

Submission Document to the Portfolio Committee on Justice & Correctional Services:

Vote 21: Judicial Inspectorate for Correctional Services input on its 2014/2015 budget allocation and financial challenges.

By: The Judicial Inspectorate for Correctional Services

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Date of Portfolio Committee meeting: 02 July 2014



**J U D I C I A L
I N S P E C T O R A T E**

**Treatment of inmates and
Conditions in Correctional Centres**

INTRODUCTION

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OVERVIEW OF THE INSPECTORATE

The Constitution of the Republic of South Africa Act 108 of 1996

s35 (2): “everyone who is detained, including every sentenced prisoner, has the right to conditions of detention that are consistent with human dignity, including at least exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment”

His Excellency Minister of Justice and Correctional Services, honorable Chairperson and honorable members of Portfolio Committee, This section is one of our mandates and other mandates are enshrined in Correctional Services Act 111 of 1998 as amended

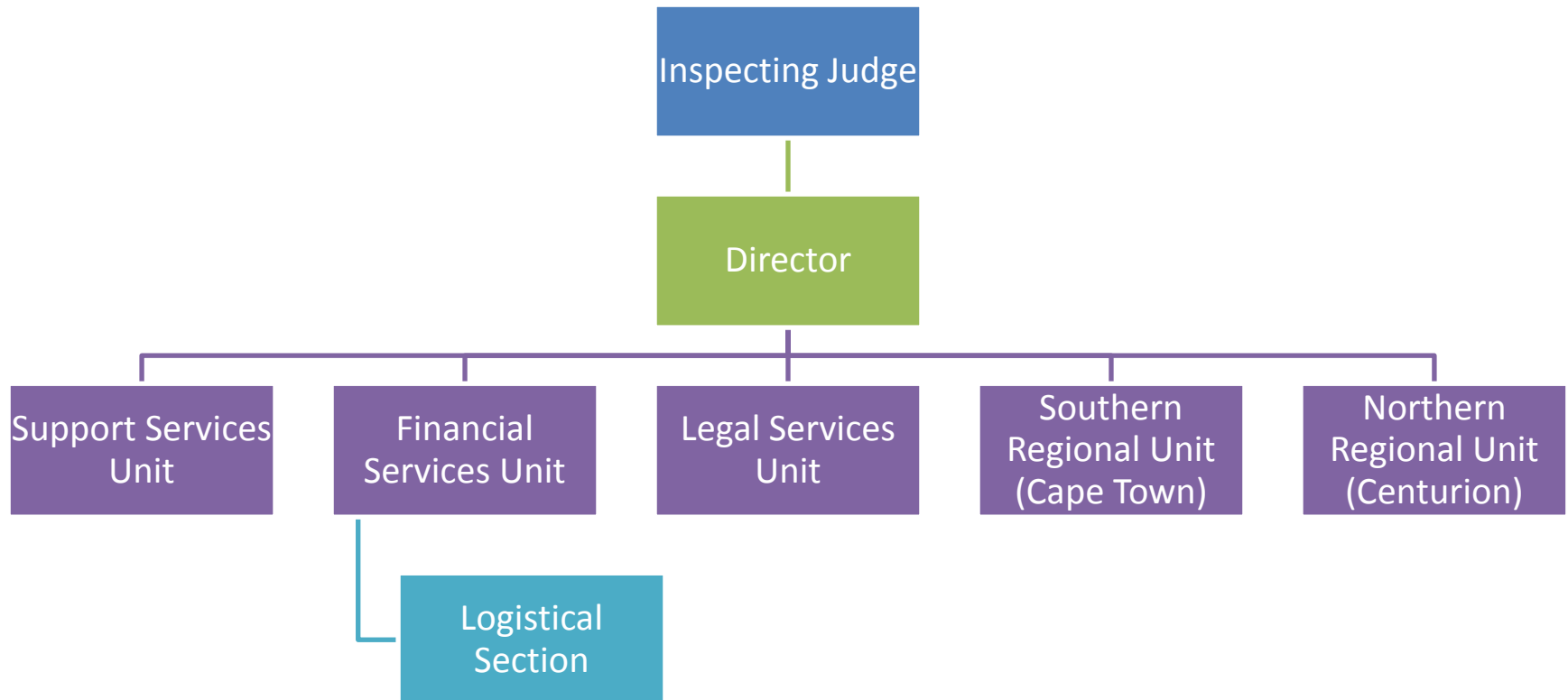
Background

- ❑ **ESTABLISHMENT:** The Inspectorate was established in June 1998 as an independent office under the control of an Inspecting Judge. Head Office is in Cape Town.
- ❑ **VISION:** *“to embody independent oversight of correctional centres for the advancement of human rights for all inmates.”*
- ❑ **INSPECTING JUDGES** of the office since its establishment are as follows, (1) judge Trengrove, (2) Judge Fagan (3) Judge Yekiso, (4) Judge Erasmus, (5) Judge Van Zyl and currently (6) Judge Tshabalala

