

# STRATEGIC PLAN

2020-25



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



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## LIST OF ACRONYMS

<b>APP</b>	Annual Performance Plan
<b>AVR</b>	Audio visual recording
<b>BAS</b>	Basic accounting system
<b>CCTV</b>	Closed-circuit television
<b>CPA</b>	Criminal Procedure Act
<b>CRT</b>	Court Recording Technology
<b>CSO</b>	Civil Society Organisation
<b>DG</b>	Director-General
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DPWI</b>	Department of Public Works and Infrastructure
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>ECMS</b>	Electronic case management system
<b>ENE</b>	Estimates of National Expenditure
<b>GBVF</b>	Gender-based violence and femicide
<b>HR</b>	Human Resources
<b>ICMS</b>	Integrated Case Management System
<b>ICT</b>	Information and Communication Technology
<b>IJS</b>	Integrated Justice System
<b>IT</b>	Information Technology
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>JMIS</b>	Justice Management Information System
<b>JYP</b>	Justice Yellow Page
<b>Legal Aid SA</b>	Legal Aid South Africa
<b>LGBTI</b>	Lesbian, gay, bisexual, transgender and intersex
<b>MC</b>	Magistrates' Court
<b>MOVIT</b>	Masters' Own Verification Technology
<b>MOU</b>	Memorandum of Understanding
<b>MTEF</b>	Medium-Term Expenditure Framework
<b>MTSF</b>	Medium-Term Strategic Framework
<b>NAP</b>	National Action Plan
<b>NDP</b>	National Development Plan
<b>NPA</b>	National Prosecuting Authority
<b>NPS</b>	National Prosecutions Service
<b>NRSO</b>	National Register for Sex Offenders
<b>NTT</b>	National Task Team
<b>OCSLA</b>	Office of the Chief State Law Adviser
<b>OSD</b>	Occupation-specific dispensation
<b>OWP</b>	Office for Witness Protection
<b>PAIA</b>	Promotion of Access to Information Act
<b>PAJA</b>	Promotion of Administrative Justice Act
<b>PDI</b>	Previously disadvantaged individual
<b>PEAS</b>	Paperless Estate Administration System
<b>PEPUDA</b>	Promotion of Equality and Prevention of Unfair Discrimination Act

<b>PFMA</b>	Public Finance Management Act
<b>SALRC</b>	South African Law Reform Commission
<b>SAPS</b>	South African Police Service
<b>SCA</b>	Supreme Court of Appeal
<b>SIU</b>	Special Investigations Unit
<b>TCC</b>	Thuthuzela Care Centre
<b>TRC</b>	Truth and Reconciliation Commission

## **FOREWORD BY THE MINISTER**

The Department of Justice and Constitutional Development is constitutionally mandated to administer justice and to act as the custodian of our Constitution. We have come a long way since the dawn of democracy. In the last 25 years, my predecessors in the previous five administrations have laid a solid foundation for the administration of justice: As we begin the next 5 years which is an electoral mandate, we are building on this solid foundation. To this end, we have identified specific areas that we seek to consolidate in this period. In doing so, we are mindful of the lingering challenges in the criminal justice system which are the result of the last 10 years. As we move forward, it is important to rebuild capacity and reverse these deficiencies. We are confident that this Strategic Plan provides a solid basis that will advance this important work.

Our priority is to advance constitutionalism and the rule of law and to create an accessible, modernised and people-centred justice system. We are improving access to justice at all our service points through modernised processes which will improve the quality and speed of our services. The transformation of state legal services and the creation of effective and efficient state legal services has been prioritised through the creation of the Office of the Solicitor General. Looking forward, we seek to reduce the state's contingent liability which has been a huge drain to the fiscus by implementing a comprehensive state litigation strategy under the leadership of the recently appointed Solicitor General. In addition we will seek to reform our criminal justice system in order to comprehensively address matters affecting women (GBV), children and the vulnerable. In this regard we will conduct a comprehensive review of the CPA of 1977 in order to bring it in line with the Constitution.

Our programmes to address nation building and social cohesion remain a focal point in this administration. We will prioritise the review, repeal and replacement of all colonial and apartheid legislation. It is an affront to South Africans that more than a quarter of a century post democracy our statute books still contain the laws that dehumanised the majority of our people.

Corruption including white collar and commercial crime remains a challenge, both in the public and private sector and directly affects state capacity to deliver much needed services to the poor and the vulnerable. We are working to rebuild the National Prosecution Authority to be an effective, efficient and ethical prosecutorial organisation that prosecutes without fear, favour or prejudice. Our people should feel safe and secure. We anticipate that our anti-corruption efforts will be boosted by the work of the various commissions of enquiry currently underway.

Our Constitution has served us well over more than two decades and has proven to be resilient, robust and dynamic. We will continue to deepen the culture of respect for our constitutional values, human rights and the rule of law as fundamental to our constitutional democracy. It is important that every South African has a full understanding and appreciation of their constitutional and human rights. Public education is essential. For our constitutional democracy to thrive, we need an active citizenry to act as a bulwark against the erosion of fundamental rights and freedoms. As we work to promote human rights, we will continue to provide all the support that we are constitutionally required to provide to the judiciary.

In order to carry out our vision and priorities for the next 5 year MTSF period, we require a department that is fit for purpose, dynamic and suited to current conditions in the country. We will align the structure of the Department to our vision and our priorities. We will put in place systems to ensure accountability, good governance compliance with statutory prescripts such as the PFMA and other regulatory instruments. Our goal is to achieve a clean audit. We aspire to make the Department of Justice and Constitutional Development an employer of choice that attracts the best, skilled, talented and committed individuals as we work collectively to achieve our vision of creating an accessible justice system and advancing constitutionalism, human rights and respect for the rule of law.

A handwritten signature in black ink, appearing to be 'R. Lamola', with a large loop at the start and a horizontal stroke extending to the right.

**Mr. Ronald Lamola, MP**

**Minister of Justice and Correctional Services**

## FOREWORD BY THE DEPUTY MINISTER

The National Development Plan's Vision 2030 sets out a very clear picture of the South Africa that we want to build.

The next ten years will be crucial in determining whether or not we achieve that vision.

The Department of Justice and Constitutional Development's Strategic Plan is closely aligned to the Medium-Term Strategic Framework (MTSF 2019-2024). The MTSF is the manifestation of an implementation plan for the NDP Vision 2030 and for the implementation of the electoral mandate of the sixth administration of democratic government. The MTSF lays out the package of interventions and programmes that will achieve outcomes that ensure success in achieving Vision 2030 and the seven electoral priorities adopted by government. These priorities will inform the interventions and programmes to achieve the NDP Vision 2030.

The work of the Department of Justice and Constitutional Development is key in making these priorities a reality.

A number of political imperatives remain high on our Department's agenda, such as intensifying our efforts to make justice more accessible to all in our country and ensuring that people who commit crimes are brought to justice.

Access to justice is not only the ability to obtain legal redress and assistance, but also having one's dispute resolved speedily and efficiently. We need to continue to work towards a more efficient system in the criminal and civil courts by way of various initiatives, such as, for example, increasing the number of our Regional Civil Courts.

Our legislative programme remains an integral part of what we do and spans a number of different justice areas, with new or amended legislation covering Commissions of Inquiry, the review of the Criminal Procedure Act, a Land Court Bill, amendments to the Sheriffs Act, the Debt Collectors Act, and the Legal Practice Act, to name but a few.

The Information Regulator is empowered to monitor and enforce compliance by public and private bodies with the provisions of the Protection of Personal Information Act, 2013 (the PPI Act) and the Promotion of Access to Information Act, 2000 (PAIA). The PPI Act aims to promote the protection of personal information processed by public and private bodies to allow for the lawful processing of such information by way of establishing minimum requirements.

It is important to note that the Information Regulator will become fully functional in the period covered in the Strategic Plan.

The work of our Department is also informed by the continuous advancement of constitutionalism, respect for human rights and for the rule of law.

A vital part of this vision is supporting and strengthening our courts and working closely with other stakeholders in the justice system.

Access to courts as well as the optimal functioning of our courts are both imperative in the transformation of our judicial system.

The introduction of Bills to replace the Magistrates Act, 1993, and the Magistrates' Courts Act, 1944, remains an absolute priority for 2020/21. We will intensify our support to the Magistrates Commission in the filling of vacant offices of magistrates to further enhance and strengthen capacity at our lower courts.

We are looking forward to the finalisation of the major review by the Independent Commission on the Remuneration of Public Office-Bearers into the remuneration of the judiciary – for both magistrates and judges.

