



**MINISTRY OF JUSTICE CORRECTIONAL SERVICES  
REPUBLIC OF SOUTH AFRICA**

**Political Overview Delivered By Minister Lamola on Behalf of the Ministry of Justice and Correctional Services on Annual Reports for the Department of Justice and Constitutional Development, Correctional Services and Office of the Chief Justice covering the period of 2020-21 Financial Year**

**Deputy Minister of Justice and Constitutional Development, Mr John Jeffrey;**

**Deputy Minister of Correctional Services, Nkosi Phathekile Holomisa;**

**Honourable Chairperson: Bulelani Magwanishe;**

**Honourable Members of the Portfolio Committee;**

**The Director General of Department of Justice and Constitutional Development, Advocate Doc Mashabane;**

**The Acting National Commissioner of the Department of Correctional Services, Mr Samuel Thobakgale;**

**Ladies and Gentlemen**

As we gather here today, we gather just after thousands of South Africans have exercised their democratic right to vote for who and how they must be governed at the sphere of local government.

As I sit here, I cannot imagine a better expression of democracy in action.

It is a clear expression of one's constitutional right. In a year in which we celebrate the 25th Anniversary of our Constitution, we must look at this as something we can be proud of.

Our constitution stands by virtue of our ability to respect each other's rights and affording each other the space to exercise these rights.

Honourable members, in spite of our different political backgrounds and various political ideologies, I am certain that we can all agree that the freedom charter is in action, ***"The people are governing"*** and the democratic state is in full force.

Honourable Members, as the three departments under the Ministry of Justice and Correctional Services account for their performance for the 2020-2021 financial year, we must resist the temptation of understating the impact of the largest pandemic in 100 years, COVID-19, on our ability to fully deliver and implement various plans.

Despite this harsh terrain and reality, these departments have not folded their arms, they have been innovative where possible to ensure that which can be done, is fulfilled.

A testament to this durability is the department referred to as Office of the Chief Justice:

It is one step closer to obtaining a clean audit, having obtained an unqualified audit outcome with no material findings and has implemented the case lines projected fully in the Gauteng Division. This has ensured that justice can be served even under the most difficult circumstances.

Their vacancy rate remains well within the norm below 10%.

Honourable Members, you may recall that in our last gathering, I as the executive authority, took all of you and the nation at large into confidence. I was frank with you when I said, "***the Department of Justice and Constitutional Development is in need of renewal***".

Last year, Deputy Minister John Jeffery and I shared our assessment which indicated that the administration needed to be re-engineered significantly to meet the expectations of South Africans.

It is only fair that we report back on how far we have fared in the process of re-engineering the department.

We now have a full complement of Senior Management leadership with a new Director General, Advocate Mashabane, who started steering the ship in the latter part of the financial year.

The leadership and vacancy rate at a senior management level has begun to stabilize. The remaining shortlisted and advertised positions will be finalised from December to February to bring the vacancy rate to under 9%. This is well below the DPSA accepted norm.

A new macro-structure has been designed and will be approved before the end of this financial year.

The implementation of corrective actions and consequence management under way from the last financial year are continuing, we completed 16 disciplinary hearings cases which relate to maladministration.

An assessment of the skillset of senior management has been concluded along with culture and climate survey.

Honourable Members,

In the remainder of the Medium Strategic Framework, the Department will be subjected to three substantial reforms, namely:

1. Modernization to improve the front-line services which are provided to South Africans;
2. Effective State litigation system which enables transformed and competitive legal profession; and
3. High skilled personnel who can effect reforms to the criminal justice system and tackle corruption

### **Under Modernization:**

In terms of modernizing court administration, a Cashless Court Solution was deployed to a total of 25 courts.

The Department has developed trust and deceased online registration services which are at advanced stages. This is in direct response to the efficiency challenges in the Masters office.

The e-submissions enhancements for memoranda and Parliamentary questions were also developed, tested and rolled out.

Third party management system (MojaPay) was implemented at 483 Courts, in nine regions. The remaining seven courts were rolled-out in the 2020/2021 financial year. The solution also caters for the administration of financial management processes at State Attorney Offices and has been implemented at all 12 State Attorney Offices countrywide;.

