**UNREVISED HANSARD**

**MINI PLENARY - NATIONAL ASSEMBLY THURSDAY, 20 MAY 2021**

**Watch video here:** [**Vote No 22 – Correctional Services**](https://www.youtube.com/watch?v=6wcYvRL1NFw)

***PROCEEDINGS OF MINIPLENARY SESSION – NATIONAL ASSEMBLY CHAMBER***

Members of the mini-plenary session met on the virtual platform at 14:00.

House Chairperson Mr M L D Ntombela took the Chair and requested members to observe a moment of silence for prayer or meditation.

The Chairperson announced that the virtual mini-plenary sitting constituted a meeting of the National Assembly.

**APPROPRIATION BILL**

Debate on Vote No 22 – Correctional Services:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon House

Chairperson, members of the executive present, Deputy Minister for Correctional Services, Nkosi Phathekile Holomisa and

Deputy Minister for Justice and Constitutional Development Mr John Jeffery, chairperson of the Portfolio Committee on Justice and Correctional Services, Mr Bulelani Magwanishe, hon members of the Portfolio Committee on Justice and Correctional Services, hon members of this august House, National Commissioner of the Department of Correctional Services, Mr Arthur Fraser, the Inspecting Judge, Justice Edwin Cameron, distinguished guests, ladies and gentlemen, as we present the Budget Vote of the Department of Correctional Services, it is important that we remind this august House of our vision in the Freedom Charter which proclaims:

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance.

Therefore, we should always understand that most inmates incarcerated at our centres, will one day be released. So, the question that arises is what kind of inmates would we release back to society. Will they be reformed and abhor their previous lives of crime? Will they be reintegrated back into society? And finally, will society accept them?

In answering these questions, I need to illustrate to this House and society, what happens behind the walls of correctional services. Our officials and professionals are creating an enabling environment for inmates to carve a new life for themselves. After years of serving time resulting from their infractions, and being exposed to rehabilitation and restorative programmes, inmates are on a path to become better citizens.

Unfortunately, upon their release, some inmates become subjects of ridicule, discrimination and deprivation of opportunities to eke an honest living. These factors make it extremely difficult for inmates to rebuild their lives. This then contributes to some of them reoffending in some instances. Communities must have an understanding that indeed corrections is a societal responsibility. It should not only be located within the Department of Correctional Services. In corrections, we are addressing some of the challenges I have alluded to above.

We have dedicated men and women in brown uniform who are putting relentless efforts to steer corrections towards achieving our vision of providing the best Correctional

Services for a safer South Africa. Yes, there are some who stretch the limits within the workspace like any other work environment, hence we impressed upon the department for consequence management to have an effect whe there is any form of misconduct.

In order for us to implement programmes that will contribute to a safer South Africa, we table before this august House a budget of R25,2 billion for the 2021-22 financial year. The allocation will be divided as follows: R6,2 billion, which constitutes 24,6% of the budget, is allocated to head office; the remaining 75,4% of the budget is allocated to regions, of which 58% of this is allocated to the programme Incarceration; followed by administration programme at 13,2%; care programme at 12%; rehabilitation programme at 10,6%; and social reintegration at 6,2%.

The projected revenue collection for the Department of Correctional Services for the 2021-22 Medium-Term Expenditure Framework, MTEF, period is R486,1 million. This revenue is mostly generated through the letting of accommodation facilities to personnel, selling of products produced in correctional centres workshops and hiring out of offender

labour. We have set aside a total of R1,6 billion for capital works programmes over the 2021 MTEF period; R1,1 billion is for upgrading of facilities and additions; and R486,1 million is for repairs and maintenance of correctional centres. The MTEF additional facilities will include Emthonjeni Youth Centre, Parys Centre, Brandvlei Centre, Burgersdorp Centre and Lichtenburg Centre. Over the 2021 MTEF period, Correctional Services will also receive R50,2 million from the National Skills Fund and Safety and Security Sector Education and Training Authority for the training of offenders. For the 2021-22 financial year, the average number of inmates funded are 169 681, of which 124 294 are sentenced and 45 387 are unsentenced.

Hon members, this budget, although lesser than what we anticipated, will enable the department to continue implementing its mandate which affects the lives of the general public and victims of crime who must be protected from criminal elements. Victims who have experienced first-hand the harm of crime have their hopes on Correctional Services.

Since the advent of democracy and the introduction of the Correctional Services Act, Act 111 of 1998, South Africa opted

for a management approach where human rights are protected and the responsibility is placed on the correctional system to motivate and encourage offenders to do away with negative values through an array of rehabilitation programmes.

Inmates are thus expected to be reformed and ready to be reintegrated back into their communities upon successful completion of their sentences. During the course of rehabilitation there are however, certain disturbing episodes that derail the work of corrections and such must never be allowed to normalise in a correctional setting.

When adopting the new Constitution of South Africa in 1996 which we are commemorating its 25th anniversary this year, our country’s first democratically elected President, Tata Nelson Mandela, said:

This Constitution is our own humble contribution to democracy and the culture of human rights worldwide: It is our pledge to humanity that nothing will steer us from this course.

The Constitution entrenches a clear path for a human rights- based model of correctional centre governance which continues to motivate us on this journey today. It is our Constitution that motivated us to adopt legislation as well as numerous related protocols and strategies that sought to improve the efficiency of our criminal justice system as a country. It is our Constitution that implores us to understand that inmates are a reflection of our society. And as a result, we should correct communities in order for us to reduce the correction of individuals.

Hon members, we want correctional facilities to become places where offenders are encouraged to believe in their inherent value as human beings in line with the Nelson Mandela rules. As a result, there is no doubt that education, skills training and other such programmes play a pivotal role in reducing the rate of recidivism.

Management of COVID-19 at Correctional Services

The United Nations Office on Drugs and Crime, UNODC, has been very vocal about the need to firmly embed correctional centres, inmates and correctional officials into the overall COVID-19 public health response of countries to address the

plight of inmates during the pandemic and to mitigate the risk of COVID-19 in correctional centres. This should also include vaccination programmes for inmates. South Africa has heeded this call by the UNODC. As at 15 May 2021, Correctional Services was managing 177 active coronavirus cases nationally compromising of 84 officials and 93 inmates. This equates to 0,23% of staff and 0,07% of the inmate population. The cumulative recoveries to date translate to a rate of 96,32%.

It is befitting in this regard that I thank health care professionals in correctional services, management and all officials for contributing to pushing back the devastation of COVID-19 within the department.

Our health care officials across all regions in the department also responded positively to the call for vaccination, those who are yet to take the vaccine, we continue to encourage them to do so to protect their lives. Vaccination will also be rolled out to inmates. Currently, they are being reached out with awareness campaigns on vaccination across all the regions.

House Chairperson, we are encouraged by the fact that on 16 March 2021, the National Assembly agreed to a motion which collectively recognised the hard work of correctional officials across the country who face difficulties due to the nature of their work, moreover under this period of the COVID- pandemic. To this end, we salute our unsung heroes and heroines in correctional services.