It is of critical importance that the rationalization of magisterial districts and aligning the jurisdiction of magistrates' courts with municipal and provincial boundaries be finalised. It will not only provide certainty and closer and more direct access to justice services for communities, but will also enable us to align and re-describe service areas of sheriffs and advertise vacant offices. It is envisaged that vacant offices of sheriff will be filled by the end of 2020. This will strengthen the sheriffs' profession and further enhance service delivery.

The fight against the scourge of gender-based violence and femicide continues to be a priority. In his State of the Nation Address this year, the President announced that we will amend the Domestic Violence Act to better protect victims in violent domestic relationships and that we will pass a law to tighten bail and sentencing condition in cases that involve gender-based violence. We are therefore preparing three amendment Bills proposing amendments to the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Domestic Violence Act, the Criminal Procedure Act and legislation regulating minimum sentencing.

In addition, we shall continue to roll out sexual offences courts and Thuthuzela Care Centres so as to provide much needed support services to survivors of gender-based and sexual violence and continue our efforts in the establishment of a Femicide Watch.

As part of our aim to further advance constitutionalism and human rights, our Department will be continuing with various constitutional awareness and human rights education programmes, protecting the rights of LGBTI persons by way of the work being done by our National Task Team and further advance the implementation of the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Our Department remains committed to ensuring that Vision 2030 becomes a reality for all in our country.



**John Jeffery, MP**

**Deputy Minister of Justice and Constitutional Development**



## **FOREWORD BY THE ACCOUNTING OFFICER**

The department continues with its goal of people-centred justice services that are accessible, reliable and efficient.

Our initiatives on a people-centred justice service will include the speedy rollout of Sexual Offences Courts, in line with government's programme on Gender-Based Violence and Femicide. A further 42 Regional Court rooms will be upgraded into Sexual Offences Court rooms, in line with the approved model and available resources. An ongoing project to evaluate the functionality of these courts will be undertaken throughout the MTSF period.

Maintenance and other issues related to children are of major interest to the department. While major improvements have been done in the processes related to maintenance applications, the department plans to improve speed and efficiency in finalising maintenance orders. Targets over the MTSF period have been set. Similarly, finalisation of cases of children whose families are in distress are included in the Strategic Plan and the Annual Performance Plan.

In improving accessibility, we will continue to roll out new court buildings in line with our plans and budgets. For example, the long-outstanding Mamelodi Magistrates' Court, which is due to be finalised during the 2020/21 financial year, is one of the eight courts that are planned to be delivered within the next three financial years. With regards to refurbishment and upgrading of facilities, we plan to deliver nine of these projects, which include Groblershoop Magistrates' Court, Umbumbulu Magistrates' Court and the burnt Pretoria Magistrates' Court.

The department struggled with unplanned maintenance, such as fixing of broken windows, due to issues related to the availability of contractors in far-flung courts. A plan has been put together to address day-to-day maintenance work to ensure speedy resolution of minor works while complying with the PFMA's principles of cost-effective and transparent procurement. The term contract solution to address minor maintenance issues will be rolled out to courts in order to bring them to full functionality speedily.

The DoJ&CD provides support to the courts towards the finalisation of criminal and civil cases. Monitoring of daily progress of cases will continue to ensure that the department performs its functions in terms of our mandates and in line with the resources allocated to us. In particular, the department will continue to monitor postponements made in criminal courts that are due to our own administrative delays.

The department will deliver in line with government's five-year plan. With regards to fraud and corruption, the department will assist in the rollout of Commercial Crimes Courts, where these are needed, and will continue to support other JCPS cluster organisations in the infrastructure needed for initiatives related to the SIU's tribunal as well as the NPA's Investigative Directorate.

The department will continue to use information technology to improve service delivery and customer experience within our service points. Over the MTSF period, projects will be rolled out, in line with budgets and other resources. For example, user-friendly online application forms will be implemented during 2020/21 and, where appropriate, service will move beyond just having application forms, towards online processing of services. To further improve client experience, the department is committed to developing a call centre over the MTEF period.

Information technology initiatives that will enable us to improve efficiencies include implementing a foreign language interpretation hub to reduce expenses related to interpreting and using audio visual remand systems to deal with postponements without transporting awaiting-trial inmates to courts.

The State Attorney environment continues to present us with several challenges. The first that will be addressed in 2020/21 will be the appointment of senior leadership within different offices of the State Attorney. The second will be the implementation of processes and procedures towards a fully-functional State Attorney environment that will manage litigation costs and address pervasive issues of poor management of cases. In this regard, a new case management system will be rolled out over the MTSF period.

While addressing these matters, the department will continue its focus on growing the pool of legal practitioners from previously disadvantaged backgrounds

Within Programme 3, targets have been set in line with budget and other resources. The Office of the Chief Master will continue to deliver on matters related to deceased estates, trusts, the Guardian's Fund and insolvencies and/or liquidations. The Office of the Chief State Law Adviser will continue to finalise legal opinions on draft legislation and bilateral agreements as well as issue certificates on draft legislation and translate legislation, where required. Legislative Development will continue to draft legislation.

Key projects that are planned within Constitutional Development include the implementation and monitoring of the cabinet-approved National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. The department will work with other departments and non-governmental players to help address the ongoing issues of xenophobia and other related intolerances in our country. In addition, the department will continue to champion rights within the LGBTI community as well as lead the monitoring of hate crime cases committed against the LGBTI community. Government launched the National Policy Framework (NPF) on the Prevention and Combating of Trafficking in Persons on 25 April 2019. The NPF's Objectives include: the establishment of a coordinated and cooperative institutional anti-trafficking framework involving all relevant stakeholders; raising public awareness and preventing human trafficking; improving knowledge on human trafficking; and ensuring that victims of trafficking have access to comprehensive assistance programmes. Implementation of the NPF will receive our attention in the fight against human trafficking.

We will give attention to the regulation of paralegals working in community advice offices and creating a funding model for community advice offices.

In the last few years, the department has been qualified on the Vote Account as well as on performance information. All initiatives that were implemented in the past did not take into consideration the root causes of the problem, hence the department continues to run the risk of repeat findings. The department will put in place appropriate controls but, more importantly, ensure that we have the appropriate organisational structure and appropriately trained employees to deliver on our core mandate and maintain consistent unqualified audit opinions within their administrative responsibilities. In addition, a culture of accountability within our structures will be strengthened to ensure a well-functioning administration.



**Adv JB Skosana**

**Acting 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; and
- Accurately reflects the impact and outcomes which the Department of Justice and Constitutional Development will endeavour to achieve over the period 2020-2025.

**Mr. Donald Mpholo**

Acting Head Corporate Services

Signature: \_\_\_\_\_



**Mr. TZ Malema**

Acting DDG: Court Services

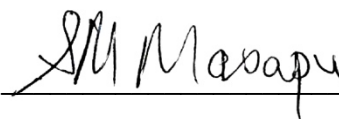
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**Ms Susan Masapu**

Acting DGG: Office of the Chief State Law Adviser

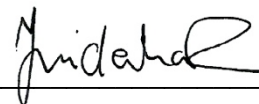
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**Ms Theresia Bezuidenhout**

Acting Chief Master

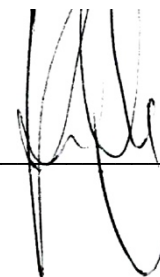
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**Ms Kalayvani Pillay**

DDG: Legislative Development

Signature: \_\_\_\_\_



**Ms Gabriela La Foy**

DDG: Constitutional Development

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**Mr Johan Johnson**

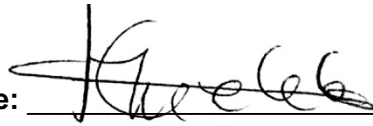
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**Mr. Fhatuwani Gelebe.**

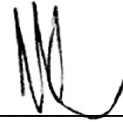
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Acting Chief Director: Strategy, Monitoring and Evaluation

**Ms K Van Rensburg**

**Signature:**



Chief Executive Officer: National Director of Public Prosecution

**Advocate S Batohi**

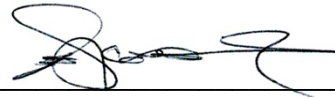
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National Director of Public Prosecution

**Advocate Jacob Skosana**

**Signature:**



Acting Director-General: Justice and Constitutional Development

**Mr. John Jeffery**

**Signature:**

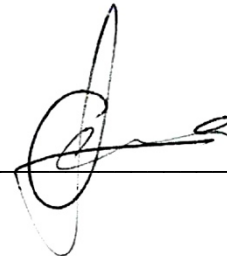


Deputy Minister: Justice and Constitutional Development

**Approved by**

**Mr. Ronald Lamola, MP**

**Signature**



Minister of Justice and Correctional Services

## **PART A: OUR MANDATE**

### **1. CONSTITUTIONAL MANDATE**

The department's mandate, deriving 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 done 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 will continue to support lower courts, in line with its current constitutional mandate.