Statutory Mandate

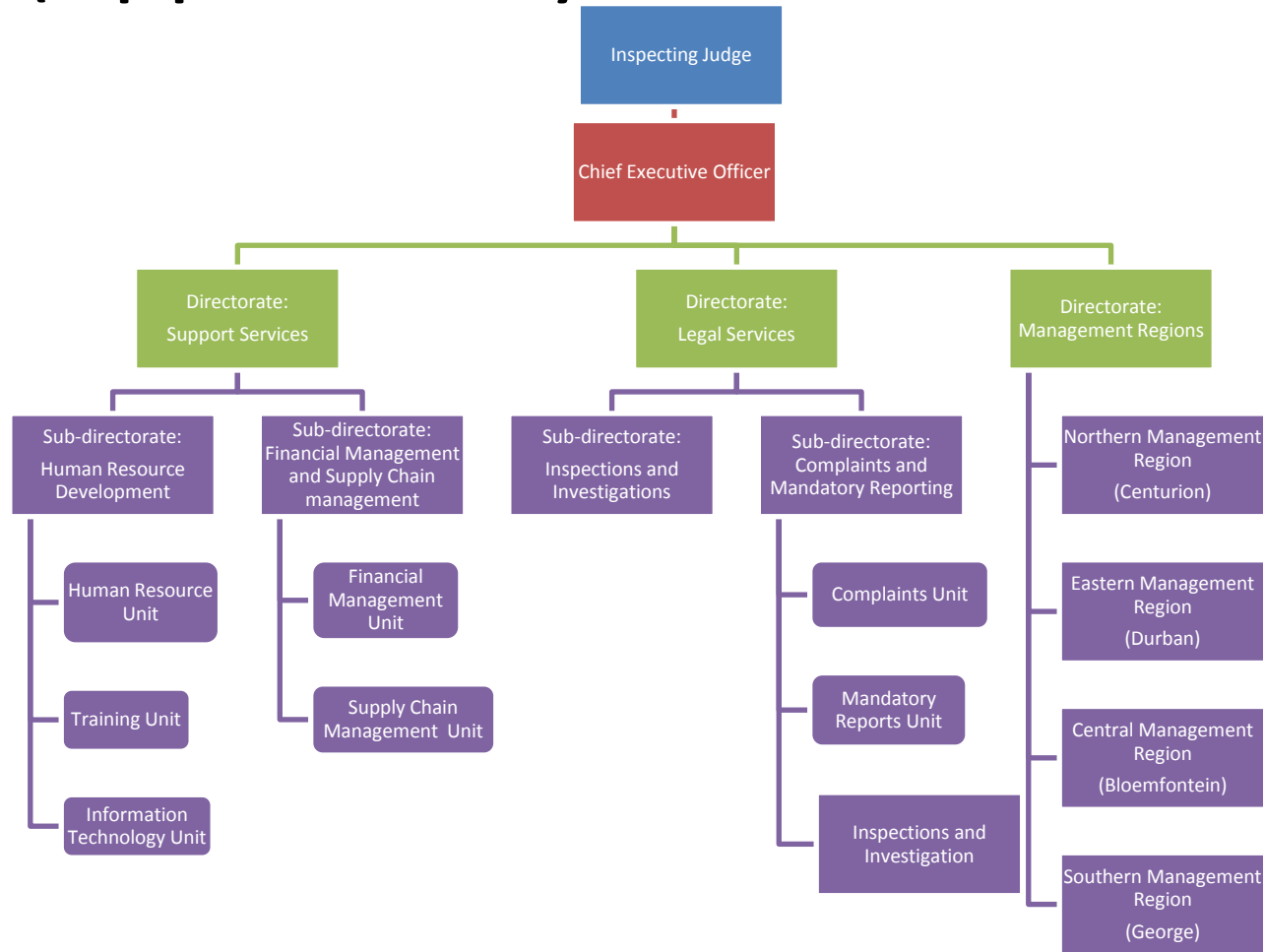
- ❑ The Inspectorate draws its primary mandate from the Correctional Services Act 111 of 1998, (as Amended). Chapters IX and X.
- ❑ The purpose of the Inspectorate is to facilitate the inspection of correctional centres in order that the Inspecting Judge may report on the treatment of inmates in correctional centres and on conditions in correctional centres.
- ❑ The Inspectorate seeks to protect the rights of inmates -enshrined in section 35 (2) of the Constitution (Act 108 of 1996) and Correctional Services Act 111 of 1998 (as amended).