Victims Support Programmes

We are going to inject fresh impetus into the type of support we make available to the victims of crime. More often, we have been accused of focussing on parolees and exoffenders in terms of facilitating economic empowerment initiatives at the expense of victims. Together with Deputy Minister Holomisa, we have instructed the department to broaden the envelope on the offender labour programme to benefit victims. Practical developments are already underway in terms of victim empowerment. On 7 June 2021, together with Deputy Minister Holomisa, we will be handing over a house to the Zungu family in Weenen, KwaZulu-Natal, which was built through offender labour in partnership with the South African Broadcasting Corporation. The Zungu family was attacked on 18 June 2019 around midnight. The mother, Xinile Zungu, did not survive.

This unfortunate incident robbed the family of a breadwinner, leaving 10 children as orphans. All of them are currently unemployed. The Zungu family can be best described as indigent.

The plight of such victims of crime cannot be ignored. Building this family a house is the little contribution correctional services could make. This house is 70 square metres. We thank the SABC for collaborating with us on this project, and securing a sponsor for the building material.

Integrated Justice System

Hon members, Correctional Services has developed a social reintegration framework that seeks to instil corrections as a societal responsibility. As such, the department is going to engage more actively within government as well as amongst the broader society to ensure effective rehabilitation and reintegration of those who offend. Amongst some of the initiatives will be to encourage the sentencing of those guilty of minor offences to community corrections rather than direct imprisonment. However, in order to achieve the effective monitoring and rehabilitation of such persons, it will become imperative for the participation of the broader

society in the process. This will also assist in addressing the root causes of crime and thus reduce repeat offending.

The failure to employ exoffenders even on instances where they meet requirements is an area of great concern for us. Some institutions assume that a criminal record prevents one from securing employment. This myth requires some degree of public education as it is not true and should be completely rejected. In reality, this impacts negatively on reintegration efforts by the Department of Correctional Services.

Self Sufficiency and Sustainability in Correctional Services Hon members, in the 2020-21 financial year, Correctional Services approved the self-sufficiency and sustainability strategic framework. This is aimed at taking a long-term view on developing and utilising state assets under the department to reduce the costs incurred by the fiscus in correctional services and to generate revenue. I have no doubt that self- sufficient correctional centres can truly be a catalyst for the innovative use of government funds. As a department, we have established a joint working committee with the National Treasury to ensure that the strategic framework gains traction

and that a long-term institutional model of implementation is put in place.

Rehabilitation and corrections programmes implemented by the department will now be geared towards ensuring that offenders spend their time in incarceration contributing positively towards building our economy and communities. Our approach to self-sufficiency and sustainability is holistic, based on sound strategic partnership with communities, business and districts surrounding some of our farms, working together with other government departments and tertiary institutions.

Implementation of the strategic framework for self-sufficiency and sustainability is moving full steam ahead with inmates and correctional officials poised to produce more in various correctional facilities.

Apart from upscaling government savings in the years to come, offenders will also gain formal qualifications in preparation to handing them over to community corrections. Production levels in our farms, workshops and bakeries at various correctional centres across the country are increasing. During the first six months of the 2020-21 financial year, on average

per day, 2 727 offenders worked in agriculture, and an average of 999 offenders per day worked in production workshops as part of offenders’ skills utilization and development.

Through the use of offender labour, the following were produced: vegetables, 3 632 508 kg; fruits, 218 095 kg; eggs,

676 369 dozens; poultry, 591 718 kg; pork, 940 699 kg; milk,

3 150 990 litres; beef, 212 514 kg; as well as 1 839 645

loaves of bread for inmates’ ration.

The value of code three orders, which are orders for furniture from other government entities, has increased from

R1,7 million in the 2019-20 financial year, to R5,44 million in the 2020-21 financial year. We want to see these orders increasing as the quality of furniture we manufacture is of the same standard, if not superior, when compared to many private outlets. We can save the government billions through this venture as our prices are reasonable.

Production workshops are also manufacturing uniform, wood, steel and textile products. Offenders are also involved in various arts and crafts projects that produce goods with a

market value. This could provide an added opportunity for revenue generation.

As part of mitigating against the spread of COVID-19, Correctional Services also manufactured a total of 332 056 cloth facemasks for inmates in the first six months of the 2020-21 financial year. Our steel workshops manufactured sanitiser holders and foot pedal stands to help further reduce the spread of the coronavirus. This initiative does not only contribute towards the prevention of the spread of the virus, but it also counts as an addition to the skills set for offenders which could be used for self-employment upon release.

Inmates also developed sporting infrastructure at two schools, one in Bushbuckridge and the other in Alexandra. They also refurbished 1 000 desks for schools in Mpumalanga and they will soon do the same for the Eastern Cape.

During the 2020-21 financial year, our self-produced efforts saved the government R94 million. By the end of the current financial year, it is expected that in Correctional Services nationally, no pork and eggs will be procured externally, they

will be produced internally. This drive will continue as we identify and remove more products from our procurement list and also set our sights on commercialising realised surpluses.

Together with Deputy Minister Holomisa, we will launch the self-sufficiency and sustainability strategic framework through showcasing offender labour projects on 27 and 28 May 2021 in Oudtshoorn and George respectively, in the Western Cape.

The completed offender labour construction projects to be showcased include the following: Oudtshoorn Correctional Centre School, Oudtshoorn Correctional Centre Mess, George Management Area Pharmacy, George In-Patient Facility, George Dining Hall and George Laundry Room. A similar launch of other projects will follow in other provinces.

Skills training and learnership in correctional services The reduction in the compensation of employees’ budget will

have a negative impact on the implementation of developmental programmes, such as leadership and internships, which are the department’s foremost youth development and empowerment programmes. Learnerships and internships have over the years

provided a pool of entry-level youth who were absorbed by the Department of Correctional Services. We are aware of the challenges arising from budgetary constraints related to the absorption of the 2 000 learners who correctional services trained. However, 932 of the learners will be absorbed throughout our regions from 01 June. The remaining 1 068 learners will be prioritised through departmental budget reprioritisation and the natural attritions processes this financial year.

Conclusion

House Chairperson, we appeal to all stakeholders and the broader society to work together with the department so that we can together create efficient correctional services which will contribute to a safer South Africa. I want to take this opportunity and thank Deputy Minister Holomisa for his support, management of the department, led by National Commissioner, Mr Arthur Fraser, the Inspecting Judge, Justice Cameron, organised labour and all other stakeholders contributing to our mandate. I want to conclude by quoting from the poem of an ex-offender, Sebolelo Shabangu, titled *Prison*:

Being incarcerated if Freeing; Though demeaning, I see it as uplifting; Some come in destructed and come out reconstructed. Though a stumbling block, I chose to make them stepping stones. I salute you prison; You reconcile, you rehabilitate, you correct and event reintegrate.

*Xitsonga*:

Ha khensa, swirho swo hlonipheka!

Ms W S NEWHOUDT-DRUCHEN: Thank you, hon House Chairperson, Minister of Justice and Correctional Services, Deputy Ministers present, executive management and personnel of the Department of correctional Services, Inspecting Judge, distinguished guests, on the platform, fellow South Africans, comrades, colleagues and friends. Hon Chairperson, this budget debate takes place exactly 23 days after the country celebrated 27 years of democracy on Freedom Day. Even though we still celebrating our democracy, we are mindful of the fact that our people are still not free from poverty, are still experiencing high levels of unemployment and there are still high levels of inequality in our society.