SMS notifications capability was implemented in the Domestic Violence and Family Advocate Services– to notify the parties on the status of the cases;

## **In terms of an effective state litigation system:**

We have seen the reintroduction of the candidate attorney system with over 80 posts being advertised across the country.

The following policies on Alternative Dispute Resolution, State Legal Representation and Management of State litigation are within cabinet processes.

In so far as our fight against corruption is concerned, the Investigative Directorate is at advantaged state of on boarding capacity for a digital forensic lab.

- Since the commencement of the 2021/22 financial year, ID issued and concluded 33 Section 28 inquiries.
- 13 Warrants of arrest were issued and eight Red notices to other jurisdictions were applied for.
- The ID obtained the freezing orders which amounted to R1.4 Billion freezing order obtained in the Eskom Investigation and an unlimited freezing order was obtained in the Nulane Investigation.

We have also given effect to the anti-corruption strategy by establishing six new Special Commercial Crime Courts, these courts are spread as follows; 3 in Limpopo and 3 between Mpumalanga, North West and Northern Cape.

On the balance honourable members, we can see that rapid decline that we found has been arrested. Whilst there is still a lot of work to be done. We have said to the department the upward trend must continue.

The department's performance was previously standing at 43%, having implemented some of the interventions, the Department achieved a performance of 67% in the last financial year.

The target for the Department is to achieve at least 80% of the annual targets by the end of 2021-22 financial year. In light of the ransomware attack, which devastated a number of our systems, a great deal of innovation will be required to ensure that this goal is achieved.

### **On Correctional Services**

Chairperson Magwanishe and Honourable Members of the Portfolio Committee, the Department of Correctional Services showed significant improvement in the 2020/21 Financial Year. This was as a result of implementing matters and strategic contributions made by this portfolio committee and the dedication of all officials in the department.

When honourable members in unison said, correctional services, must look at matters of irregular expenditure, lack of consequence management for acts of impunity, maladministration, audit reports and performance, we heeded this call.

These became matters we were seized and preoccupied with, throughout the financial year. The constructive criticism from this committee culminated to this significant improvement.

We are encouraged that the department is steadily moving past that era and is able to fulfil its overriding priority of providing the best Correctional Service for a safer South Africa.

Together with Deputy Minister Holomisa, we are committed to ensure unprecedented levels of openness, transparency and accountability. We will

not hesitate to take appropriate actions consistent with government prescripts and legislation to foster a new culture of accountability.

This will be in line with our commitment of a clear vision for good governance.

In concurrence with the portfolio committee, we don't want prolonged and selective disciplinary processes which ignore atrocities committed by those in senior management in the department. We have directed that turnaround times for investigating and concluding disciplinary process must show significant improvement.

In the last financial year, 97% (64 out of 66) of cases for officials, charged and found guilty for corrupt activities were concluded. For the same reporting period, under Irregular Expenditure, the Department had a total of 933 cases, and 789 of these cases were investigated and concluded. The department is left with a total of 144 cases to conclude for the last financial year.

We have impressed to the acting National Commissioner that consequence management must spread across the department without fear or favour.

Another area of work that we were preoccupied with in the last financial year, was laying a firm foundation for the implementation of the Self-Sufficiency Model in the department. In this regard, the Self-Sufficiency Strategy was approved. Through this strategy, the department is utilizing offender labour to produce food for inmates' rations and generate revenue from its production workshops.

In all correctional centres across the country, no more are we procuring eggs and pork as these are internally produced in sufficient quantities, resulting in savings to the fiscus.

We want to continue on this path to remove as many items as possible from our procurement list. We are working on capacitating centres by obtaining modern technology to realise improved production.

The self-sufficiency model, also contributes towards skilling inmates.

In the last financial year, offenders were trained in the following, hairdressing, new venture creations, building and plastering, tiling, welding, painting, furniture and cabinet making, wood machining, textile skills, bricklaying, motor mechanics, plumbing, vegetable production and other agriculture related training. We will be launching a national arts day during the course of this month.

Our training and rehabilitation programmes have made a significant impact on the lives of former inmates and offered them new and exciting opportunities. Recently, former inmate, Morwesi Theledi, who spent six years incarcerated, joined the cast of popular SABC soapie, Muvhango. She discovered her passion and talent for acting while incarcerated and she has in her words, described her incarceration as a blessing in disguise.

I mentioned this example to demonstrate that inmates are not just warehoused at our centres, lots of work continue behind the walls.

