performance Indicators on the dashboard.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A

Desired Performance	Integration of departments to be achieved and start monitoring the 28 KPIs.
Indicator Responsibility	Chief Director: Office of the Director-General

Indicator Title	2. Unqualified audit outcome on financial statements and predetermined objectives achieved and sustained
Short Definition	This indicator measures progress relating to the achievement of unqualified audit outcome on financial statements and predetermined objectives.
Source/Collection of Data	Final audit report from the Auditor-General
Method of Calculation	N/A
Assumptions	All managers manage their delegated authority accordingly and resolve previously identified audit findings.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired Performance	To obtain and sustain an unqualified audit opinion in all financial reports and predetermined objectives.
Indicator Responsibility	Chief Financial Officer – Financial Statements Branch heads – Predetermined Objectives

Indicator Title	3. Percentage of people are aware of justice services
Short definition	This indicator measured the percentage of people who participated in the survey who demonstrate or indicated that they have awareness of justice services.
Source/Collection of Data	Awareness survey report
Method of Calculation	N/A
Means of Verification	Survey report
Assumptions	Communication plan is supported by project owners.

Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired Performance	55% awareness by respondents.
Indicator Responsibility	CD; PEC, DDG: Court Services, DDG: Master of the High Court

Indicator Title	4a. Number of approved service standards increased for justice services
Short definition	This indicator measures the increase in the number of approved service standards for services provided by the Department during the strategic cycle.
Source/Collection of Data	Approved service standards for services provided by the Department.
Method of Calculation	Simple count
Assumptions	All services provided by the Department will have approved service standards.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired Performance	All services provided by the Department should have approved service standards.
Indicator Responsibility	DDG: Court Services

Indicator Title	4b. Number of justice services footprint increased
Short definition	This indicator measures the number of justice services footprint that will be increased in order to increase access to justice services.
Source/Collection of Data	Occupational certificate
Method of Calculation	Simple count

Indicator Title	4b. Number of justice services footprint increased
Short definition	This indicator measures the number of justice services footprint that will be increased in order to increase access to justice services.
Assumptions	There is cooperation by relevant stakeholders such as the Department of Public Works.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired Performance	Planned targets achieved within the timeline.
Indicator Responsibility	DDG: Court Services

Indicator Title	4c. Number of courts providing full services increased
Short definition	This indicator measures the number of branch courts/periodical courts that are converted into full-service courts during the Strategic Plan cycle.
Source/Collection of Data	Proclamation by the Minister
Method of Calculation	Simple count
Assumptions	Cooperation by relevant stakeholders such as Judiciary, NPA, Legal Aid, etc.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired Performance	Increased number of courts that will provide full services.
Indicator Responsibility	DDG: Court Services

Indicator Title	5a. Percentage of Masters' Services accessed online
Short definition	This indicator measures the number of Masters' services that will be provided online and manually to increase access to justice services.
Source/Collection of Data	System report and case files
Method of Calculation	
Assumptions	Funding is available
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired Performance	Planned interventions to increase access to services points achieved.
Indicator Responsibility	Chief Master

Indicator Title	5b. Percentage of Masters' matters finalised within the required timeframes increased
Definition	This indicator measures the increase in Masters' matters that are finalised within the required timeframes.
Source of Data	Case file and register
Method of Calculation	Percentage = (Number of cases finalised within the required timeframes/the total number of cases finalised) *100.
Assumptions	All relevant stakeholder will fully participate in the providing of services to clients.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired Performance	All matters finalised within the acceptable turnaround times.
Indicator Responsibility	Chief Master

Indicator	6. Percentage of constitutionally sound legislative instruments successfully challenged in courts
Definition	This indicator measures the percentage of legislative instruments developed and enacted since the beginning of the 2010/11 financial year which were successfully challenged for constitutionality during the financial year. Legislative instruments includes Bills, Regulations and Rules of Court.
Source of Data	Government Gazette, parliamentary reports, research papers, rules of court, emails, minutes of meetings and memoranda to the Minister, Rules Board or South African Law Reform Commission, whichever applicable.
Method of Calculation / Assessment	Percentage = (Number of legislative instruments/researches challenged successfully in the Constitutional Court/Number of legislative instruments developed and enacted since the beginning of 2010/11) *100.
Assumptions	Research will be conducted Drafting of proposals will occur Ministerial engagements
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Annual
Desired Performance	Legislation should withstand constitutional challenges hence the target should be lower or achieved at the level of the stated target.
Indicator Responsibility	Office of the Chief State Law Adviser and DDG: Legislative Development and Law Reform.