Hon members, the year 2021 marks the 25th anniversary of the adoption of the Constitution. Our Constitution is widely regarded as one of the most progressive in the world and has its foundation in our Freedom Charter. It enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom. Our Constitution also makes provision even for those members of our society who have wronged the community and are incarcerated in our correctional facilities.

Section 35(2)(e) states that:

Every detained inmate including every sentenced offender, has the right to conditions of detention that are consistent with human dignity, including at least the exercise and the provision, at state expense, of adequate accommodation, nutrition, reading material and medical treatment.

This budget debate also takes place at a time of great upheaval in our country and across the world because of COVID-

19 that has led to pain and suffering and loss of lives amongst our people. Today, we also pay tribute to Comrade

Jackie Mofokeng, who was a member of the Portfolio Committee on Justice and Correctional Services. Comrade Jackie played a meaningful role in the fight against gender-based violence and all forms of abuse in society. Her insightfulness and her meaningful contribution in our committee will surely be missed. May her soul rest in peace.

Hon members, in order to mitigate against the spread of COVID- 19, we call upon the department to make effective use of technology such as audiovisual system for parole board hearings and for remand cases. The audiovisual system for correctional supervision and parole boards helps in bringing services closer to communities and victims to participate in parole hearings. For the current financial year, the department has planned to increase victims’ participation in restorative justice programmes from 3 000 in the previous financial year to 3 500 in the current financial year, 2021- 22.

This pandemic has also presented challenges to our economy, hence we see significant reduction in the budget of the department and other state entities. The Department of Correctional Services’ budget has been reduced by R11 billion

over the medium-term. In this regard, we urge the department to think creatively about self-sustainability and on ways they can contribute towards economic revival of our country.

Hon members, as the ANC, we are pleased to hear that the department will be piloting the business case mechanism for self-sustainability, revenue generation and retention mechanisms in the current financial year. As the ANC, we encourage the department to prioritise funds towards rehabilitation and social reintegration of offenders. The department’s rehabilitation programmes include, amongst others, literacy, basic occupational skills, vocational training, formal education including grade 12 and tertiary education qualifications. This is in line with Priority Three: Education, skills and health of the Medium-Term Strategic Framework, MTSF.

We would like to congratulate the department for achieving 86,3% matric pass rate in the 2020 academic year, which is an improvement from the previous year of 82,6% recorded in 2019. This shows that education can take place even in grim places, as long as there is a will, support and resources to succeed. One of the best performing schools in the Department of

Correctional Services is Usethubeni Youth School at Durban- Westville Correctional Centre. The school attained 100% matric pass rate for the past five years. As the ANC, we want to emphasise that investing in formal education rather than increased incarceration will benefit our economy and the country in general. The pandemic has presented us with an opportunity to give a serious thought on alternative punishment. The Freedom Charter states that: “Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance.” More appropriate community-based punishment should be available to the judiciary in order to limit incarceration to more serious crimes only. The Department of Correctional Services should capacitate and strengthen their community corrections branch in order to make it more inviting as an alternative sentence option for our judiciary.

Hon Chairperson, President Cyril Ramaphosa in his state of the nation address, focused on creating sustainable jobs, amongst others. In its effort to create employment for the youth in the country, the Department of Correctional Services was instructed by the Minister to reprioritize the budget in order to absorb a group of 932 learners as from 1st of June 2021.

The other group will be absorbed in a phased in approach as vacancies opens. As the ANC, we like to commend the Minister for ensuring that the President’s commitments are implemented. This bold move by the Minister will ensure that all those learners who were trained at the state’s expense are not idling on the streets and end up becoming involved in criminal activities.

Hon members, the ANC would like to emphasise and commit its support for the work done by the Judicial Inspectorate for Correctional Services, JICS, under the leadership of the Inspecting Judge, Justice Cameron, whose duties and function is to inspect correctional centres and remand detention facilities in order to report on the treatment of inmates and on the condition of our facilities and any corrupt or dishonest practices in our facilities. We also support the repositioning of JICS in terms of its independence and its statutory mandate.

The Freedom Charter of the ANC, in its preamble, states clearly that:

South Africa belongs to all who live in it, black and white and that no government can justly claim authority unless it is based on the will of all the people.

Therefore, this mandate given to the Department of Correctional Services is based on the will of the people of South Africa.

Chairperson, let me take this opportunity to thank the executive authority of the Department of Correctional Services, in particular, the Minister and Deputy Minister, the National Commissioner and his team for their leadership par excellence in carrying forward the mandate of the ANC of ensuring a better life for all and for ensuring that all people in South Africa are and feel safe. I must also thank all the foot soldiers in the department who are at the coalface of service delivery in ensuring that the work gets done without question. Chairperson, as the ANC, we support this budget of the Department of Correctional Services. I thank you.

Mr J SELFE: Before addressing the state of the department, I want to talk about the elephant in the room, or should I say,

the ex-spy in Poynton’s Building. Mr Fraser was transferred from the State Security Agency, SSA, to the Department of Correctional Services, DCS, in April 2018.

There are many serious allegations against Mr Fraser relating to his tenure at the SSA – including misappropriation of funds, establishing an illegal parallel intelligence agency and the improper award of tenders and contracts. Mr Fraser has been the subject of several internal investigations, including by the Inspector General of Intelligence, and several witnesses have testified about these allegations at the Zondo Commission.

The High-Level Review Panel, chaired by Sydney Mufamadi, recommended that PAN be investigated. This recommendation was made after Mr Fraser’s transfer to the DCS. We do not think that his appointment was appropriate, for the same reasons that Adv Simelane was found by the Constitutional Court not to be an appropriate National Director of Public Prosecutions, NDPP.

Thus, it is perplexing that the Minister has not advised the President to suspend Mr Fraser while the investigations

recommended by the High Level Panel occur. Minister, would you please elaborate why not? The Minister should also commit himself to the independence of the Judicial Inspectorate of Correctional Services.

As he knows, Sonke Gender Justice succeeded in an application to the Constitutional Court that JICS should be independent of the DCS. Yet the Minister of Finance has objected to the Judicial Inspectorate for Correctional Services, Jics, being a government entity, which would give it this independence and allow it to operate without fear or favour.

The Minister of Finance wants Jics to be absorbed into the SA Human Rights Commission, SAHRC. This would be a profound mistake, and all of us who work with prisons know that to be a fact. So, Minister, pin your colours to the mast!

The department made a presentation to the committee the other day concerning the haphazard release on parole of some 14 000 offenders to relieve overcrowding in the light of the Covid-19 pandemic. There were two notable features of this: first, 126 of the offenders that were paroled were readmitted for

offences ranging from murder, assault, assault GBH, housebreaking and robbery.

This is always a risk and highlights the need for the social reintegration branch to have the professional skills to determine which offenders can safely be released. Secondly, the presentation acknowledged the need to move to community corrections and alternative sentencing.

The current incarceration rate is unsustainable, and it will worsen with current high rates of unemployment and poverty, and the tightening of budgets. However, judicial officers are reluctant to hand down sentences of community service, because they have little faith in community corrections to monitor such people, and to ensure that the terms of the sentence are adhered to.

Thus, the approved Social Reintegration Framework is to be welcomed. It talks about the promotion of alternative sentences and the provision of appropriate rehabilitation and reintegration programmes that address reoffending. But most significantly, it commits to the professionalism of the social integration branch.

