



24 June 2019

ANALYSIS OF THE STATE OF THE NATION ADDRESS (SONA) June 2019

Department of Correctional Services

Table of Contents

1. Introduction.....	1
2. What is SONA 2019 saying about the sector?	1
4. Issues for consideration by the Portfolio Committee	8
References.....	9

1. Introduction

The State of the Nation Address (SONA) was delivered in the evening of 20 June 2019 at a joint sitting of the National Assembly and the National Council of Provinces. In relation to Correctional Services the President did not mention anything specific, however a number of cross-cutting issues were identified from the President's Address which include education, skills, health especially HIV/Aids, and corruption.

2. What is SONA 2019 saying about the sector?

While the 2019 SONA did not mention any specific correctional service issues there are issues which are cross-cutting that are relevant to Correctional Service which are highlighted below.

Education

Education is one of the key pillars of rehabilitation in correctional facilities. The United Nations Standard Minimum Rules for the Treatment of Prisoners (known as "Mandela Rules") states that provision should be made for further education of all prisoners capable of profiting thereby, including religious instruction in countries where this is possible. The Rules further state that, education of illiterate and young prisoners shall be compulsory. In addition, the Rules stipulate that education of prisoners should be integrated with the



educational system of the country so that after their release they may continue their education without difficulty.

The Correctional Services Act, 111 of 1998 also makes provision for educational programmes for offenders in correctional facilities. Section 41(1) of the Act provides that, "The department must provide or give access to as full a range of programmes and activities, including needs based programmes, as is practicable to meet the educational and training needs of sentenced offenders". Section 41(2) (a) further provides that sentenced offenders who are illiterate or children must be compelled to take part in the educational programmes offered in terms of this Act.¹

As part of their rehabilitation efforts, the Department has established 14 formal schools that provide education up to grade 12 in line with the curriculum of the Department of Education. During the 2017 academic year, DCS achieved a 77% pass rate for grade 12 with four schools maintaining a 100% pass rate. The Department has ascribed this achievement to their relationship with the Department of Education because educators in DCS are also included in training and development opportunities provided by the Department of Education.²

For 2017/18 the Department of Correctional Services has provided various formal education programmes to a total of 12 811 offenders as follows:

- Adult Education and Training (AET): 10 014
- Further Education and Training (FET): Mainstream Education: 982
- Amended Senior Certificate (Old Curriculum): 838
- Higher Education and Training (post-matric studies): 524
- Computer-Based Training: 453. ³

The challenge the Department is facing in relation to education is filling of vacancies for educationists. The 2017/18 Annual Report recorded that out of 601 posts on the approved

¹ Correctional Services Act, 111 of 1998

² Annual Report of the Department of Correctional Services, 2017/18

³ Ibid



establishment for educationists only 521 were filled which translated to a 13.3% vacancy rate. The Department should therefore address this challenge as a matter of priority to ensure that more offenders have access to educational programmes in correctional centres in line with the Chapter 9 of the National Development Plan which talks about improving education, training and innovation.

Skills Development

Skills development is another pillar of rehabilitation of offenders in correctional centres. Again, the Mandela Rules also make provision for skills development through vocational training in correctional facilities. The Rules states that, vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners. The Correctional Services Act makes provision for skills development for inmates in correctional centres. Section 41(4) provides that, the Department must provide as far as practicable other development and support programmes which meet specific needs of sentenced offenders. Section 41(5) further states that, sentenced offenders have the right to take part in the programmes and use the services offered.