### **2. LEGISLATIVE MANDATES**

The department derives its statutory 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)

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

State Attorney Amendment Act, 2014 (Act No. 13 of 2014)

**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 crime occurred beyond the border of the Republic**

Extradition Act of 1962 (Act No. 627 of 1962)

**2.9.1 Legislation which protect personal information**

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 the listed below institutional policies, bills and strategies during the five-year Strategic Plan period (2020-2025).

#### **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. Guideline 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. National Action Plan to combat xenophobia, racism and related intolerances
- i. 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 Act,
- i. Criminal Law (Sexual Offences and Related Matters) Amendment Act,)
- j. the Sheriffs Bill,
- k. The Small Claims Court Bill and
- l. the Administration of Estates Bill

#### **3.3 Key strategies that the department will focus in the next five years**

- a. Implementation of the Integrated Criminal Justice System (ICJS)
- b. Litigation Strategy



## **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) (Customary Marriages Act) 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 “The 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 by failing to provide for the recordal, preservation and reasonable disclosure of information on the 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 the 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 Nolizwe 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.

## **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**

South African government planning subscribes to evidence-based decision-making. This is demonstrated by a requirement that strategic plans and annual performance plans should be preceded and informed by a situation analysis. The department's situational analysis examines both external and internal factors that are likely to influence the performance of the organisation, and thus service delivery.

### **8.1 External environment Analysis**

#### **Economy**

During the 2019 Medium-Term Budget Statement, the Minister of Finance revised the economic growth forecast to 0.5% from the 2019 forecast of 1,5% announced during the Budget speech in February 2019. The economic outlook has changed since the 2019 MTBS. The gross domestic product (GDP) growth forecast for 2020 is revised to 0.9% rising to 1.6% in 2022.

The weak economic growth resulted in a high unemployment rate and revenue collection shortfall. The unemployment rate for quarter 3 and Quarter 4 of 2019 was of 29.1%. During the Budget speech, the Minister of Finance adjusted downward the tax revenue target by R10.7 billion, as a result of poor economic growth. The South African Revenue Services collected an amount of R1 355,9 billion in the financial year ending 31 March 2020. This revenue has a deficit of R66 billion as measured against the 2019 budget estimate of R1 422,2 billion and R.3 billion as measured against the 2020 budget estimate of R1 359 billion.

Revenue shortfalls will affect the budget allocation of government departments, and this may have a negative impact on service delivery. The department should come up with plan on how it could continue to provide its services within the constrained financial environment. The department should devise a human resource development plan to capacitate and reskill its personnel in order to meet service delivery demands and the unchanged mandate the department is expected to meet. The department should also start a department renewal programme which will ensure that its macro structure is reconfigured in line with its strategy.

On 15 March 2020, a National State of Disaster was declared in terms of the Disaster Management Act, 2002. On 22 March 2020 the President announced that there will be a national lockdown to disrupt the spread of further Covid-19 pandemic infections. The lockdown period commenced on 26 March until the end of April 2020. Just as we and the world at large are grappling with COVID-19, South Africa suffered a severe blow following the downgrading of the country's credit rating to sub-investment grade Moody's credit rating agency. A few days' later ratings agency Fitch downgraded South Africa's credit rating to BB from BB+. The downgrades came at a critical time as the country is also under lockdown as part of the measures to curb the further spread of the COVID-19.

The current lockdown is estimated to affect South Africa's gross domestic product negatively over the five-week lockdown period. The cost of the coronavirus pandemic will depend on the length and severity of the virus and the success of various economic resilience and recovery strategies. The other impact of COVID-19 will be on tax revenue targets if the economy comes to a halt. Without a doubt, the curtailment of normal business activity as a result of the state of

national disaster and the subsequent national lockdown, as well as the economic downturn, impact heavily on business sustainability, especially on small businesses. Some of those business enterprises may not be able to implement effective business continuity measures to recover from the devastating impact of COVID-19 and the economic downturn, and could face adversity, some to a point of complete extinction. Some small law firms fall within the category of small business that could face the danger of extermination. These firms may not be able to afford the overheads and salaries of the staff in their employment.

## **8.2 Internal environment analysis**

### **8.2.1 Service Delivery Improvement Programme**

The Public Service Regulations (PSR), 2016, dedicates Part 3 to service delivery improvement in the public service; and requires that an executive authority establish or maintain an operations management framework. The framework is aimed at improving efficiencies and effectiveness in service delivery to all citizens as planned in the NDP. To realise the provisions of the PSR, the department has:

- A 2018/21 Service Delivery Improvement Plan (SDIP) in place. The plan aims to provide a focused approach to continuous improvement of key services i.e. Maintenance, Litigation as well as the Guardian's Fund. Effectively managing the SDIP requires credible performance information, and this continues to be a challenge.
- Reviewed the Service Delivery Charter and distributed to service points. Monitoring and implementation of the Service Delivery Charter remains a challenge and will be monitored as part of the combined assurance approach.

The following strategies will be implemented:

- Awareness campaigns on the Service Delivery Charter to ensure that citizens hold us accountable, where necessary.
- Reviewing of service standards in line with the approved Service Delivery Model.

The department will continue to identify opportunities for service delivery improvement, and mapping business processes as well as developing standard operating procedures.

An increasing number of public complaints have prompted the need to explore a coordinated approach to complaints management. The lack of responsiveness by officials, among others, not only has a negative impact on the public confidence but has a direct correlation to complaints being escalated to the Executive and Top Management. The department will seek to provide a strategic platform that can be used to enhance the relationship between the department and the public; and to provide a single point for customer contact particularly for service delivery complaints and enquiries.

### **8.2.2 Masters' services**

The Paperless Estates Administration System (PEAS), which computerises the administration process related to deceased estates, has successfully been rolled out and is being used by all 15 Masters' offices countrywide, as well as 280 magistrates' offices linked with the relevant Masters' offices. During the 2020/21 financial year, further rollout of the Paperless Estate Administration System (PEAS) to remaining service points of the Master of the High Court will be undertaken. This will also ensure that citizens receive the same quality of Masters' services

within Magistrates' Courts. The Branch is planning to roll out 25 more offices over the MTSF period.

The integration system with the Department of Home Affairs, which allows the Masters' offices to extract details of a deceased person directly from the database of the Department of Home Affairs, is well entrenched within the Masters' environment. This ensures that details are captured correctly, curbs any fraudulent activities and ensure citizens receives the same service and can lodge their applications in the area where they reside, without the need to travel long distances. The deployment and use of the Masters' Own Verification Information Technology (MOVIT) has been rolled out successfully and is being used by all 15 Masters' offices countrywide, as well as in 301 Magistrate's Courts. There is a plan to roll out the MOVIT system to an additional 25 service points over the MTEF period.

The Branch has been in the forefront of automation with regards to Deceased Estates and Trusts. During 2019/20 Insolvency registration and appointments are also being automated. It is envisaged that Trust online services will be implemented in the next financial year.

### **8.2.3 Constitutional Development**

One of the key deliverables is the implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances (NAP). The Department will take the lead in the coordination and implementation of NAP with the assistance of the key stakeholders. In line with this, the department will champion the establishment of the governance structure, and the funding model aimed at assisting in the implementation of the NAP. The Branch will also be responsible for the development an inter-sectoral integrated system on Trafficking in Persons (TIP). The system will be used to provide an intersectoral data on the prevalence of TIP, as required by the UNODC, SADC and other international organisations.

### **8.2.4 Constitutionalism, respect for Human Rights and the rule of law.**

It is more than quarter of a 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. Next year marks 25 years since the adoption and final certification of our Constitution. This historic milestone presents our Nation an opportunity to reflect and take stock of how far we come as a Nation in implementing the priorities and objectives of our Constitution. It is an opportunity to review how the resilience and strength of our Constitutional order has been tested. Since our Constitution is a living document and social contract between the state and the people, it was not meant to be static but dynamic, robust and evolving. Programs will be put in place to observe this historic milestone and have the Nation engage in a conversation about the state of our Constitutional order. In the next five years efforts will be made to increase and deepen the Constitutional and human rights awareness of the citizenry. 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. The Department will towards finalisation of accession to outstanding international instruments including the Convention on the declaration of Apartheid as crime against humanity, enforced

disappearances and many relevant others. At the core of our Constitution is the fight against impunity for violations of human rights. The Department will work reviewing, modernising and improving our Extradition regime and the Mutual legal assistance framework to ensure effectiveness and enhance collaboration with other States in the fight against crime in general.