This is exactly what is required to relieve prison overcrowding safely and responsibly, by imposing appropriate community service sentences in place of imprisonment. But then two things must happen. First, the DCS budget must be realigned to reflect this.

At the moment the Social Integration Branch is allocated less than 5% of the appropriation, and little change is to be seen over the Medium-Term Expenditure Framework, MTEF. If the branch is to be professionalised, it needs the resources to become so: Vehicles, premises, resources - like electronic monitoring devices- and skilled staff.

It must no longer be the stepchild of the department. At the moment, the Branch is not supervising parolees and probationers remotely effectively. Secondly, we need to revisit our sentencing regime.

We were encouraged by the Minister’s comments in July last

year, in which he was quoted as saying that:

Government was also carefully examining the criminal justice system in relation to incarceration for low-risk crimes so that it does not become the only option for such crimes.

This is correct, because it means that the prisons will be less overcrowded if nonviolent, petty, first-time and young offenders, in particular, are given noncustodial sentences, and less overcrowding means the ability to provide more useful correctional programmes for serious offenders. But then, the Ministry needs to give careful consideration to alternative sentences that are sufficiently deterrent, easily administered and accompanied with really effective rehabilitative programmes.

At the same time, we need to give greater discretion to judicial officers when it comes to sentencing. Only they can strike the right balance between the seriousness of a crime and the interests of society. Yet, Parliament adds more and more mandatory minimum sentences, so much so that there are now some 168 00 lifers clogging up the system, and constituting a major driver of overcrowding.

We live in a very violent, crime-ridden society. The DCS must play a vital role in breaking the chain of offending and reoffending, and making South Africa a safer place. It cannot be business as usual, as it has for the last 17 years that I have participated in these debates. The department needs to reimagine its purpose and do so rapidly. Thank you.

Ms Y N YAKO: Chairperson, South Africa has a prison population of just over 164 000 inmates in the various correctional centers in the country. The Judicial Inspectorate for Correctional Services, Jics, in its annual report for the

2017-18 financial year, indicated that that the bed space across all 243 correctional centers countrywide was just less than 120 000.

What this then means is that there were over 44 000 inmates who had no beds of their own in these correctional centers, and who then get stuffed into overcrowded spaces. Today, in 2021, the situation has not improved one bit, despite the reported early release of other inmates in order to manage the corona pandemic last year.

The point we are trying to drive here is that, with the conditions of overcrowding, and its attendant problems of criminal activity and abuse in prisons, there can be no correction of behavior of any kind in prison. What rather happens is the hardening of criminal attitudes in these jails.

We now know that many heists are planned from jail, many murders are initiated from jail. We know for a fact that the imprisoning gang leaders does not in any way stop gang activities, because they are able to still control their gangs from jail, with the help of corrupt prison officials.

Thousands of those languishing in these jails are still remand prisoners, and some have been in remand custody for more than

3 years, without the finalization of their trials. This points to a deeply dysfunctional criminal justice system, from the police, to the prosecuting authority, magistrates and judges, and up to these correctional centers. You know all these issues Minister, but yet, you have not even lifted a finger to address them.

Letting correctional centers operate outside of the realm of the law and of acceptable human conduct allows for the

corruption that goes on in these centers. We believe the Bosasa embarrassment was just a tip of the iceberg. Many of your comrades are filthy rich because of the contracts they get from keeping these correctional centers in these despicable conditions.

This, you do, because keeping these prisons overflowing with black people is of no concern to you and the government you represent. It is reported that it costs about R390 a day to keep one prisoner in jail. This translates into about R11 700 per month to maintain one inmate in jail. This is over

R140 000 per year.

Despite this, the Judicial Inspectorate for Correctional Services reported that many inmates do not even have prison uniform, some sleep on the ground, that in other centers, the roofs leak when it is raining, that the food inmates eat is of such poor quality that it threatens their health. But even more, keeping someone in jail costs most than ensuring that all our young people get access to good quality education.

While is costs almost R400 a day to keep one criminal in jail; it costs far less to ensure that a child in Khayelitsha has

access to good quality education, food, clothes and shelter. However, this government chooses to ignore the education of black children, so that they can grow up and have no options but crime in their later lives.

The ANC chooses to pay R400 a day for criminals in jail than to pay a fraction of that for the education and wellbeing of all children and youth in this country. This budget is a business-as-usual type of arrangement, it has no appreciation of the severity of the problems facing both the prison population, and the communities from which they come from, to which they will be released once their incarceration period is over.

We need a rethink of our approach to correctional services in this country, in which we place our focus on the value of human life. The EFF rejects this budget.

Prof C T MSIMANG: Hon House Chair and hon members, the IFP supports the mission and vison of the Department of Correctional Services in South Africa that is to ensure a just, peaceful and safer South Africa. We acknowledge the efforts by the department to rehabilitate offenders. The

department, in its 2019-20 annual report indicates that it has a total of 15 formal schools and two private-partnership facilities. We also note the improvements in the pass rates of these schools with six schools registering 100% pass rate in 2019. The overall pass rates for all schools also improved from 68% to 80% between 2014 and 2019.

Despite these developments, the efforts asserted by the department on rehabilitation are far from being comprehensive. South Africa with an inmate population of 154 000 in the 2019-

20 financial year cannot pursue an inclusive rehabilitation programme, with only 17 educational facilities.

It is also the view of the IFP that a medium-term expenditure of R2 175 billion on rehabilitation relative to R14 961 billion spent on incarceration proves less commitment to the former programme by the department. Our concerns on this issue continues to fall on deaf ears. The department cites overcrowding as the source of most of its challenges.

Statistics from a report in 2020 found that with and inmate population 154 437, correctional centres were 32% overcrowded. However, the causes of overcrowding at correctional facilities

are multiple, including an ineffective parole system and long trial periods.

The IFP also notes with concern the excessive overcrowding at Johannesburg Medium A, Allendale, Queenstown, Polokwane, with overcrowding rates above 100%. The IFP is of the view that addressing the challenges of overcrowding needs a multipronged approach. Improving our justice system from the time a person is are arrested until they serve their sentences, this could alleviate part of the problem. Tackling economic challenges that sometimes lead people into crime is equally vital.

The IFP is also concerned with corruption at different levels of the department. SAPS Crime Intelligence have in the past arrested government officials from the Department of Correctional Services. This is rather ironic, as the same officials that have pledged their allegiance to promote a just society and who are he custodians of law and order have been found to be working against their mandate.

Corruption is unacceptable and we expect the Department of Correctional Services to lead by example. The IFP supports the reduction of the department’s baseline by R11 billion. The

cuts will result in the reduction of personal, but mostly of nonessential staff and those who will be lost through natural attrition. The IFP supports the Budget Vote. Thank you.

Mr F J MULDER: Hon Chair, the decrease of 1,48% or R378 million poses a serious threat to the ability of the Department of Correctional Services in fulfilling its mission to contribute to a just, peaceful and safer South Africa, through the effective and humane incarceration of inmate and the rehabilitation and social reintegration of offenders.

The budget reduction approved by Cabinet to the department’s baseline of R11 billion over the medium term will specifically affect the compensation of employees and the impact will mean that the contract of nonessential personal will be terminated and natural attrition will be allowed to take place.