Indicator Title	7. Percentage decrease in state litigation liabilities annually
Definition	This indicator measures the percentage decrease in legal cost incurred by the state (three spheres of government including SOEs).
Source of Data	BAS reports, Quarterly reports of the Office of the Solicitor-General and Office of the State Attorney.
Method of Calculation/Assessment	Percentage = ((Legal costs incurred in the current year – Legal costs incurred in the previous year)/ Legal costs incurred in the previous year) *100.
Assumptions	State will continue to incur Legal Costs. There will be always be litigation cases against the state.

Disaggregation of Beneficiaries (where applicable)	Women People with Disability Men
Spatial Transformation (where applicable)	National
Reporting Cycle	Annual
Desired Performance	6% reduction in state litigation liabilities
Indicator Responsibility	Solicitor-General

Indicator Title	8a. Percentage increase of previously disadvantaged individuals' legal practitioners briefed
Definition	This indicator measures the percentage increase of legal practitioners, who were previously disadvantaged, representing the state on legal matters in courts
Source of Data	Quarterly reports of the Office of the Solicitor-General and the Office of the State Attorney
Method of Calculation/Assessment	Percentage = ((Number of PDI legal practitioners briefed in the current year – Number of PDI legal practitioners briefed in the previous year)/ Number of PDI legal practitioners briefed in the previous year) *100.
Assumptions	State attorney will continue to increase briefs allocated to previously disadvantaged Legal Practitioners. There will be a growing pool of legal practitioners.
Disaggregation of Beneficiaries (where applicable)	Women People with Disability Men
Spatial Transformation (where applicable)	National
Reporting Cycle	Annual
Desired Performance	Number of previously disadvantaged legal practitioners briefed increase.
Indicator Responsibility	Solicitor-General

Indicator Title	8b. Percentage increase annually of previously disadvantaged individuals (PDI) legal practitioners conferred as senior counsels in line with the Policy Guideline on the conferral of Senior Counsel
Definition	The indicator measures the annual percentage increase of previously disadvantaged individual legal practitioners conferred as senior counsels in line with the Policy Guideline on the Conferral of Senior Counsel.

Indicator Title	8b. Percentage increase annually of previously disadvantaged individuals (PDI) legal practitioners conferred as senior counsels in line with the Policy Guideline on the conferral of Senior Counsel
Source/Collection of Data	Database of Legal Practice Council
Method of Calculation	Percentage = ((Number of PDI conferred as Senior Counsels in the current year - Number of PDI conferred as Senior Counsels in the previous year)/ Number PDI conferred as Senior Counsels in the previous year) *100.
Assumptions	All relevant stakeholders participate fully in the process.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Annual
Desired Performance	Increase number of PDI legal practitioners conferred as senior counsels.
Indicator Responsibility	DDG Court Services

Indicator Title	9a. Percentage of people who have knowledge and awareness of the Constitution
Definition	The indicator measures percentage of people who have knowledge and awareness of the Constitution.
Source/Collection of Data	Survey report
Method of Calculation	N/A
Means of Verifications	Survey Report
Assumptions	All relevant stakeholders participate fully in the process.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Annual

Indicator Title	9a. Percentage of people who have knowledge and awareness of the Constitution
Desired Performance	Percentage of people who are aware and have knowledge of the Constitution increased.
Indicator Responsibility	DDG: Constitutional Development

Indicator Title	9b. Percentage compliance with international treaty obligations
Definition	This indicator measures the percentage compliance with international treaty obligations by the Department.
Source/Collection of Data	Compliance Report
Method of Calculation	Percentage = (Number of international treaty obligations complied with/total number of international obligations to be complied with) X 100
Assumptions	All relevant stakeholders participate fully in the process.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Annual
Desired Performance	Compliance with international treaty obligations improved.
Indicator Responsibility	DDG: Constitutional Development