Inspectorate Post Establishment- 2011



Inspectorate Post Establishment- 2012

(Approved by former minister)



Strategic Objectives

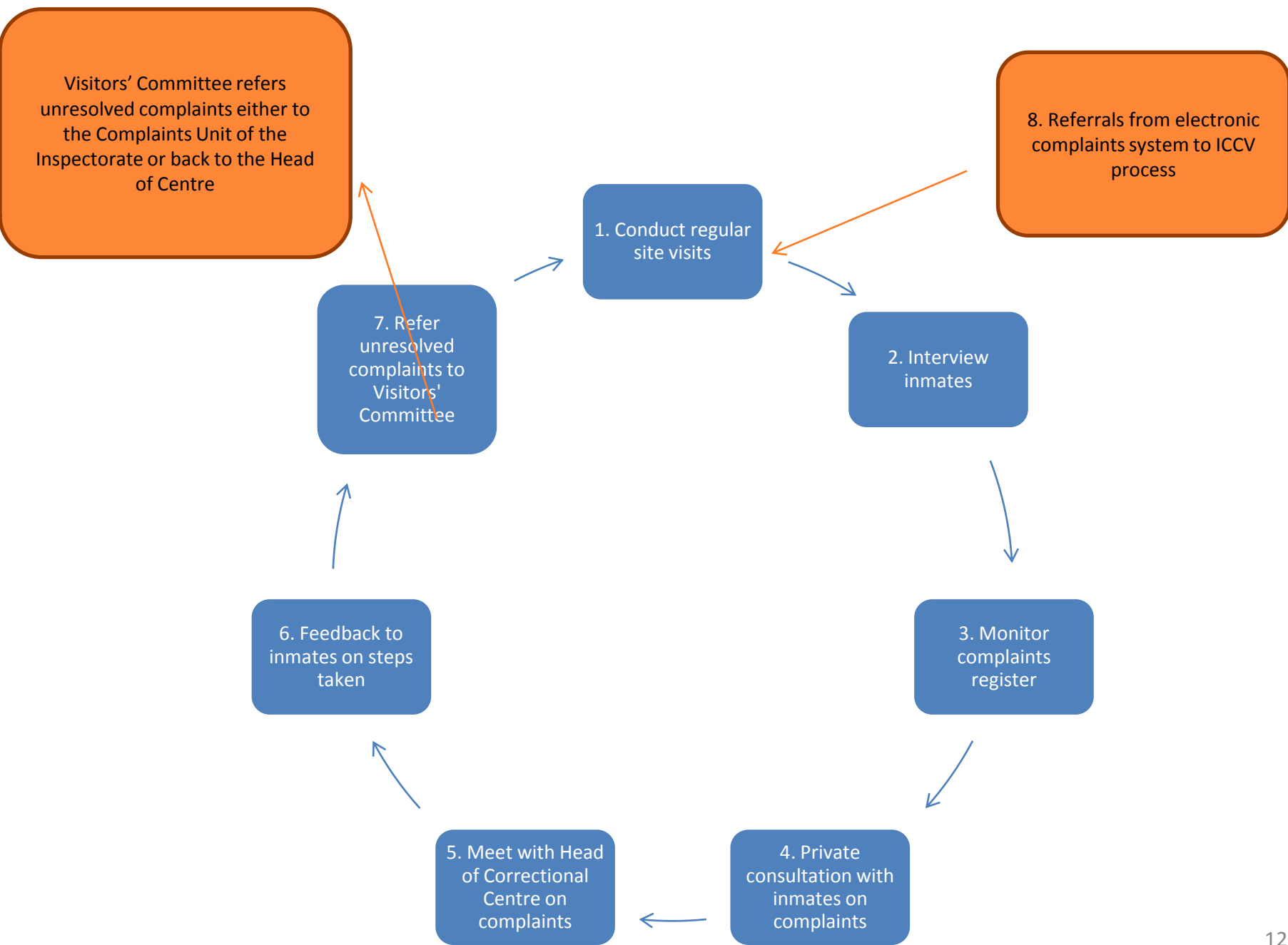
Overview of Strategic Objectives

- ☐ To ensure and maintain the highest standard of corporate governance in accordance with best practices;
- ☐ To maintain an independent complaints system;
- ☐ To conduct inspections relating to the treatment of inmates and conditions in correctional centres in order that the Inspecting Judge may report to the Minister and the Portfolio Committee on Correctional Services;
- ☐ To prevent human rights violations through a system of mandatory reporting;
- ☐ To collect accurate and reliable information regarding the conditions in correctional centres and the treatment of inmates;
- ☐ To promote and facilitate community involvement in correctional matters

An independent inmate complaints system:

In order for Inspectorate to maintain an independent inmate complaints system.