#### **8.2.5 Transformation of State Legal Services**

The transformation towards a law firm of choice for the State will be undertaken through the implementation of outstanding provisions of the State Attorney Amendment Act of 2014. The Act came into effect from 7 February 2020. The Act makes provision for the appointment of a Solicitor-General to oversee state litigation, and 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. Policy documents planned for finalisation include the Briefing Policy, the Tariff Policy and the Mediation Policy, among others. Targets on the finalisation of these policies as well as the development of a State litigation strategy and the appointment of the permanent Solicitor-General will be the department's priority during the current MTSF period.

#### **8.2.6 Providing disabled-friendly facilities**

As per building regulations, the Department of Justice and Constitutional Development is committed to providing facilities (offices/courts/service points) that are accessible to people with disability. Appreciating that some of the facilities are very old and were initially not intended to be used as justice service points, a special project to make the facilities of DoJ&CD accessible to people with disability was embarked upon in 2010. About 531 courts were identified for this project. The project was done in two phases and it intended to do the following: at least one disability parking, access to the building (ramps) and at least one courtroom and toilet on the ground floor, lifts with voice and Braille and accessible counters. Presently 69 projects are remaining to be implemented. These projects will be executed in the next five years. The department has made it a practice since 2010 that all projects that go through refurbishments and additions and all the new projects do include the specification for access for people with disability.

#### **8.2.7 Legislative Development**

During the 2021 financial year, the branch Legislative Development and Law reform committed to develop a project plan which outlines the plan for the repeal of justice-related apartheid era legislation which will be repealed or replaced. While Project 25 of the SALRC focused on identifying legislation that were in violation of the equality clause of the Constitution, other pieces of legislation that were emanated from the apartheid and colonial era which were intended to stifle political activity and free speech, among others, have not as yet been repealed. This project will focus on identifying and repealing those pieces of legislation and replacing it with legislation that uphold our constitutional democracy. Over the MTEF period, about 13 justice related apartheid era legislations will be repealed or replaced. This includes, among others, the Intimidation Act, the Trespass Act and the Riotous Assemblies Act. During the same period, the department will develop 60 courts rules, the focus of which will be to enhance access to justice and efficiency in the courts. The SALRC plan to develop 33 research papers. Investigations into Alternative Dispute Resolution, Maintenance, Matrimonial Property Act, sexual Offence (child pornography) are some of the projects, which part of the programme

of the SALRC, which are expected to be finalized. With regard to the Promulgation of Chapter 5 of the Promotion of Equality and Prevention of Unfair Discrimination Act (Equality Act), it is estimated that the DOJ&CD will submit the draft Amendment Bill to Cabinet during the 2020/21 financial year.

#### **8.2.8 Accessibility of information in Braille and audio**

Since 2012/2013, the department has been providing Braille public education material on the Children's Act No 38 of 2005, Domestic Violence Act No 116 of 1998 and the Maintenance Act No 99 of 1998. In the previous financial year, public education booklets on Domestic Violence and the Older Person's Act were also produced in 18 Font size and in all official languages to make them accessible to partially blind victims. These are made available at the lower courts. The DOJ&CD has also printed copies of the Constitution in Braille. The printing started late due to shortages of service providers who can print in Braille and, as a result, only 1 000 copies were printed. The copies were distributed to DOJ&CD workshops, offices of organisations dealing with persons with disabilities and some libraries. The demand will guide as to how many copies will be printed going forward.

#### **8.2.9 Gender-based violence and femicide**

In response to the MATTSO1 Report recommendation, in February 2020 the statutory Sexual Offences Courts were promulgated into law in terms of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007). From the MATTSO Sexual Offences Court Model, the Department further developed Regulations relating to Sexual Offences Courts, which were also signed into law and gazetted in February 2020. The Regulations set out a home-grown catalogue of support services intended to create a justice system that is quick, responsive, caring and effective for victims of sexual offences. It is through these statutory Sexual Offences Courts that the Department intends to curb the increasing levels of sexual violence in the country.

As from 2020/2021 financial year, the Department plans to have the existing 100 regional courts that were previously referred to as the 'MATTSO Sexual Offences Courts' designated into statutory Sexual Offences Courts by the Minister in terms of section 55A(1) of the Act. Each court will have to fully comply with the specifications set by the Regulations before it is designated as the Sexual Offences Court.

The Department further recognizes the need for the equitable provision of support services to the victims of gender-based violence, irrespective of their geographical location. This is a constitutional imperative that must be met. It is also a requirement expressed by the 2019 Presidential Summit Declaration against Gender-based Violence and Femicide (GBVF) to ensure the establishment of a criminal justice system free from secondary victimisation. By 2022/2023 financial year, over 40 magisterial district courts will therefore be upgraded into victim-centric courts- offering a range of support services to victims of gender-based violence.

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<sup>1</sup> 2013 Ministerial Task Team on the Adjudication of Sexual Offences Matters Report



The aim is to create a court environment that is more accessible, easy to navigate, caring and non-traumatizing.

In furthering the implementation of the 2019 Presidential Summit Declaration and its National Strategy Plan, by 2022/2023 the Department intends to finalise the amendment of certain legislation relating to GBVF to make it victim-centric and more effective. The amendments of the Domestic Violence Act, 1998 (Act No 116 of 1998), the chapter dealing with the National Register for Sex Offenders (NRSO) in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) and certain provisions of the Criminal Procedure Act, 1977 (Act No 51 of 1977) dealing with bail and sentencing in matters relating to gender-based violence and femicide, have already commenced and are planned to be finalised in 2020/2021 financial year. This includes the amendment of the National Policy Framework on the Management of Sexual Offences Matters to align it with the Presidential Summit Declaration.

In improving the country intervention against the femicide pandemic, the Department will continue with the establishment of the Femicide Watch in phases. Phase 2 of the Femicide Watch development process was finalised in 2019/2020 financial year, and it included the development of the Femicide Watch Dashboard and the system's user-testing. By 2022/2023, the Department plans to finalise Phase 5 of the Femicide Watch which will entail the operation of an integrated Femicide Watch- drawing data of new GBV-related femicide cases from SAPS and DoJ&CD. By the end of this phase, for the very first time the country will have a disaggregated data set of reported GBV-related femicide cases which will guide the country to better interventions against femicide epidemic. Further developmental phases will continue after Phase 5 until a fully-fledged Femicide Watch is established in the country, as required by the 2019 Presidential Summit Declaration against GBVF.

By the end of 2019/2020 financial year, the Department had vetted 12 747 government officials against the NRSO. These are persons working in environments that give them direct access to children and persons with mental disabilities. The vetting process will continue beyond the government sector to restrict access to children and persons with mental disabilities by registered sex offenders, particularly at childcare facilities, schools, clinics, disability care centres, etc.

#### **8.2.10 Audit Outcomes**

The department received qualified audit opinions in respect of the vote account and pre-determined objectives over the past successive three financial years. The main findings on vote account were on management of contingency liability and assets while issues on predetermined objectives were about the accuracy and reliability of data to support reported performance. The department will implement radical interventions, including a turnaround and stabilisation plan, as part of its efforts to address the audit negative outcomes and challenges relating to governance and accountability. These interventions include among others, the full involvement of all assurance units such as Risk Management and Internal Audit. The department hopes that these interventions will address challenges and weaknesses experienced during the three successive previous financial years which led to audit qualifications. In this strategy, the department sets out to implement all the interventions to ensure that it achieves an unqualified audit outcome on previously qualified accounts and pre-determined objectives in the 2020/21 financial year and sustained it in the subsequent years.

### **8.2.11 Financial**

Within the context of the current global economic dynamics and the poor performance of South Africa on the latest World Corruption Index, the Department of Justice and Constitutional Development (DoJ&CD) 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 DoJ&CD 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 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.

### **8.2.12 Human resources**

The departmental workforce profile, as at 31 January 2020, indicated 46 per cent of women were at SMS levels which is below the 50 per cent set targets. At middle management, women are 50 per cent and our people with disability target has been achieved at 2 per cent. The revised departmental Employment Equity Plan which commences 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 per cent women at SMS levels and 7 per cent of people with disability at all levels.

In 2016 financial year, the department experienced a shortfall on compensation of employees' budget allocation. Due to this challenge, some of the posts, including some in senior management echelon, were not filled and this impacted negatively on the service delivery and achievement of the objectives of the department's mandate. In the period under the Strategic Plan Period, the department plans to fill the senior management positions including executive positions that are vacant.

During this MTEF period, the department will also start the process of organisational renewal. As part of the organisational renewal, the departmental macro structure will be reconfigured, in line with this strategy, in the 2020/21 financial year. The implementation of the reconfigured department structure is expected to follow in the subsequent financial years.

The department's Human Resource Plan (HRP) will be reviewed annually to ensure alignment with the department's Strategic Plan.

The department will also focus on the finalisation of grievances and misconduct cases within the prescribed timeframe and develop a Human Resource Development (HRD) strategy. The HRD Strategy will assist the department with training and reskilling need of officials required to achieve the mandate of the department. The Justice College will play a pivotal role in providing functional training programmes to officials.