In terms of service delivery, the reduced number of employees will affect the ability of the department to offer corrections, rehabilitation and wellness services as well as limit the ability of the department to implement self- sufficiency and sustainable projects.

Although the extent of repolarisations in the case of the Department of Correctional Services is not yet known, the department is urged to seek ways in overcoming some of its funding challenges.

The FF Plus shares the committee’s concern about the department’s poor audit outcomes, arising from a lack of proper accountability, high irregular expenditure and inability to finalise cases and disciplinary processes. The department should provide timeframes for disciplinary cases as well as measures in place to prevent irregular expenditure.

The current high inmate/official ratio makes it difficult to manage facilities and give rise to violence, smuggling of contrabands and unnatural deaths. A more favourable inmate/official ratio should be prioritised by the department.

The FF Plus promotes self-sustainability and will support a workable, sustainable initiative to pilot a business case mechanism for self-sustainability, regeneration and retention mechanism in the current financial year.

Development of self-sufficiency and skills development should be developed and introduced and rolled out in such a way that it contributes to the economic wellbeing of the country. Thank you.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Mulder, are you still there?

Mr F J MULDER: I am here, hon Chair.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): You can finish with your last few minutes.

Mr F J MULDER: I am finished, hon Chair.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

RESPONSIBLE FOR CORRECTIONAL SERVICES: Chairperson, Minister of Justice and Correctional Services, DCS, Ronald Ozzy Lamola, Deputy Minister of Justice and Constitutional Development, John Jeffery, Ministers and Deputy Ministers from sister departments, hon members of the Portfolio Committee on Justice and Correctional Services, hon Members of Parliament, National Commissioner of the Department of Correctional Services,

Arthur Fraser, Inspecting Judge, Justice Edwin Cameron, members of the National Council for Correctional Services, members of the Parole boards, distinguished guests, ladies and gentlemen, it is, indeed, an honour to address this august House on the occasion of the Budget Vote of the Department of Correctional Services, DCS.

As we celebrate the 25th Anniversary of our Constitution as a nation, we remain resolute in our overall objective, to ensure people who leave our correctional facilities are rehabilitated, skilled and ready to take up their places in society, as productive, law abiding citizens.

Since the advent of our constitutional democracy we have worked hard, enacting enabling legislation to create a conducive environment for a just and humane corrective system. As such, we have succeeded in transitioning from an oppressive prison system under apartheid, to one that is in sync with international protocols and conventions on corrections and human rights. Allow me, therefore, to share with your facts and figures that serve as progressive indicators of the benefits that have accrued in our quest to correct the offending behaviour of inmates.

It was the first President of a liberated South Africa, Nkosi Nelson Rolihlahla Mandela (Ah! Dalibhunga), once the world’s most famous prisoner, who said and I quote:

It is said that no one truly knows a nation, until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.

In ensuring that a successful reintegration of offenders in society is a reality, significant achievements have been recorded on parolees and probationers who did not violate their conditions of release from our centres. The daily average case-load of our community corrections system for the year 2020-21 was 52 556 parolees, 7 468 probationers and 891 awaiting-trial persons. This amounts to a caseload of 60 915, which in turn translates to an achievement of 99,13% for parolees without violations, and 99,08% for probationers without violations.

However, we must acknowledge that the COVID-19 pandemic has negatively affected the interface between the department and communities, especially through community outreach programmes

such as Izimbizo. As a result, we could only manage eleven such izimbizo in the 2020-21 Financial Year. In the same financial year, a total of 11 833 victims and 3 791 offenders, parolees and probationers participated in restorative justice programmes. This performance, under COVID-19 restrictions, was made possible through the 75 Social Auxiliary Workers that were appointed by the department. Their major role was to assist in the tracing and preparation of victims for their participation in our restorative justice programmes. As government we are alive to the importance of working with partners, stakeholders and civil society broadly. We maintain that corrections is a societal matter, and, therefore, welcome all initiatives aimed at enhancing the work of the department.

We have facilitated 363 economic opportunities through partnerships with various stakeholders. For instance, through our working partnership with Ekupholeni Mental Health Institute, in Gauteng, we want to acknowledge receipt of a donation of business starter packs under their economic development programme. These starter packs, worth R1 000 each, donated to 18 parolees and probationers, are meant to assist them to start their own small businesses in the areas of car washes, spaza shops and welding workshops. This project forms

part of our social reintegration programme for parolees and probationers.

Whilst we realise that our core mandate is to reintegrate offenders back to society, we are also placing a strong emphasis on the participation of victims who have been affected by the crimes committed by these parolees and probationers. As such, we will continue to highlight the incorporation of identified victims as well, who are willing to participate, in economic opportunities afforded to offenders, to ensure that we also redress the plight of those offended. That is the victims.

Chairperson, I cannot overemphasize the significance of these programmes to underscore the importance of those at the receiving end of offending behaviour, to find peace balance in their lives.

The Department of Correctional Services has responded with urgency to a number of periodic episodes that undermine the mission of corrections in this country. However, we must acknowledge that the security breaches and embarrassing episodes could have been avoided if there was strict adherence

to operational procedures and heightened levels of supervision.

It is in this vein that as the leadership we have made it mandatory for every security breach or incident to be fully investigated and measures to be taken almost immediately in order to restore normalcy. Equally, we shall ensure that swift and decisive action is taken against those who may have broken the law and applicable regulations – be they inmates, officials or any other person.

The programme of instilling a sense of patriotism in the department is gaining ground. It is centred on creating a culture of common good or public good. This noble objective revolves around correctional officials accepting an obligation to promote the welfare of the community, and to work together for the greater benefit of all South Africans. The Minister has already alluded to some of these in his address.

We are at the tail-end of a process to finalise the organisational structure of the department. This will help to strengthen, align and capacitate our systems so as to optimise our efficiency and effectiveness as an organisation. The net

effect is to ensure that there is synergy in our planning versus operations, and this is key in terms of meeting our set targets.

Furthermore, since the Minister and I assumed office we moved to strengthen leadership at the executive level by filling the following vacancies. Four deputy directors-general, two chief directors as well as eleven directors. This is significant in ensuring stability, certainty and decisiveness in management in the department.

Hon members, since my arrival in the department I have criss- crossed the country, visiting regions in order to gain a first-hand experience of the challenges facing the employees of the department who operate at the coalface of our operations, that is, the correctional centres. Uppermost in our interventions as leadership is to create a conducive working environment for our employees to be able to discharge their duties unhindered, and motivated.

With progress in the ongoing discussions between organised labour and management, new uniforms have been procured, for staff in our correctional facilities, and talks are in the

final stages in concluding an all-embracing solution to the thorny issue of shift patterns. One other area of concern at corrections is decaying infrastructure that poses a myriad challenge in our work. I want to reassure all that we have committed to addressing progressively these in this financial year.

I must re-emphasise this point, the Department of Correctional Services will continue to guard against those who lack respect and are unprofessional in their conduct. Such officials must be identified, and appropriate interventions meted out.

Discipline and professionalism are part of our organisational culture, and cannot be lost due to deviant behaviour by a few, who misrepresent what we stand for as a collective.

