

Speech by Dr Motshekga on Correctional Services budget Vote 18

20 May 2015

Honourable Chairperson,
Honourable Minister - Michael Masutha
Deputy Minister - Thabang Makwetla
Outgoing Inspecting Judge of JICS - Vuka Tshabalala
Incoming Inspecting Judge - Tembile Skweyiya
Acting National Commissioner - Ntate Modise
Advisory Board - Dr Ramathusela
Honourable Members of Parliament

1. ANC government policy on Corrections and inherited structural problems

This is the brutal penal system that the ANC government inherited. We inherited prisons, not correctional facilities. Prisons that were spatially and ideologically designed for retribution and political repression rather than correcting criminal behaviour.

The institutional violent culture and legacy bequeathed to us has meant that there are many challenges that we have had to now contend with.

These are, foremost, the challenges of overcrowding and recidivism.

Overcrowding is an old problem that was inherited from the apartheid regime.

Incarceration rates per 100,000 of the population has far improved under the ANC government. For instance, in March 1983, there were 105, 634 prisoners out of an estimated population of 24 million in South African prisons.

Honourable Speaker, I am not making these numbers up. This is the figure given by the apartheid Minister of Justice, Mr. H.J. Coetzee- on 25 April 1983 in the House of Assembly Debates, here.

This 1983 figure translates to a ratio of 424 prisoners per 100,000 of the population [1] . (This figure excluded Transkei, Bophuthatswana, Venda, and Ciskei- as they were then self-governing territories).

The present number of people in South Africa's prisons is 155000 prisoners of 54 million South Africans. This translates to a ratio of about 290 per 100,000 of the population, about half the population in prison in 1983 when considering population size.

We realise that these numbers are still high and support the DCS in implementing its White Paper on Remand Detention, particularly 49G, of the Correctional Matters Amendment Act of 2011, and section 63A of the Criminal Procedure Act- both which seeks to minimise the time spent in remand detention for remand detainees.

The Committee also supports the Department on expediting Electronic Monitoring, as this may help to ease the prison population.

Recidivism is, also, a product of non-existent rehabilitation and social re-intergration programs under colonial and apartheid governments. For the colonial and apartheid governments, rehabilitation meant slave labour in privately owned farms and mines.

For the ANC government it means enrolling eligible inmates into education and meaningful skills acquisition programmes which will contribute to their social re-intergration. The DCS aims to enrol into educational and skills programs- 80% of eligible inmates in the medium-term.

The ANC led government has worked hard to try and transform South Africa's post-apartheid penitentiary in a manner that reflects the ethos and values of a free society and the Constitution.

We have introduced legislation and policies that seek to transform the prison into spaces of corrections, rehabilitation and social reintegration.

This has been a progressive task starting from the constitution, legislative interventions and policies which seek to guarantee the human rights and dignity of inmates. Through the passing of the Correctional Services Act in 1998 and the adoption of the White Paper on Corrections and the White Paper on Remand Detention in 2011, South Africa now complies with the international agreements and best practice standards on the rights and treatment of inmates.

To ensure that the ANC is serious about this transformation, the Judicial Inspectorate of Correctional Services, headed by a retired Judge, was established to play an oversight role and report on the conditions of imprisonment in correctional and remand detention centres. We wish to thank the outgoing Judge, Justice Vuka Tshabalala for the role he played over the past three years and welcome Justice Tembile Skweyiya as the new head of JICS.

Given the oversight role that Judicial Inspectorate plays over the DCS and on the conditions of imprisonment, it is important that over the medium-term, its financial and administrative independence is reviewed with the aim of improving its effectiveness and efficiency.

2. The NDP, MTSF, Strategic Plan of DCS

Of key focus to this Budget Vote is the cumulative implementation of the Criminal Justice Review's Seven Point Plan and the National Development Plan as articulated in the Medium Term Strategic Framework (2014-2019).

The DCS's strategic and annual performance plans are aligned to the NDP and the Medium-Term Strategic Framework. The Department linked its strategic objectives with specific outcomes of the National Development Plan. These are outcomes on

The economy and employment (Chapter 3-NDP). The Department could create more jobs through filling its vacancies and improving the DCS's effectiveness and efficiency, Improving education, training and innovation (Chapter 9-NDP). The provision of education and skills based training of inmates could contribute to rehabilitation and social reintegration initiatives, Promoting health (Chapter 10-NDP). The Department is obliged by law to maintain humane conditions of incarceration. It could contribute to this obligation by improving the health care of inmates and limiting exposure to communicable diseases such as TB and HIV in its correctional facilities, as urged by the President in his State of the Nation Address.