We have various programmes aimed at rehabilitating offending behavior in inmates and providing them with new opportunities. It is unfortunate that a few offenders who on parole stain the good work that is done on inmates in our centres.

Our approach in correctional services is in line with the United Nations' Office on Drugs and Crime which highlights the importance of measures to support the rehabilitation and social reintegration of inmates into the community.

Incarceration on its own cannot deter criminal behaviour. It is against this background that we develop inmates' skills to bolster their chances of employability upon their release.

Inmates, parolees and probationers, equally contribute towards various community empowerment initiatives. When the dire conditions in which the child headed Zungu family, in KwaMadondo, Weenen, Kwa-Zulu Natal, were exposed, offender labour was utilized to transform the family's dilapidated house into a decent fully furnished house.

When acts of vandalism, rampant looting and destruction of properties in Gauteng and Kwa-Zulu Natal erupted, probationers and parolees helped to clean most affected areas to allow economic activities to resume.

When some of the schools in Mpumalanga, Gauteng and Eastern Cape, did not have adequate school desks, offender labour was utilized to refurbish desks and chairs to enable learning and teaching to continue in a conducive environment.

I am just highlighting this to demonstrate that inmates and parolees can be used for community empowerment projects.

We have met with the Department of Education, and we will work together to address some of infrastructure challenges in schools utilizing offender labour. We also want to see offenders utilized for minor maintenance work on public infrastructure.

Honourable Chairperson Magwanishe and Members of the Portfolio Committee, coming back to the performance of the department, the Department of Correctional Services has for the first time in four years, obtained an unqualified audit opinion.

This is as a result of interventions put in place to ensure that irregular expenditure is identified and fully disclosed in the annual financial statements. The department reviewed and updated procurement policies and delegations in order to align with the recent changes in procurement legislation.

As the executive, we have identified gaps across correctional centres in terms of lack of Supply Chain Specialists. We have instructed the department to urgently address this matter. The department will appoint suitable, qualified and experienced personnel at supply chain to ensure that we do not regress with our audit outcomes.

In line with the call by the Auditor General, we want to ensure progressive and sustainable improvements in our audit outcomes and address the findings that were raised in the departmental audit report.

In terms of performance, we recorded a 70% achievement, against the 89% of the last financial year. We could not achieve 16 of our 54 annual targets, mostly, arising from COVID-19 restrictions. However, we have adapted to the new normal, performance in the first and second quarter of the current financial year, bolster our expectations for an improved performance.

Our vaccination drive for both officials and inmates continues. We are through various campaigns, working towards eliminating vaccine hesitancy so that we can save lives.

To date, one thousand and ten (1010) Health Care Professionals, nineteen thousand and one hundred and ten (19 110) officials, out of a total of 39 743, ninety five thousand, six hundred and thirty nine (95 639) inmates,

out of a total of 138 327, and one hundred and seventy nine (179 educators) have been vaccinated.

We unfortunately lost 239 officials and 101 inmates due to COVID-19 complications. Currently we have 73 active cases, (67 officials and six inmates).

Vaccine hesitancy and fear of side effects have been cited by most officials and inmates as reasons for them not availing themselves for vaccination. From next week, we will intensify our vaccination drive and we will be in Bizzah Makhate Correctional Centre in the Free State to launch our Vooma Vaccination campaign in correctional services.

We want to salute women and men in brown uniform who enabled us to prevent the rapid spread of COVID-19 in our correctional centres.

Honourable Members, we will continue to solicit feedback from institutions like parliament and all our stakeholders, so that we can continue serving South Africans with honesty, integrity and transparency.

Challenges are still there, but they are not as prevalent and dire, we are turning the tide. We have to do more.

We commit ourselves to do the basics right and strengthen performance management in the department of correctional service.

The Department will continue to be more effective and implement turnarounds in areas where we had not done well. We will also allow innovation to flourish to improve efficiency levels across the department.

Honourable Members, we want to take this opportunity and appreciate your continued work of providing oversight and holding us accountable. We don't take your work for granted, you have enabled us to improve our performance and audit outcomes through your constructive criticism and eye for detail.

The manner in which you approach issues, moreover your strategic and systematic approach, can only lead to a better department Justice and Constitutional Development and Correctional services , respectively.

I thank you!