At this juncture, it is important that I indicate that we are not alone in our endeavours to safeguard ... [Inaudible.] ... The Judicial Inspectorate On Correctional Services, JICS, is mandatory and statutory body that has oversight authority and reports to Parliament and the Presidency on the treatment of inmates and on conditions in correctional centres. Led by Edwin Cameron, JICS is targeting 136 inspections over the performance cycle of 2021-22 Financial Year. The work of JICS

helps us remain vigilant and to exercise our duties with purpose and conscientiously.

Hon members, through the District Development Model, we will be spoilt for choice in terms of increasingly identifying areas where offender labour can be used to touch the lives of our people. We have a number of correctional facilities across the country that have adopted community projects. Through these initiatives we offer support to our citizenry through different programmes such as poverty alleviation, infrastructure development and maintenance.

I must say, we are proud of the work that is done by inmates for the benefit of the community. On the one hand it inculcates in the offender the spirit of Ubuntu and raises morale, whilst on the other it stimulates in the community a spirit of forgiveness, redress and restoration. This sets the right tone for effective rehabilitation and consequently, social reintegration.

Through a series of sessions with heads of centres, led by the National Commissioner, Arthur Fraser, in the different regions, the message was one of reinforcing going back to

basics. These sessions that took place nationally were to ensure consistency of application of the department’s services and procedures across all centres by Heads of Centres and Area Commissioners, as well as to capacitate them with the tools to enable uniform execution of their duties.

Keeping correctional facilities clean, treating those incarcerated with dignity and respect, and allowing them a reasonable second chance within the confines of our correctional centres is a noble cause. Our objective is to turn the tide and have correctional centres that work for our people, thereby ensuring safer communities.

The Minister has directed the department to produce a self- sustenance and self-sufficiency model. This concept is premised on the huge potential the department has in leveraging on the farms, properties, land, workshops, amongst others. The portfolio of assets under the auspices of correctional services, with innovation and business acumen, can be used as a solid platform to position the department as a viable self-reliant entity. We shall pursue this model and monitor progress closely so that this becomes operational and benefits all in the value-chain.

Hon Chairperson, despite set-backs, the Department of Correctional Services is on track. We are raising the bar because our people have high expectations. Those who do not deserve to be in our brown uniform are being dealt with, and the rot shall be removed.

Our strategic intent will not be clouded or negated by the advent of the coronavirus pandemic, as we navigate through this difficult period. Ours is to work tirelessly, and with conviction, because our people deserve better. Our correctional officials have demonstrated, in word and in deed, that they are equal to the task.

My appreciation goes to the Chairperson and members of the Justice and Correctional Services Portfolio Committee for the guidance, and wise counsel that they always extend to us. I also with to thank the Inspecting Judge, Edwin Cameron, for his zeal and candour in our engagements.

A special word of gratitude goes to our dedicated and hands-on Minister, hon Ronald Ozzy Lamola, as well as all DCS officials led by National Commissioner Arthur Fraser. The dedication of the management and staff of this department to the task at

hand is what keeps the fires burning at all our correctional facilities across our country. I thank you.

Mr S N SWART: House Chair, this department will receive R25,2billion this year and Cabinet has approved a budget reduction totalling R11billion over the medium term which will undoubtedly affect the department’s ability to offer corrections, rehabilitation and wellness services. Staff numbers are set to decrease from 37 836 in the present year to

36 809 in the outer year of 2023-24.

The ACDP is concerned that as a result of these staff reductions, a high inmate to official ratio will make it extremely difficult to manage facilities and will give rise to violence, smuggling of contrabands and ... [Inaudible.]. we are also concern about the safety of prison officials which cannot be compromised as well as prisoners themselves under such circumstances.

With the focus on curbing gender-based violence and other crimes, the ACDP shares the concerns at the rate of recidivism among parolees. A 127 parolees were re-arrested on various offences after 14000 inmates were released earlier on parole

during the special Covid-19 parole dispensation. This, I am sure all members will agree, is deeply concerning.

We have consistently raised concerns about the capacity of community corrections to monitor those entrusted to their care. Despite the projected reduction in staff numbers, the department needs to ensure that there are sufficient personnel at this unit to monitor the increased number of parolees.

Given the budgetary constraints, allocated funds must be properly spent. The poor audit outcomes arising from a lack of proper accountability, high irregular expenditure and inability to finalise cases and disciplining processes remains deeply worrying. The department must provide timeframes for supply chain management related disciplinary cases as well as measures introduced to prevent irregular expenditure.

Chairperson, the ACDP supports the reposition of Judicial Inspectorate of Correctional Service, JICS, in terms of its independence and its statutory mandate. While discussions are taking place between the Ministry, JICS and other relevant stakeholders in this repositioning, the ACDP believes it has taken too long to finalise this issue. Possible models were

already discussed in the previous Fifth Parliament, and we would like to see speedy resolution of this issue.

Lastly, the ACDP would like to take this opportunity to thank the management staff at the department for their hard work and commitment under extremely difficult circumstances. Your hard work is much appreciated and does not go unnoticed. I thank you.

Mr X NQOLA: Hon Chair, members of the executive, members of the House, the National Commissioner, Arthur Fraser, inspecting Judge Justice Cameron, fellow compatriots and friends, good afternoon. This year marks 150 years since the birth of an extraordinary woman who became famous for being the mother of black freedom in South Africa, the stalwart Mama Charlotte Maxeke.

It is befitting that as public representatives we reflect on her words wherein she said: “This work is not for yourself. Kill the spirit of self and do not live above your people but live with them.” In keeping with these words, I wish to pay a special tribute to someone who dedicated most of her adult life in service of the people. Someone who killed the spirit

of self, who lived not above but with her people. Comrade Jacqueline Mofokeng who served with us in the Portfolio Committee of Justice and Correctional Services. Once again, we pass our sincere condolences to her family, friends and all whose lives were touched by her.

The ANC attainment of political power in 1994 and the adoption of a new Constitution brought about a paradigm shift in the function of prisons. The ANC-led government’s efforts have been to convert the human colonial and apartheid prisons into correctional centres. South Africa’s criminal justice system has undergone reforms aimed at reflecting the tenets of the Constitution and ... [Inaudible.] ... the legacy of our oppressive past.

It is well known that the apartheid justice system was a repressive tool in the hands of the state and that incarceration made little, if any, distinction between activists, criminals, children and adults. The colonial apartheid prison system was meant to dehumanise and warehouse offenders.

Since 1994 they have been moved to reform the criminal justice system away from the apartheid legacy guided by constitutional demand for safe, secure and human incarceration, prisons were demilitarise. The direction of these institutional changes has placed greater emphasis on human rights and included the more restorative vocabulary in policy documents. The mission of the Department of Correctional Services is to contribute to a just, peaceful and safer South Africa through effective and human incarceration of inmates, rehabilitation and social reintegration of offenders. These are done by enforcing sentences of the courts in a manner prescribed by the Act.

Detaining all inmates in safe custody while ensuring their human dignity and promoting their social responsibility and human development of all centres to offenders and persons subject to community correction.

In 2004 DCS adopted the White Paper on Corrections as a policy document which lays out the vision for the department. The 2004 White Paper takes what is entrenched in the Constitution to a higher level in that it defines rehabilitation as the core business of the department. The Constitution provides the minimum standards of human detention but does not articulate the right to rehabilitation services for offenders and inmates

in particular. Chapter 3 of the White Paper details that corrections is a societal responsibility, and envisages that members of the public will support internal rehabilitation programmes. The White Paper places the family at the primary level and community institutions at the secondary level and which correction must take place. The DCS is placed at a tertiary level.