Skills development programmes offered in correctional facilities are aligned to develop offenders and contribute to the National Development Plan. Access and exposure to skills training programmes improves the skills level of offenders which can be utilized upon release in the community. Some of the skills development programmes offered in correctional facilities includes the followings:

Production workshops

- Textile items, for example prison clothing, pillowcases and sheets amongst other things
- Leather items, for example footwear for offenders
- Metal items, for example food trolleys, key cabinets and steel trunks, and
- Wooden items for example, office furniture and kitchen cupboards.⁴

⁴ Nesser, 1993



Agricultural programmes

The Department of Correctional Services uses agricultural programmes for training and work opportunities for offenders. Agricultural products are used in correctional facilities for own use and self-sufficiency purposes. The following agricultural activities are undertaken by the Department:

- Vegetable production to provide fresh vegetables for the prison's own use as far as possible
- Fruit production to provide fresh fruit for the prison's own use, as far as possible
- Milk production to provide fresh milk and butter
- Meat production which includes pork, chicken, beef and mutton; and
- Egg production to provide fresh eggs.⁵

According to the 2019 Estimates for National Expenditure, the Department plans to increase the number of offenders participating in skills development programmes from a projected 10 049 (in 2018/19) to 11 944 (in 2021/22).⁶

Health Care and HIV/AIDS

Section 27(1)(a) of the Constitution states that, “everyone has the right to have access to health care services, including reproductive health care” and Section 27(2) further states that, “the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights”. In addition to these rights, the Constitution also makes provision for rights of arrested, detained and accused persons. Section 35(2)(e) states that, “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”.

⁵ Ibid

⁶ ENE 2019



The Correctional Services Act, 111 of 1998 makes provision for adequate health care services to be provided to incarcerated persons. Section 12 of the Act provides the following provisions:

- The Department must provide, within its available resources, adequate health care services, based on the principle of primary health care, in order to allow every inmate to lead a healthy life
- Every inmate has the right to adequate medical treatment but no inmate is entitled to cosmetic medical treatment
- Medical treatment must be provided by a correctional medical practitioner, medical practitioner or by a specialist of a health care institution or person or institution identified by such medical practitioner except where the medical treatment is provided by a medical practitioner in terms of subsection (3) the Act
- Every inmate may be visited and examined by a medical practitioner of his or her choice and, subject to permission of the Head of the Correctional Centre, may be treated by such practitioner, in which event the inmate is personally liable for the cost of such consultation, examination, service or treatment.

Health care services in correctional centres promote the health of inmates and awaiting trial detainees, identifies inmates with health problems, assesses their health needs and delivers treatment or refers to specialists. The majority of health care services and programmes in the Department of Correctional Services are of a primary nature. These programmes include, but are not limited to:

- Preventative and promotive health services
- Curative services for acute minor ailments, injuries, endemic disease, acute and chronic care
- Communicable (e.g. tuberculosis, sexually transmitted infections which includes HIV/AIDS) and non-communicable diseases management
- Mental health
- Reproductive health
- Substance abuse
- Palliative care for terminally ill
- Basic oral/dental health care
- Counselling service, and



- Pharmaceutical services.⁷

HIV/AIDS creates major challenges for both the community health care and prison health care services. Most inmates come from poor communities which have limited access to public health care services and these are the very same communities to which they will return upon release. In his State of the Nation Address, the President raised concerns about the rising HIV infection rate, particularly among young women, and the relatively low number of men testing for HIV and starting treatment.

The Department of Correctional Services has reported that the fight against communicable disease such as TB and HIV in correctional facilities has significantly improved. The Department has implemented the directive on Universal Test and Treat (UTT) for all HIV positive inmates to ensure improved health outcomes. According to the 2017/18 Annual Report, the number of inmates initiated on antiretroviral treatment increased from 24 506 (in 2016/17) to 26 442 (in 2017/18) which translate to an improvement of 1 936.⁸ In the first five months of the 2018/19 financial year, the Department recorded 98.8% in relation to inmates on antiretroviral treatment.⁹ This exceeds the already exceeded annual target of 98% set for the 2018/19 financial year.