- ❑ We have ICCV system which is the Internal complains mechanism system.
- ❑ ICCV is the acronym for Independent Correctional Centre Visitor and they are recruited from community members.
- ❑ We also have Complaints Unit under Directorate Legal Service dealing with complaints of Inmates.



Conducting Inspections and Investigations of correctional centres

“To conduct inspections relating to the treatment of inmates and conditions in correctional centres in order that the Inspecting Judge may report to the Minister and the Portfolio Committee on Correctional Services”

- ☐ We have a unit called Inspections and Investigations Unit
- ☐ The objective of the Unit is to conduct inspections relating to the treatment of inmates and conditions in correctional centres
- ☐ Inspectorate also conducts investigations on complaints received by the Complaints Unit.
- ☐ Section 90 (4) of the CSA states that Inspectorate must report on inspections through Annual reports to the President, Minister and to the PC .

Mandatory reporting system:

“To prevent human rights violations through a system of mandatory reporting”

- ☐ The following instances must be reported to the Inspectorate by the Heads of Correctional centres in compliance with the Correctional services act:
 - Deaths: Section 15 (2) CSA
 - Segregations: Section 30 (6) CSA
 - Mechanical restraints: Section 31 (3) (d) CSA
 - Use of force: Section 32 (6) CSA
- ☐ The supra mentioned reporting must be forwarded to the Mandatory Complaints Unit

Reporting on the treatment of inmates and conditions in correctional centres

“To collect accurate and reliable information regarding the conditions in correctional centres and the treatment of inmate”

- ☐ The Inspectorate compiles a Monthly reports, Quarterly reports and an Annual Reports.
- ☐ Monthly reports are submitted to the Department on a monthly basis
- ☐ Quarterly reports are submitted to the Department, Minister and the PC correctional services (as stated in section 90 (3) CSA .
- ☐ Annual reports are submitted to the President, Minister-as stated in section 90 (4) (a) of the CSA and tabled in Parliament by the Minister – as stated by 90 (4) (b)

Promoting community involvement in correctional matters

In order to promote and facilitate community involvement in correctional matters.

- ☐ ICCVs are nominated by the Community based organizations.
- ☐ We intend to have one ICCV per correctional centre.
- ☐ We also have Visitors Committees as per section 94 of CSA, comprising of Stakeholders and Representatives from DCS.

2014/2015 Budget

2014/2015 Budget Allocation

- ☐ The Inspectorate was allocated R44,668,000.00 for the 2014/2015 financial year.
- ☐ 0.226% of Inspectorates budget allocation the DCS 2014/2015 Budget.
- ☐ Budget allocation is insufficient to meet pressing needs to:
 - Fund new approved post establishment - 2012
 - All costs associated with regionalisation of the Inspectorates offices, nevertheless, we are in constant discussion with the Department over the issue of Budget and also requesting to be considered during the September 2014 budget adjustment.

The Inspectorates Challenges

Inspectorates challenges: financial cont.....

❑ PERSAL challenges

- We are still in discussion with the Department on the issue of creating posts on PERSAL

Inspectorates challenges: financial cont.....

❑ **Approx. 46 % of staff members on contract**

- As at 31 March 2014 the organisation has **only 45** permanent employees (incl. Inspecting Judge) and an additional 37 contract employees.

Inspectorates challenges: financial cont.....

- We are also discussing with the DCS in terms of requesting them to consider the issue of involving us during the allocation of budget.

Inspectorates challenges: financial cont.....

- ❑ Independence of the Inspectorate: We humbly request the Portfolio committee to finalize the debate on this matter, which was started by the previous portfolio Committee members.
- ❑ There are different models of independence, for example, IPID, but our prayer is to be a Government Component reporting to the Ministry of Justice and Correctional Services

Inspectorates challenges: financial cont.....

Inspectorates challenges: financial cont.....

- We humbly request the Portfolio Committee to consider the issue of amending some of the sections in CSA 111, sections such as 88 and Section 91.

Inspectorates challenges: financial cont.....

Inspectorates challenges: Other

- ❑ Property Procurement: we are still in discussion with the Department of Public Works concerning our offices.
- ❑ There is a need for us to expand, thus we request for the job evaluation.

RECOMMENDATIONS

Recommendations

- ❑ We humbly request the new portfolio Committee to place the following topics in their PC Agenda if possible,
 1. Funding of the Inspectorate.
 2. Creation of Posts on PERSAL.
 3. Property Procurement.
 4. Job evaluation.
 5. Inspectorate becoming a Government Component and reporting to the Ministry of Justice and Correctional Services.

Recommendations

- ☐ I thank you.
- ☐ Ngiyabonga
- ☐ Kea leboga
- ☐ Na Khesa
- ☐ Baie Dankie