The objectives of the rehabilitation process as summarised in the White Paper are to focus on correcting of offending behaviour, enhancing human development, and promoting social responsibility and positive values amongst offenders. Hon Chair, to deal with its core business, the department adopted the needs-based approach to rehabilitation. Needs-based interventions are interventions which specifically target causal factors within the profile of the offender. The White Paper therefore recommended that the department develop an individualised or correctional sentence plan that will take the correctional setting of the individual into account.

The correctional service plan will be based on the needs of the individual. Section 38(2) of the Correctional Services Act stipulates that offender’s specific assessment measures need

to be developed to ensure the most effective utilisation of rehabilitation programmes to address individual offender behaviour. Rehabilitation must therefore be aimed at the individual with unique needs. Ineffective rehabilitation programmes are responsible for recidivism.

In many instances offenders are rearrested, reconvicted and re-imprisoned for the same crimes. It has been suggested that the cycle of recidivism is attributed to the failure of the rehabilitation programme. One of the reasons for failures in

rehabilitation programmes is because a needs-based approach is not adequately followed for each inmate.

Chairperson, one of the major challenges facing DCS is overcrowding. Overcrowding leads to gang activity, a decrease in correctional officials’ supervision and control, a lower standard of living for all inmates and disciplinary violations among offenders. In addition to overcrowding, gangsterism and a shortage of specialist personnel and inadequate rehabilitation equipment such as library facilities are impediments to effective rehabilitation.

From a rehabilitation and reintegration perspective, overcrowding has a severely negative impact as it continues to undermine in almost every considerable manner, the positive impact that programmes could have. Overcrowding can have a significant negative impact on an offender’s wellbeing and mental health because DCS is unable to provide the required rehabilitative support. When the weight of offender numbers overwhelms physical and human resources, correctional services’ delivery constraint in many respects. Overcrowding negatively affects officials too.

The 2016 JICS annual report found that overcrowding in combination with staff shortages is the primary source of stress amongst correctional officials. The 2019-20 inmate population was recorded at 166 449 against the approved bed space total of 120 567. In December 2019, President Ramaphosa announced the special remission which led to the release of 14647 low risk inmates into corrections. Through this process, overcrowding was reduced to 28% while the special remission of sentence assisted in elevating overcrowding. It is important to note that this was a short term relief measure.

The impact of this measure was a reduction in escapes, injuries and unnatural deaths compared to previous financial years. While this is the case, it is important that we have long term sustainable solutions to the challenge of overcrowding to ensure effective rehabilitation.

Hon Chair, the triple challenge of poverty, unemployment and inequality is structurally and a major contributing factor to crime. The Covid-19 pandemic has added to this. As you know DCS is the last role player in the criminal justice system as it is responsible for the incarceration of remand detainees and sentenced offenders. This the scourge of crime, DCS is seized with that responsibility of housing offenders which result in overcrowding which hampers on meaningful rehabilitation.

The lack of resources also contributes to the non- implementation of policies. The budget allocation of DCS is R25 218 million. The rehabilitation programme is allocated an amount of R2 175,5 million. This translates to approximately 8,62% of the budget. Within the rehabilitation programme

R1 161 349 is allocated for offender development sub- programme.

According to the economic classification, the larger portion of the budget across all programmes goes to salaries and wages. While we are cognisant of the fiscal challenges faced by the country, it is concerning that the core business of DSC is allocated such a small percentage when compared to the entire budget of DCS. The budget allocation must be in line with the policies of the department. It is important that the department effectively use the resources which have been made available for rehabilitation and social reintegration.

The year 2020 was a challenging year and many programmes, particularly rehabilitation and social reintegration, were negatively affected. We do appreciate the work of the department in carrying out its mandate and thank the officials who work tirelessly in the service s of correctional services and a nation at large. We welcome the commitment by the Minister that the department will focus on the implementation of the self-sufficiency framework this year. This will give offenders the skills to use even after they have served their time. As Parliament, we will continue playing an oversight role over the department to ensure that it performs well for the betterment of the society. The ANC supports the Budget Vote. Thank you very, hon Chair.

Mr W HORN: House Chair, this budget and the Annual Performance Plan, APP, of the Department of Correctional Services do not inspire much confidence that a turnaround, or even an improvement, is on the cards for this department.

Unfortunately, Minister, real rehabilitation and successful social re-integration of offenders in our country remain at best a dream deferred. The rehabilitation efforts in our correctional centres are and have been hamstrung for many years by overcrowding and the pervasive gang and violence culture in these centres, as it has been pointed out by my colleague from the ANC, the hon Nqola.

The latter, violence and gangs, Chair, has been reinforced in a vicious cycle by overcrowding itself. Overcrowding as an issue, while not unique to South Africa, as the Minister is always quick to point out, remains a massive hurdle to the effective functioning of correctional centres. It has also now become clear, unfortunately, that this government has more or less settled on addressing overcrowding by regularly releasing scores of convicted offenders much earlier than indicated by their sentences. Minister, these special releases has seriously undermined the criminal justice system, a system you

should protect and uphold. Rather focus on the available alternatives.

The Hon Selfe has already dealt with some of them, but there are more. Firstly, for once, make a success of your built programme to add the necessary extra bed spaces, they are old, and one cannot stress this enough. All of the infrastructure projects of the Department of Correctional Services have been for many years, and are still characterised by massive overruns in respect of both costs and time. What is worse is that, there seems to be no consequences ever for these failures, only excuses and promises to do better.

Secondly, Chair, the Minister must make the transfer of convicted offenders who are citizens of other Southern African Development Community, SADC, countries a reality. Despite the fact that the number of convicted offenders housed in our facilities, who are citizens of other SADC countries, far outnumber the number of South Africans housed in the prisons of SADC countries, no real attempts have ever been made by this government over the years to transfer these prisoners to their home countries, all while the law allows for this to happen.

Every time scores of convicted offenders benefit from early release on parole, Chair, we are assured, as others have pointed out, that one of the conditions for such release is that, offenders to be released had to have been part of a rehabilitation programmes, but as they say, the devil is in the detail. What is not readily told is that, in many instances the so-called rehabilitation of offenders, who are to be released early, consists merely of handing out topical leaflets, and hopefully having a quick chat with these offenders before their release, warning them not to return to the life of crime.

Of course, the Department of Correctional Services and the Minister is always quick to remind us that these parolees are not released unconditional. They remain in the system and are to be monitored and assisted by community corrections, the unit of the department that is responsible for their social

re-integration. Yet, depending on which level of risk adjusted lockdown regulations are in place, these officials are locked down themselves and only able to monitor parolees telephonically.

Even when they are able to embark on physical visits, their workload makes it virtually impossible to work effectively and only those parolees who are deemed high risk, are in reality monitored by way of personal visits. However, Chair, the single biggest problem with the Department of Correctional Services remains the unwillingness in the ranks of its leadership, senior management, to change its ways. The Department of Correctional Services has been operating on the assumption, and all indications are that it intends to keep on operating on this assumption for as long it is allowed to do so by this Minister, that no real consequences will ever be imposed on senior management for the way it simply fails to adhere to the prescripts that are in place in our country to ensure good governance.