Despite these achievements, the Department still faces challenges in providing health care services to inmates in correctional centres. The following are some of the key challenges reported by the Department:

- Inability to recruit and/or retain health care professionals. The Department has 18 approved posts establishment for medical practitioners and only 10 have been filled. There are 1 025 approved posts on the establishment for nurses and only 886 are filled.
- Lack of adequate custodial officials to accompany inmate patients for referral purposes
- Increase in the burden of disease which is becoming complex to manage
- Participation of offenders in high risk behaviour and practices

⁷ <http://www.dcs.gov.za/Services/Health%20Services.aspx>

⁸ Department of Correctional Services Annual Report, 2017/18

⁹ Adjusted Expenditure of National Estimates, 2018



- High turnover of remand detainees contributes to inadequate management of diseases
- Lack of proper transport to carry patients to external health facilities
- Overcrowding of correctional facilities, which contributes to the spread of disease especially communicable diseases.¹⁰

The Fight against Corruption

The President also spoke about fighting corruption in his State of the Nation Address. The Department of Correctional Services has been affected by corruption over the years. Since 2014, cases of corruption recorded in the Department of Correctional Services are as follows:

Table 1: Corruption related cases

Financial Year	Corruption, fraud, bribery related cases
2013/14	82
2014/15	210
2015/16	139
2016/17	51
2017/18	56

Sources: DCS Annual Reports: 2013/14-2017/18

The Table above shows that the number of corruption-related cases has significantly decreased from 210 (in 2014/15) to 56 (in 2017/18). Although the Department provides figures with regard to the number of recorded cases of corruption, fraud, bribery and theft, the outcomes of each of these cases as well as the penalties imposed should also be provided in order to assess how seriously the Department deals with such cases. This will also serve as deterrent to would-be offenders in the Department.

Recently, serious allegations of corruption were revealed at the Commission of Inquiry into State Capture chaired by Deputy Chief Justice Raymond Zondo. The Commission

¹⁰ Department of Correctional Services, overview of health care delivery and management in DCS. 18 November 2009



has so far made several revelations regarding tender contracts between DCS and Bosasa. These included allegations of corrupt relationships between some DCS officials and Bosasa. Chief amongst these allegations is that top DCS officials (as well as some politicians) received monthly bribes up to R100 000 as a result of the tender contract awarded to Bosasa.

The Department of Correctional Services has also taken a stand against corruption through a number of initiatives including the establishment of the Departmental Investigation Unit and the Implementation of the Fraud Prevention Plan. The Anti-Fraud and Corruption capacity of the Department has resulted in the Department being rated as the third most efficient of 85 departments and public entities audited by the Department of Public Services and Administration in 2009/10.¹¹

4. Issues for consideration by the Portfolio Committee

The following issues could be considered by the Portfolio Committee on Correctional Services:

- The Committee should monitor the outcome of reported cases of corruption in the Department of Correctional Services
- There are a number of challenges confronting the Department in rendering health care services in correctional centres. The Committee should prioritise this area for oversight to ensure that health care services in correctional centres are improved and accessible by offenders. The Committee should also ensure that it is kept informed of developments in the management of TB and HIV/AIDS in correctional facilities.
- The Committee should continue to monitor the budget of the Department of Correctional Services and ensure that it is in line with priorities of government particularly on education and skills development for offenders as part of rehabilitation.

¹¹ Department of Correctional Services Annual Report 2009/10



References

Constitution of the Republic of South Africa, 1996

Correctional Services Act, 111 of 1998

Department of Correctional Services, Annual Report 2009/10

Department of Correctional Services, Annual Report 2017/18

Department of Correctional Services. 2009. Overview of health care delivery and management in DCS. Presentation to the Portfolio Committee on Correctional Services on 18 November 2009. Parliament of the Republic of South Africa. Cape Town.

Mandela Rules, 2011. See:

https://www.un.org/en/events/mandeladay/mandela_rules.shtml. Accessed 24/06/2019

National Treasury, Estimates of National Expenditure, 2019

National Treasury, Adjusted Estimates of National Expenditure, 2018

Neser, J J. 1993. Penitentiary Penology. 2nd edition. Lexicon Publishers