Building safer communities (Chapter 12-NDP).

Building a capable and developmental state (Chapter 13-NDP).

On building safer communities, it is important to emphasise that South Africa cannot begin to achieve many of its Medium-Term Strategic Framework Outcomes under conditions of high crime rates and insecurity. This fear and reality of crime impacts negatively on economic development and undermines people's well-being and their ability to achieve their potential.[2]

Achieving rapid economic transformation, economic growth, sustainable job creation, contributing to a

better Africa and a greater world, and building social cohesion and nation-building could remain a pipe dream if a country is infested by serious violent crime.

The Committee continues to support the implementation of the Seven Points Plan which seeks to ensure that the Justice and Security Cluster Departments synchronise their activities and establish a one-stop, single-view Integrated Inmate Management System, among others.

3. The Budget

The budget of the DCS is, like in the previous year, divided into its five key programmes; Administration, Incarceration, Rehabilitation, Care and Social Re-intergration.

It concerns the Committee, Honourable Minister, that only 10 percent of the budget has been allocated to Rehabilitation and Social-Reintegration programmes this financial year and over the medium-term.

The Committee would like to encourage the DCS to expand its programmes aimed at rehabilitation and social reintegration, as this could assist in curbing the problem of recidivism and, as a result, reduce the high levels of crimes that are committed by repeat offenders.

4. Appeal to researchers and criminologists

There is a need for studies that will make us fully understand who is in South Africa's prisons, from age groups, to the levels of education, race and types of crimes. We are not talking about statistical snapshots, but what is referred to as 'life-course' analysis and some comprehensive biographies.

The present incarceration rates in South Africa could be said to only offer a snapshot of the problems of penal confinement and overcrowding in our correctional and remand centres. We need some kind of time-series incarceration rates that can paint a picture of how the risk of incarceration accumulates over an individual's life and what is the likelihood that an individual will go to prison by a particular age. Given our racial past and the persistent social and racial inequalities in this country, this is very important.

Many criminologists agree that imprisonment can have a negative effect on social integration and a person's 'life course'.

Bruce Western and Christopher Wilderman, of Harvard and Michigan Universities, have investigated the Mass Incarceration of blacks in the US and the impact this has on Black families and social inequality. They say that;

"The passage to adulthood is a sequence of well-ordered stages that affect life trajectories long after the early transitions are completed. In modern times, arriving at adult status involves moving from school to work, then to marriage, to establishing a home and becoming a parent. Completing this sequence without delay promotes stable employment, marriage, and other positive life outcomes."^[3]

On the other hand "Imprisonment significantly alters the life course. Working life is disrupted as [eligible] workers with prison records try to find jobs from employers who are deeply suspicious of applicants with criminal records. The stigma of a prison record also creates legal barriers to skilled and licensed occupations... By eroding opportunities for employment and marriage, incarceration may also lead ex-inmates back to a life of crime."^[4]

We are not saying that there are no studies at all in South Africa that cover these issues. However, it

appears that existing knowledge is inadequate in giving us a clear picture of dealing with problems of incarceration from what criminologists call the 'life course' perspective. Such knowledge could assist our government to develop multi-faceted social interventions in tackling crime, its causes and managing the risk of incarceration.

Up until now, we do not know the actual rate of recidivism, on any of its technical definitions, in this country. We urge the DCS to work closely with the civil society stakeholders and academics to give us the actual recidivism rates in all its technical definitions.

These recidivism rates could, hopefully, enlighten us as to the extent to which the DCS's rehabilitation and social re-intergration programmes work and the extent to which the country can achieve the outcomes of the National Development Plan. They could also give us some direction on possible future improvements.

Honourable Chairperson, the ANC supports Budget Vote 18 of the Department of Correctional Services.

Thank you!

[1] Dirk Van Zyl Smith (1984), *Public Policy and the Punishment of Crime in a Divided Society: A Historical Perspective on the South African Penal System*, Crime and Social Justice, p.159

[2] Medium-Term Strategic Framework (MTSF) 2014-2019, 19.

[3] Bruce Western and Christopher Wilderman (2009), *The Black Family and Mass Incarceration*. *Annals of the American Academy of Political and Social Science*.

[4] Ibid.

- See more at: <http://www.anc.org.za/caucus/show.php?ID=3997#sthash.PluVUzHb.dpuf>