The department will place more than 700 students in learnership and internship programmes in the next three financial years. These learners will be distributed throughout the regions (i.e. courts) and national office based on the needs at service points.

### **8.2.13 Information technology**

Over the past MTSF period, the department has implemented ICT in two chronological phases, being that of 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 solutions for key Masters' Services, Court services, State Attorney services, Third Party Funds, JCPS Cluster Integrations and Internal Administration services.

Over this MTSF 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.

In modernising and digitising South Africa's courts, ICT technologies will enable the department to improve access to justice services through the use of online channels and mobile applications where services can be initiated, processed and tracked through online channels (e.g. maintenance applications, protection order applications) without the public having to physically obtain these services from a service point (e.g. court). This will include, where required, the provision of documents (e.g. payslips for maintenance applications) in an electronic format, thus saving the department onsite physical storage space as well as time and money for the use of external offsite storage services. Through these technologies the

serving of court processes (e.g. summons traditionally served physically by the police and sheriffs) will now be able to be served electronically to the parties, thus freeing up time to focus on service delivery priorities. The integration of these technologies across the justice system will also enable a real-time single view of individuals engaging with the justice system where, for example, this integrated system will indicate, at any given point, whether individuals have protection orders against their name or are applying for maintenance from different defendants at different courts, across the country.

Exploiting the efficiencies brought about by Fourth Industrial Revolution, the department will also investigate technologies which will include video solutions that allows for the parties of a case to appear in court via video links displayed in court, without having to be physically present. These parties will include the likes of foreign language interpreters and witnesses. The modernisation of the criminal and civil justice system and family law service is at the centre of the transformation project. Over the MTSF period, the department will develop the system to automate maintenance applications.

## PART B: STRATEGIC OBJECTIVES

### 9 INSTITUTIONAL PERFORMANCE INFORMATION

#### 9.1 Measuring the impact

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

Table 1: Outcomes, outcome indicator, baseline and 5-year targets

MTSF Priority		Priority 6: Social Cohesion and safe communities		
Outcome		Outcome Indicators	Baseline	Five-year target
1	Improved governance and accountability	1a. Unqualified Audit Outcome on Financial and performance Information	i. Guardian's Fund: unqualified ii. Justice Administered Fund: unqualified iii. President's Fund: unqualified iv. Vote Account: qualified v. Predetermined Objectives: qualified	Unqualified on all sets of Audit Reports: i. Guardian's Fund ii. Justice Administered Fund iii. President's Fund iv. Vote Fund v. Predetermined objectives
		1.b Percentage resolution of reported incidents of corruption in the department through disciplinary interventions	No baseline	95% resolution of reported incidents of corruption in department through disciplinary interventions

MTSF Priority		Priority 6: Social Cohesion and safe communities		
Outcome		Outcome Indicators	Baseline	Five-year target
		1c. Percentage of Middle Management Services posts occupied by Africans and Women	62% Africans 47,3% Women	95% of Middle Management Services occupied by Africans  50% occupied by women
		1d. Percentage of total workforce positions occupied by persons with disability	2,19%	7% of total workforce positions occupied by persons with disability by 2024
		1e Percentage implementation of the department Human Resource Development Strategy	-	100%
		1f. Justice College reconfigured to offer practical legal training to departments and entities	-	All departments and entities in the justice cluster access to Practical legal training in niche areas
2	Modernised, accessible courts and people-centred services	2a. Number of services provided through e-channel platforms to increase accessibility to justice services	Justice Services are manual paper-based submissions and applications	Number of justice services provided electronically e-Filing for civil justice)  e-Submission and tracking for services  Audiovisual testimony in 30 courts
		2b. Percentage of services delivered within the required turnaround time	No baseline	95% of justice services provided within the required turnaround times

MTSF Priority		Priority 6: Social Cohesion and safe communities		
Outcome		Outcome Indicators	Baseline	Five-year target
		2c. Number of sites built, renovated, established and new leases finalised to increase access to justice by all	Determine what is available (Baseline)	55 Leases finalised Six new courts built Nine renovated 148 Sexual Offences Courts established Interventions to deal with sexual offences by 2020/24 completed
3.	Transformed Masters services	8a Number of master's services modernized.	-	2
		8b Number of policies reviewed.	-	3
4.	Colonial/Apartheid era justice-related legislation reviewed, repealed and replaced	4a Percentage of constitutionally-sound legislative instruments and law reform proposals successfully challenged in courts	0%	Less than 2% of legislative instruments successfully challenged in court for constitutionality <sup>2</sup>

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<sup>2</sup> Measures legislation developed from 2010

MTSF Priority		Priority 6: Social Cohesion and safe communities		
Outcome		Outcome Indicators	Baseline	Five-year target
5.	Transformed State litigation services and the legal profession	5.a. Percentage of High Court matters where State Attorney solely represents the State	10%	40%
		5b. Number of previously disadvantaged individuals' advocates briefed	1600	2000
6	Advancement of constitutionalism, human rights and the rule of law	6a Percentage government department actions and their laws successfully challenged in court for constitutionality.	<5%	<3%
		6b Number of municipal districts and international fora reached to promote respect for Human Rights, particularly vulnerable groups (LGBTQI, Women and children) Domestically and International Fora	-	Domestically: 44 districts International Fora: 4  (SADC, AU, Common Wealth and BRICS)
		6c Number of relevant International Human Rights Instruments	-	3



MTSF Priority		Priority 6: Social Cohesion and safe communities		
Outcome		Outcome Indicators	Baseline	Five-year target
		ratified /acceded to fulfils its obligations and contributes to development of international norms and standards.		
		6d Policy Framework to transform Extradition, Mutual Legal Assistance and International Cooperation in Criminal matters developed	-	Framework finalised by 2024
		6e Percentage of DOJ&CD activities in the NAP Programme of action implemented to promote participatory democracy, human rights advocacy, platforms and Agencies.	-	100%
		6f Review of the implementation of the Constitution in line 25th Anniversary of the Constitution	-	Implementation of the Constitution reviewed by 2024
		6g. Social Compact to be developed by 31 March 2024	No Social Compact	Social Compact to be developed by 31 March 2024

MTSF Priority		Priority 6: Social Cohesion and safe communities		
Outcome		Outcome Indicators	Baseline	Five-year target
7	Crime and corruption significantly reduced through effective prosecution	7a. Level of satisfaction with the prosecution of identified crime types <sup>3</sup>	No baseline	Baseline +30%
		7b. Percentage of identified high impact corruption prosecutions instituted <sup>4</sup>	No baseline	Baseline +25%
		7c. Level of customer satisfaction with NPA services	81.5%	92%
8	Criminal justice system digitized and integrated	8.Number of KPI's completed on the Integrated Justice System dashboard	22	28

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<sup>3</sup> Level of satisfaction seeks to determine the public's perception regarding prosecutors' efficiency in dealing with certain prioritised crime types, (murder, rape, trio crimes).

<sup>4</sup> High impact corruption relates to cases identified as priority by all divisions, cases managed by the ID (SOE's and State Capture) including cases prioritised from the ACTT.

### 9.3 Explanation of the five-year targets

Five-year target	Reasons for the five-year target
<ul style="list-style-type: none"> <li>• <b>Unqualified on all sets of Audit Reports:</b> <ol style="list-style-type: none"> <li>i. Guardian's Fund</li> <li>ii. Justice Administered Fund</li> <li>iii. President's Fund</li> <li>iv. Vote Fund</li> <li>v. Predetermined objectives</li> </ol> </li> <li>• Percentage resolution of reported incidents of corruption in government by 2024 via disciplinary and criminal interventions</li> <li>• 100% implementation of the department Human Resource Development Strategy</li> <li>• All departments and entities in the justice cluster access to Practical legal training in niche areas</li> </ul>	<p>It will contribute to the improvement in governance and the management of state resources thereby enhancing service delivery, accountability and assist in the fight fraud and corruption</p> <p>It will assist the department to achieve its MTSF targets and make an impact under Priority 1: Improved leadership, governance and accountability</p>
<p>Number of justice services provided electronically</p> <ul style="list-style-type: none"> <li>• e-Filing (civil justice)</li> <li>• e-Submission and tracking for services</li> <li>• Audiovisual testimony in top 30 courts</li> </ul>	<p>The five-year target will enable the department to increase efficiencies and improve service delivery using online channels and digitisation. This is aligned to the service delivery model and the Minister's Budget Vote/Priorities (Minister Political overview)</p> <p>In addition, it is aligned to Chapter 12 of the NDP and Priority 6: Social Cohesion and safer communities</p> <p>It will assist the department to achieve its intended impact: Improved public perception, confidence in the justice system and respect for the rule of law</p>
<p>Percentage of services delivery within the required turnaround time.</p>	<p>It is aligned to Chapter 12 of the NDP and Priority 6: Social Cohesion and safer communities</p> <p>It will assist the department to achieve its intended impact: Improved public perception, confidence in the justice system and respect for the rule of law</p>
<p>Number of sites built, renovated established to increase access to justice by all</p>	<p>It is aligned to Chapter 12 of the NDP and Priority 6: Social Cohesion and safer communities</p> <p>It will assist the department to achieve its intended impact: Improved public perception, confidence and respect for the rule of law</p>
<p>2 Master's services modernized.</p>	<p>The five-year target will enable the department to increase efficiencies and improve service delivery using online channels and digitisation.</p> <p>In addition, it is aligned to Chapter 12 of the NDP and Priority 6: Social Cohesion and safer communities</p>