Indicator Title	10a. Level of satisfaction with the prosecution of identified crime types
Short definition	This indicator measures the level of community satisfaction with the prosecution service in dealing with identified crime types, i.e. murder, rape and trio crimes.
Source of Data	Questionnaire and Survey Report
Method of Calculation/Assessment	Percentage = (Total number of survey participants who expressed satisfaction with the prosecution of identified crime / overall number of survey participants (including those who expressed unsatisfied)* 100. Calculation in the form of a percentage (%) of the number of survey participants who expressed satisfaction with the NPA services divided by the overall number of survey participants (including those who expressed unsatisfied).

Assumptions	Funding for survey allocated, competent service provider appointed, willingness of community members to wilfully participate in the survey.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Bi-annual
Desired Performance	Baseline +30%
Indicator Responsibility	National Director of Public Prosecution (NDPP)

Indicator Title	10b. Percentage of identified high-impact corruption prosecutions instituted
Definition	Assesses the efficiency and effectiveness of the prosecution service in dealing with high-impact corruption, including: Cases flagged as priority by NPS divisions, cases referred from State-Owned Enterprises (SOEs) as listed on www.gov.za , cases by the Investigative Directorate (ID) and priority cases listed by the Anti-Corruption Task Team (ACTT).
Source of Data	NPS Corruption Registers ID Case Register ACTT Priority case list
Method of Calculation/Assessment	Number of prosecutions instituted in high-impact corruption cases in the reporting period divided by the total number of high impact corruption matters referred to the NPA.
Assumptions	Investigative Directorate fully capacitated, skilled prosecutors and investigators available, prioritisation of cases by all stakeholders including dedicated courts.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Quarterly
Desired Performance	Baseline +25%
Indicator Responsibility	National Director of Public Prosecution (NDPP)

Indicator Title	10c. Level of customer satisfaction with the NPA Service
Definition	Measures the level of satisfaction by the customers of the NPA (victims, witnesses and complainants) in the prosecution services and treatment by the NPA staff.
Source of Data	NPA Crime and Criminal Justice Survey (CCJS)
Method of Calculation/Assessment	The total number of survey participants (victims, witnesses and complainants) who responded that they were either satisfied or very satisfied to the questions divided by the total number of all survey participants in the survey that answered the question expressed as a percentage (%).
Assumptions	Funding for survey allocated. Competent service provider appointed.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Bi-annual
Desired Performance	92% (Satisfied response baseline 62.5% (+29.5% increase), Highly satisfied baseline 19% (+40% increase)).
Indicator Responsibility	National Director of Public Prosecution (NDPP)

ANNEXURES TO THE STRATEGIC PLAN

ANNEXURE A: DISTRICT DEVELOPMENT MODEL

Medium term (3 years-MTEF)						
Area of intervention	Project description	Budget Allocation	District Municipality	Location: GPS coordinates	Project leader	Social partners
Access to justice services	Sexual Offences Court rooms		EC - Alfred Nzo LP - Chatsworth Umlazi		Ms J Ngema-DCO	Judiciary NPA Legal Profession Public
	Branch Court to offer family law services at a centralised point	151 863 747.88	eThekwini	-33.4465351	Ms J Ngema-DCO	Judiciary Legal Profession Public
	Durban High Court: Repairs and renovation	866 000 000	eThekwini	-29.8620685	Ms J Ngema-DCO	Judiciary NPA Legal Profession Public
	Umlazi Magistrate Court: Repairs and renovations to office buildings	76 500 000	eThekwini	-29.9824425	Ms J Ngema-DCO	Judiciary NPA Legal Profession Public
Access to justice services	Chatsworth MC: Proposed additional accommodation, upgrading of electricity, including repairs and renovations	196 371 084.94	eThekwini	29.91231	Ms J Ngema-DCO	Judiciary NPA Public Legal Profession
	Umbumbulu MC: Additional accommodation and repairs and renovations	57 248 205	eThekwini	29.9988574	Ms J Ngema-DCO	Judiciary NPA Public Legal Profession