	It will assist the department to achieve its intended impact: Improved public perception, confidence in the justice system and respect for the rule of law
3 Master's policies reviewed.	In addition, it is aligned to Chapter 12 of the NDP and Priority 6: Social Cohesion and safer communities It will assist the department to achieve its intended impact: Improved public perception, confidence in the justice system and respect for the rule of law
Less than two per cent of legislative instruments successfully challenged in court for constitutionality	Focus will be placed on the development of legislation to advance the National Development Plan, as follows: <ol style="list-style-type: none"> <li>1. Review of legislation with regards to violence against women and children pertaining to stricter bail conditions, increased sentences, improved protection to women in children through the review and strengthening of the Domestic Violence Act, 1998</li> <li>2. Strengthening legislation with regards to the fight against corruption</li> <li>3. Development of legislation to make legal services more accessible (Legal Fees Investigation)</li> <li>4. Development of legislation pertaining to State Legal Services towards contributing in building a capable State</li> <li>5. Development of legislation for legislation on unexplained wealth to help address undue enrichment of people through corrupt and fraudulent activities.</li> </ol> <p>Legislative instruments and law reform proposals must withstand constitutional challenges. Therefore, a high degree of emphasis must be placed on extensive and appropriate research, well thought-through proposals based on sound principles of law, the Constitution and precedent. There must be proper and meaningful consultation that involves civil society and communities.</p> <p>It will assist the department to achieve its intended impact: Improved public perception, confidence and respect for the rule of law</p>
Less than 3% of human rights instruments and legislation successfully challenged in court for constitutionality.	It will assist the department to achieve its intended impact: Improved public perception, confidence and respect for the rule of law, and Outcome 4: Colonial/Apartheid era justice-related legislation reviewed, repealed and replaced
40 per cent of High Court matters insourced.	It will assist the department to achieve its intended impact: Improved public perception, confidence and respect for the rule of law, and Outcome 5: Transformed State litigation services and the legal profession
Briefing of 2000 advocates who are previously disadvantaged individuals	Increase the pool for the potential candidates for the Bench Transfer of skills

	Assist the department in achieving its outcomes of top legal professionals reflecting demographics and diversity of the country
<3% of government department actions and their laws successfully challenged in court for constitutionality	<p>The target is aligned to NDP Chapter 15: Transforming society and uniting the country and MTSF, and Priority 6: Social Cohesion and safer communities.</p> <p>It will assist the department to achieve its intended impact: Improved public perception, confidence and respect for the rule of law. The NAP implementation signifies South Africa's commitment towards combating racism, racial discrimination, xenophobia and related intolerance and the Rule of Law.</p> <p>It will assist the department to achieve its MTSF targets and make an impact under Priority 1: Improved leadership, governance and accountability</p> <p>The conclusion of bilateral agreement is directly linked to Chapter 13 of the NDP (Building a capable state) and Priority 6: Social Cohesion and Safer communities. And Priority 7 A better South Africa, a better and safer Africa in a better world.</p> <p>Co-operation with foreign States regarding extradition and requests for MLA signifies SA's commitment to fighting crime and eliminating impunity and active participation in the multilateral for a contributes to a better South Africa, a better and safer Africa in a better world.</p> <p>It will assist the department to achieve its intended impact: Improved public perception, confidence and respect for the rule of law</p>
44 municipal districts and 4 International fora reached to promote respect for Human Rights, particularly vulnerable groups (LGBTQI, Women and children) Domestically and International Fora	
3 relevant International Human Rights Instruments ratified /acceded to fulfils its obligations and contributes to development of international norms and standards.	
Policy Framework to transform Extradition, Mutual Legal Assistance and International Cooperation in Criminal matters finalized by 2024	
100% of DOJ&CD activities in the NAP Programme of action implemented to promote participatory democracy, human rights advocacy, platforms and Agencies.	
Implementation of the Constitution reviewed by 2024	
Social Compact to be developed by 31 March 2024	
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 citizen's feelings of safety and security. The NPA therefore recognises that a functional, effective and professional

	<p>prosecution service will result in improved trust in the work of the NPA and, ultimately, in the credibility of the criminal justice system</p> <p>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 the feelings of safety</p>
Percentage of identified high impact corruption prosecutions instituted	<p>The level of corruption and or perceived corruption is unacceptably high in South Africa. It is based on this premise that the NPA has prioritised its efforts to address and combat the scourge of such crimes</p> <p>Improved efforts in the prosecution of corruption matters, including holding culprits accountable and removing profits gained from corrupt activities</p> <p>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</p>
Level of customer satisfaction with NPA services	<p>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 that the NPA will pursue a more victim-centric prosecution strategy that promotes justice for all</p> <p>This includes offering court preparations services at all courts as well as increasing the TCC footprint</p>
28 KPI's completed on the Integrated Justice System dashboard	<p>It will assist the department to achieve its intended impact: Improved public perception, confidence in the justice system and respect for the rule of law</p> <p>It is aligned to Chapter 12 of the NDP and Priority 6: Social Cohesion and Safer communities</p>

## 10 KEY RISKS AND MITIGATION

Outcome		Key Risks	Risk mitigation
1	Improved governance and accountability	<p>Ineffective control environment</p> <ul style="list-style-type: none"> <li>a. Structure that does not support strategy</li> <li>b. Vacancies in key positions</li> <li>c. Legacy ICT-systems</li> <li>d. Outdated and ineffective processes</li> </ul>	<p>Improve tone at the top through:</p> <ul style="list-style-type: none"> <li>a. Aligning structure with departmental outcomes</li> <li>b. Filling of key positions</li> <li>c. Investment in ERP systems</li> <li>d. Modernisation and lean management in processes</li> </ul>

		<ul style="list-style-type: none"> <li>e. Inadequate standardisation and related training</li> <li>f. Ineffective monitoring and evaluation processes</li> <li>g. Ineffectiveness of assurance functions</li> <li>h. Inadequate resources for competing priorities</li> </ul>	<ul style="list-style-type: none"> <li>e. Focused training programmes on identified key areas</li> <li>f. Improve supervision</li> <li>g. Improvement of Internal Assurance functions on Risk Mitigation</li> <li>h. Reallocation of budget to priority areas</li> </ul>
2	Modernised, accessible courts and people-centred services	Lack of cooperation from government departments and key stakeholders. There are dependencies where few deliverables depend on the cooperation by other government departments	National Mechanism to manage the cooperation by government departments to be established and operationalised
3	Transformed Masters services	<p>Lack of cooperation and dependencies on key stakeholders.</p> <ul style="list-style-type: none"> <li>a. Insufficient budget. other government departments</li> </ul>	<p>Mechanism to manage the cooperation of key stakeholders need to be established</p> <p>Budget should be made available for services to be digitized</p>
4	Colonial/Apartheid era justice-related legislation reviewed, repealed and replaced	<ul style="list-style-type: none"> <li>b. Inadequate resources</li> <li>c. Competing priorities</li> <li>d. Inadequate budget and skills impede the timeous compliance with international obligations</li> <li>e. Requirements which necessitate the co-submission of reports with other departments who do not submit their reports</li> <li>f. Delays in forwarding the reports to respective treaty bodies by DIRCO once submitted to DIRCO for onward submission</li> </ul>	<ul style="list-style-type: none"> <li>a. Reallocation of budget to priority areas</li> <li>b. Amend legislative programme</li> <li>c. National Mechanism for Reporting and Follow-Up (NMRF) to be established and operationalised</li> <li>d. Re-prioritisation of resources and training of staff</li> <li>e. The establishment of the NMRF in the 2019/2020 financial year should address the risk of sister departments not providing inputs. However, where this still fails, a series of DG-to-DG letters, escalated to Minister-to-Minister letters is what can be done from our level. Thereafter, the</li> </ul>

			President's intervention may be required.
5	Transformation of state litigation services and the legal profession	<ul style="list-style-type: none"> <li>a. Reluctance of some Counsel to do complex matters/to continue to deal with the matter to the next highest court (e.g. SCA, Con-Court)</li> <li>b. Lack of pre-requisite skills to handle the cases</li> <li>c. Poor quality of service by some briefed counsel (briefs guaranteed)</li> <li>d. Client imposing on State Attorney who to brief</li> <li>e. Financial gain at detriment of quality service</li> </ul>	<ul style="list-style-type: none"> <li>a. Partner JC and SC in complicated matters</li> <li>b. Train legal private practitioners on different fields of law (Specialisation)</li> <li>c. Develop and implement Monitoring and Evaluation for service rendered</li> <li>d. State Attorney to have final decision in consultation with client</li> <li>e. Implementation of a fair procurement process for legal service</li> <li>f. Finalisation and implementation of briefing and tariff policy</li> </ul>
6	Advancement of constitutionalism, human rights and the rule of law	<ul style="list-style-type: none"> <li>a. Decreasing respect for human rights as a result of ongoing discrimination and inequality</li> <li>b. SA's international image is tarnished due to attacks on foreign nationals</li> <li>c. Ongoing commission of hates crimes in SA sends a message that SA is intolerant to LGBTI persons</li> <li>d. Increased incidence of trafficking in SA due to weak controls</li> </ul>	<ul style="list-style-type: none"> <li>a. Appropriately resourced and relevant plans for the implementation of the NAP, accompanied by timely M and E</li> <li>b. Increased awareness among citizens of the plight of others</li> <li>c. Appropriately resourced and relevant plans for the implementation of the National Intervention Strategy to monitor and address incidents of hate crimes</li> <li>d. Appropriately resourced and relevant plans for the implementation of the Policy Framework on Trafficking of Persons in SA accompanied by timely M and E</li> </ul>



		<ul style="list-style-type: none"> <li>a. Dependency on other counties for timely and for finalization of the bilateral agreements</li> <li>b. Long process of concluding treaties</li> </ul>	<ul style="list-style-type: none"> <li>a. Approval and implementation of comprehensive stakeholder engagement plan</li> <li>b. Negotiates agreements with countries</li> </ul>
7	Crime and corruption significantly reduced through effective prosecution	<ul style="list-style-type: none"> <li>a. Lack of adequate investigative capacity in serious economic crimes</li> <li>b. Public apathy towards crime</li> <li>c. Absence of lifestyle audits</li> <li>d. Lack of effective Implementation of anti-corruption legislation</li> <li>e. Extended period of the State Capture Commission of Inquiry could negatively impact on the quality of evidence required for the prosecution of implicated persons</li> <li>f. Victims of crime not informed and updated on the status of their cases</li> <li>g. Whistleblower information not kept confidential</li> </ul>	<ul style="list-style-type: none"> <li>a. Build investigation capacity</li> <li>b. Conduct public awareness to inform them how crime and corruption could negatively affect their live</li> <li>c. Conduct lifestyle audits</li> <li>d. Full implementation of anti-corruption legislations</li> <li>e. Identify and prosecute cases emanating from the commission where there is substantive evidence</li> <li>f. Keep victims of crime informed and updated about cases to improve trust and confidence in the NPA</li> <li>g. Proper management of whistleblower information</li> </ul>
		Inadequate stakeholder management and cooperation	<ul style="list-style-type: none"> <li>a. Integrated planning with regards to priority crimes, including joint resource planning and joint performance measures between SAPS and NPA</li> <li>b. Establish a task team to operationalise the development of joint or common performance measures between SAPS and NPA</li> </ul>

			<ul style="list-style-type: none"> <li>c. Influence efficiency in the functionality of the JCPS and its substructures and the CJS</li> <li>d. Integrate/joint reporting of the National Joints to the JCPS</li> <li>e. The NDPP and senior officials to drive the process of stakeholder and partner collaborations</li> <li>f. Influence upward reporting from PEECs to NEECs and assign NPA representative at NEEC and PEEC and ensure proper feedback is given to EXCO</li> </ul>
		Lack of the required skills and people to attend to complex matters	<ul style="list-style-type: none"> <li>a. Budget advocacy to obtain additional funds</li> <li>b. Develop a new NPA recruitment and retainment strategy <ul style="list-style-type: none"> <li>i. A new strategic approach to professional development and training strategy, emphasising the use of technology and experiential learning. Re-introduce NPA awards programme to encourage professionalism and excellence</li> </ul> </li> </ul>
		Insufficient use of technology to enhance efficiency and effectiveness in the NPA	<ul style="list-style-type: none"> <li>a. Regular engagements with JCPS partners and IJS team to monitor and address bottlenecks, including weak governance structures, around implementation of the integrated system, escalate challenges as appropriate Explore recruitment of data capturers on a contract basis to support ECMS implementation</li> <li>b. Incorporation of a Change Management module in the</li> </ul>

			<p>training programme of the NPA</p> <p>c. Capacitation of the Knowledge Management unit</p> <p>d. Procurement of computers and scanners to allow for a paperless prosecution service</p> <p>e. Initiate a project aimed at ensuring that prosecutors at lower courts are migrated to NPA network</p> <p>f. Management to escalate the need to transform the entire justice system through various national structures</p>
8	Criminal justice system digitized and integrated	Lack of cooperation from government Departments and key stakeholders. There are dependencies where few deliverables depend on the cooperation by other Government Departments.	National Mechanism to manage the cooperation by Government Departments to be established and operationalized

## 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

## 11 PART D: TECHNICAL DESCRIPTION TABLE

Indicator title	1a. Audit opinion on financial statements and predetermined objectives
Short Definition	This indicator measures the Auditor-General's audit opinions on financial statements and predetermined objectives reports achieved year after year
Source/collection of data	Final audit reports from the Auditor-General
Method of calculation	N/A
Assumptions	All managers will execute their delegated authority accordingly
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
Reporting responsibility	Chief Financial Officer and Heads of Branches

Indicator Title	1b. Percentage of reported incidents of corruption in the department resolved through disciplinary process
Definition	This indicator measures the percentage of reported corruption incidents in department resolved through disciplinary process during the current financial year
Source of data	Reported fraud and corruption cases database
Method of Calculation/Assessment	Percentage = (Number of fraud and corruption incidents in the department finalised/ Number of reported fraud and corruption incidents in the department) *100
Assumptions	All reported incidents are resolved within the required timeframe
Disaggregation of Beneficiaries (where applicable)	N/A

Spatial Transformation (where applicable)	National and provincial offices
Desired performance	All reported incidents of fraud and corruption resolved speedily
Indicator Responsibility	Deputy Director-General: Corporate Services

Indicator title	<b>1c. Percentage on Middle Management Services (MMS) occupied by Africans and Women by March 2024</b>
Short definition	This indicator measures the percentage of Africans who are on Middle Management Services by March 2024
Source/collection of data	PERSAL system
Method of calculation	Percentage= Number of Africans in Middle management services/ total number of Middle Management services post establishment) * 100
Assumptions	All vacant position will be filled by Africans
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired performance	Target achieved by 2024
Indicator responsibility	Deputy Director-General: Corporate Services

Indicator title	<b>1d. Percentage of total workforce positions occupied by persons with disability</b>
Short definition	This indicator measures the percentage of total workforce positions occupied by persons with disability
Source/collection of data	PERSAL system
Method of calculation	Percentage= Number of post occupied by people with disability / total number of posts in the department) * 100
Assumptions	There will be people with disability available and qualified to fill the positions

Indicator title	<b>1d. Percentage of total workforce positions occupied by persons with disability</b>
Short definition	This indicator measures the percentage of total workforce positions occupied by persons with disability
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired performance	Target achieved by 2024
Indicator responsibility	Deputy Director-General: Corporate Services

Indicator title	<b>1e. Percentage of implementation of Human resource Development Strategy</b>
Short definition	This indicator measures the percentage progress relation to the implementation of human resource development strategy
Source/collection of data	Report of the activities planned to be implemented
Method of calculation	Percentage=( Number of activities on the Human Development strategy implemented/Number of planned activities on the Human Development strategy) * 100
Assumptions	Human Development Plan approved during the 2020/21 financial year
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired performance	All activities of the Human development strategy fully implemented
Indicator responsibility	Deputy Director-General: Corporate Services

Indicator title	<b>1f. Justice College reconfigured to offer training to departments and entities to access practical legal training</b>
Short definition	This indicator measures the progress relating to the reconfiguration of Justice College
Source/collection of data	Report on activities implemented to reconfigure Justice College
Method of calculation	N/A
Assumptions	The budget and human resource needed
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired performance	Justice College reconfigured during the MTSF period
Indicator responsibility	Deputy Director-General: Corporate Services

<b>Indicator title</b>	<b>2a. Number of services provided through e-channels to increase accessibility</b>
Short definition	This indicator measures the number of services that will be provided by the department through e-channels to increase accessibility
Source/collection of data	Electronic platforms developed to increase accessibility of services
Method of calculation	Simple count
Assumptions	Funds will be available to develop e-channel platforms
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired performance	The platforms developed and operational
Indicator responsibility	Head: ISM, DDG: Court Services and Chief Master



<b>Indicator title</b>	<b>2b. Percentage of services delivered within the required turnaround time</b>
Short definition	This indicator measures the percentage of justice services that will be provided within the required timeframe
Source/collection of data	Department of Justice services
Method of calculation	Percentage = Number of services with target turnaround times achieved/Number of services provided
Assumptions	All services will have turnaround time
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired performance	All service provided to have turnaround times
Indicator responsibility	DDG: Court Services and Chief Master

<b>Indicator title</b>	<b>2c. Number of sites established, renovated to increase access to justice services</b>
Short definition	This indicator measures the sites established, renovated and to increased access to justice services
Source/collection of data	Lease contract, certificate to occupy
Method of calculation	Simple count
Assumptions	Funding is available
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired performance	Planned intervention to increase access to services points achieved
Indicator responsibility	Deputy Director-General: Court Services

Indicator title	<b>3a. Number of Master's services modernized</b>
Definition	This indicator measures the number of Masters' services that will be provided by the department through e-channels to increase accessibility
Source of data	Electronic platforms developed to increase accessibility of services
Method of calculation	Simple count
Assumptions	Funds will be available to develop e-channel platforms
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Desired performance	The platforms developed and operational
Indicator responsibility	Chief Master.

Indicator title	<b>3b. Number of policies reviewed.</b>
Definition	This indicator measures the number of policies (Insolvency policy, and Deceased Estate) to be reviewed by the Master office during the strategic plan period.
Source of data	Approved policies
Method of calculation	Simple count
Assumptions	All relevant stakeholder will fully participate in the development of the policies
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Desired performance	All policies to be finalised during the strategic plan period

Indicator responsibility	Chief Master.
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<b>Indicator</b>	<b>4a. Percentage of constitutionally sound legislative instruments and law reform proposals successfully challenged in courts</b>
Definition	This indicator measures the percentage of legislative instruments and research proposals developed and enacted since the beginning of the 2010/11 financial year which were successfully challenged for constitutionality during the financial year.
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) X 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

<b>Indicator Title</b>	<b>5a. Percentage of High Court matters where State Attorney solely represents the State</b>
Definition	This indicator measures the number of High Court matters presented by State Attorneys without assistance of private practitioners
Source of data	File notes, correspondence from attorney to clients, court order/judgments

	Monthly stats
Method of Calculation / Assessment	Number of high court matters finalised and presented by attorneys/total number of High Court matters finalised x 100
Means of verification	File notes, correspondence from attorney to clients, court order/judgments
Assumptions	State Attorneys are capable of presenting matters in High Court
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	Reflect on contribution to spatial transformation priorities Reflect on the spatial impact area
Desired performance	Reduction of outsourced matters
Indicator Responsibility	Solicitor-General

<b>Indicator Title</b>	<b>5b. Number of Previously disadvantaged individual (PDI) advocates briefed</b>
Definition	This indicator measures the number of advocates, who were previously disadvantaged, representing the state on legal matters in courts
Source of data	Quarterly reports of the Chief Litigation Officer and Office of the State Attorney
Method of Calculation/Assessment	Simple count
Assumptions	State attorney will continue to increase briefs allocated to previously disadvantaged advocates There will be a growing pool of advocates
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National
Reporting Cycle	Annual
Desired performance	Number of previously disadvantaged advocates briefed increase
Indicator Responsibility	Solicitor-General

Definition	This indicator measures the percentage of government actions and laws which were successfully challenged for constitutionality during the financial year.
Source of data	
Method of Calculation / Assessment	Percentage = (Number of government actions and laws certified by OCSLA challenged successfully in the Constitutional Court/Number of laws certified by the OCSLA) X 100
Assumptions	
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Reporting Cycle	Annual
Desired performance	Government department actions and laws 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

<b>Indicator Title</b>	<b>6b Number of municipal districts and international fora reached to promote respect for Human Rights, particularly vulnerable groups (LGBTQI, Women and children) Domestically and International Fora</b>
Definition	This indicator measures the number of municipal districts and international for a reached to promote respect for Human Rights, particularly vulnerable groups (LGBTQI, Women and children) Domestically and International Fora
Source of data	Attendance register
Method of Calculation/Assessment	Simple count
Assumptions	People will attend the organised awareness sessions and the department given an opportunity to promote respect for human rights in international fora
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	

Reporting Cycle	Annual
Desired performance	More people are reached to make them aware of their human rights
Indicator Responsibility	DDG: Constitutional Development

<b>Indicator Title</b>	<b>6c Number of relevant International Human Rights Instruments ratified /acceded to fulfils its obligations and contributes to development of international norms and standards.</b>
Definition	This indicator measures the number of relevant International Human Rights Instruments ratified /acceded to fulfils its obligations and contributes to development of international norms and standards.
Source of data	International Human Rights Instruments ratified /acceded
Method of Calculation/Assessment	Simple count
Assumptions	All international human rights instruments ratified as planned
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	National N/A
Reporting Cycle	Annual
Desired performance	All international instruments ratified as planned
Indicator Responsibility	DDG: Constitutional Development

<b>Indicator Title</b>	<b>6d Policy Framework to transform Extradition, Mutual Legal Assistance and International Cooperation in Criminal matters developed</b>
Definition	This indicator measures progress relating to the development of policy framework to transform Extradition, Mutual Legal Assistance and International Cooperation in Criminal matters
Source of data	Approved framework
Method of Calculation/Assessment	Simple count

Assumptions	All relevant stakeholder will fully participate in the development of the policy framework
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/AN/AN/A
Reporting Cycle	Annual
Desired performance	Framework finalised during the MTSF period
Indicator Responsibility	DDG: Constitutional Development

<b>Indicator Title</b>	<b>6e Percentage of DOJ&amp;CD activities in the NAP Programme of action implemented to promote participatory democracy, human rights advocacy, platforms and Agencies.</b>
Definition	This indicator measures progress relating to the implementation DOJ&CD activities in the NAP Programme of action to promote participatory democracy, human rights advocacy, platforms and Agencies.
Source of data	Report on completed activities
Method of Calculation/Assessment	Percentage= (Number of DOJ&CD activities in the NAP Programme of action implemented/Number of planned DOJ&CD activities)*100
Assumptions	There will be budget and personnel to implement the NAP programme of Action
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	
Reporting Cycle	Annual
Desired performance	All DOJ&CD activities implemented as planned
Indicator Responsibility	DDG: Constitutional Development

<b>Indicator Title</b>	<b>6f Review of the implementation of the Constitution in line 25th Anniversary of the Constitution</b>
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Definition	This indicator measures progress relating to the implementation DOJ&CD activities in the NAP Programme of action to promote participatory democracy, human rights advocacy, platforms and Agencies.
Source of data	Report on the review of the implementation of the
Method of Calculation/Assessment	N/A
Assumptions	There review will be completed within the planned timeframe
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/AN/AN/A
Reporting Cycle	Annual
Desired performance	The review of the implementation of the Constitution will be completed within the planned timeframe
Indicator Responsibility	DDG: Constitutional Development

<b>Indicator Title</b>	<b>6g Social Compact developed by March 2024</b>
Definition	This indicator measures the development of the Social Compact between leadership of the Executive, Judiciary and Legislature which need to be completed by March 2024
Source of data	Social Compact
Method of Calculation / Assessment	N/A
Assumptions	All relevant stakeholders' availability to attend planned summits and develop the Social Compact
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A



Reporting Cycle	Annual
Desired performance	Development of Social compact to be completed by 2024
Indicator Responsibility	DDG: Constitutional Development

<b>Indicator Title</b>	<b>7a Level of satisfaction with the prosecution of identified crime types</b>
Definition	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	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	Biennial
Desired performance	Baseline +30%
Indicator Responsibility	National Director of Public Prosecution (NDPP)

<b>Indicator Title</b>	<b>7b Percentage of identified high-impact corruption prosecutions instituted</b>
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 <a href="http://www.gov.za">www.gov.za</a> , 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	7c 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	Biennial
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)

Indicator title	<b>8. Number of KPI's completed on the Integrated Justice System dashboard</b>
Definition	The indicator measures the number of KPI that are on CJS 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	All affected department report on the Key performance indicators
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 KPI's
Indicator responsibility	Chief Director: Office of the Director-General

## 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	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	E 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



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