Despite massive amounts of irregular and wasteful expenditure, we are told from one year to the next that consequence management at the Department of Correctional Services will be implemented soon, yet, the Auditor-General from one year to the next informed us that, no sign of real consequence management is to be found. Chair, the unwillingness, or is it an inability on the part of the Department of Correctional Services management and the ministry to identify the

proverbial dead horses at the Department of Correctional Services, are also a big concern.

The development of the so-called Integrated Inmate Management System is a case in point. A project which the Treasury warned against years ago, and which was nonetheless kept intact by the previous Minister; a project that has stalled and has remained at the same conceptual stage of development it reached three years ago already; a project which we were made to believe, after this Minister took office, was to be completed by the developers without another cent being paid to them, which of course did not happen, and yet, yes you guessed it colleagues, a project which seemingly now, this year, will be completed, of course, with yet another handsome amount being thrown at it.

Minister, I see that images of boxers are being used these days, in the circles that you frequent to bring across points. So, let me conclude by saying this, the Department of Correctional Services will not change its ways and its culture of poor performance for as long as your interventions there resemble shadow boxing. Take off the kid gloves and show that

you are in this fight to give some knock out punches against maladministration and corruption. Thank you, Chair.

*IsiXhosa*:

Mnu Q R DYANTYI: Sihlalo, masibulele eli thuba kuKhongolose.

*English*:

Hon Chairperson, I must say that as we celebrate the 25th anniversary of the Constitution of the Republic, we must also at the same time assess how far we have come in fulfilling the mandate for a restorative justice system. This is an important milestone born out of struggle of our people. But our 2006 ANC January 8 Statement stated as follows:

We celebrate not because of an irrational thought to anniversaries, we celebrate these historic moments to reemphasise the continuity of our struggle and underline the founding principles of our movement.

From the birth of this democracy we set ourselves ambitious and yet necessary goals consistently with the founding values of our Constitution in particular human dignity, the achievement of the advancement of human rights and freedoms.

We have chosen the path of rehabilitation. We believed in it then and we still believe in it today. As we shall demonstrate later the progress of this noble goal is not without problems.

Hon Minister, hon Deputy Minister, hon Nieuwoudt, hon Nqola and others have already shared some of the strides that we have made. We are in a country where those who should be in jail are in jail.

*IsiXhosa*:

Akukho mntu uhamba phaya ngaphandle oyileyo kwiinkundla zamatyala wagwetywa kodwa akekho eziseleni. Ngamanye amagama kuyasetyenzwa.

*English*:

We have over 162 000 inmate’s population in this country as we speak and we have over 16 000 people in our country who are serving life sentences who are jailed for most serious crimes as the Freedom Charter aspires. Compare that with the 400 we had in 1994, then you would know that we are working. As we reflect on this journey we must be the first to admit that we are still imprisoned by the stubborn apartheid legacy

problems. We are still stuck in the prison’s legacy of

vengeance.

The Corrections’ vision is struggling to emerge. The poor infrastructure in these centres impacts on the rehabilitation and correctional activities. Just to put few facts and examples, out of the 243 sectors only 15 can be said to be suitable for rehabilitation in terms of their designs. That is a big task. This constitutes six percent. Of course this is further exacerbated by overcrowding in all centres as explained before.

Upgrades have been undertaken since 1994 but still the majority of these centres remain unsuitable for effective rehabilitation programme. You have got additional 48 others that are partially closer to that 15, out of that 243. This is just to give a picture of the amount of work that we have got to do. The facts and numbers point to an overburdened system. As indicated from the 14 000 parolees that are out there, we have this 126 that have reoffended and the re-offense is on issues of murder and assault which indicate to us that we do need to attend effectively on this issue of rehabilitation.

So, anybody who is released we are close to sure about the conduct and behaviour of those.

As part of even that 14 000 you have got 2 000 parolees who are foreign nationals who have been released. Part of the challenge here is that correctional centres in South Africa are seen as having the highest standard. As a country we are still struggling to implement what the ANC instructed us to do; the transfer of prisoners because none of them are prepared to go any other jail than the jails in South Africa and prison centres. So, that also demonstrate the kind of work that we also do.

Just to take you on the care programme and the state patients, for example, the World Health Organisation, WHO, says the ratio of an official to patients is 1:55. If you just take Eastern Cape in our case, the ratio is 1:9 481. That is a big gap and it demonstrates to you a system that is overburdened. So, we cannot all agree that this state of affairs is a reflection of society as the Minister correctly pointed out.

It is not just a Department of Correctional Services issue. In other words, there are no short cuts in the work that we must do. We have got to fix the fundamental problems that we have

inherited in this country. Those triple challenges of unemployment, poverty and inequality and that is a task for all of us as South Africans.

Yes, there is hope and future, we agree with the Minister on his emphasis when he came to the committee that the issue must be the implementation of our policies and programmes that have. We also agree with the Minister and we want to urge the Minister that we need to collectively to escalate this self- sustainability programme as a model and we are looking forward to the Oudtshoorn launch hon Minister.

We firmly agree with the repositioning of kids programme in terms of its role but we also need to step up much more on our core mandate of rehabilitation. The future is co-ordinated it therefore means that within the justice system within the correctional services system we have to make sure that your social integration and committee corrections feed into this rehabilitation programme. We have to make sure that there is integration within but also as we discussed in our committee that this department must be able to work with others whether it is SA Police Service and all other relevant stakeholders.

Let me also, at this point to assist other members who have raised some issues. Hon Selfe you have raised the issue of the National Commissioner, my only advise and comment on you on that is that you need to start playing the ball and not the man about Commissioner Fraser. I must also make the point that it is far from truth to say that the Minister has already taken a position and that he wants Kids to be part of the Human Rights Council. Hon Yako, we have discussed many of the issues that you have raised in the committees whether it is overcrowding. I think to begin to come to this platform and accuse the Minister of not lifting his finger on any of these issues, again, it is very far from the truth but I can understand that your situation especially in the EFF because as we meet every week especially in the meetings of the portfolio committees you are not able between yourself and your other colleague to be there that many of these issues have been attended to by our committee as part of our oversight role and we have set in motion monitoring mechanisms about many of these kind of issues. It is unfortunate that you would come here and reject this budget and this plan.

Effectively you are saying you are rejecting the solutions that have been forward here. You are rejecting these achievements that have been demonstrated here and I am looking

to you to go out to the society and the voters to tell them that you are rejecting what should be solution to their problems.

It is very clear hon Chairperson that the issues that have been put forward by the Minister are country issues. These are matters that we should not even begin to politicize and play a partisan role. These are issues that are very critical to the sustainability and are very critical to us marching forward in achieving a core mandate of this department as we always do even in our committee meetings. We are going to urge all of you to be with us in driving these programmes. I thank you Chair.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: House

Chairperson, I have heard comments by the hon members, and we would like to thank them for all the comments. We hope that this will help us, going forward, as some of the comments are indeed empowering. I want to start with the comment with regard to issues related to self-sufficiency. I agree with the hon member that we need to ensure that it becomes a success so that the department can be able to respond positively and ensure that the offenders play their role – they are

subjective, and they participate in the various activities of the department in terms of skills and in terms of production.

With regards to the issue raised by the hon member Fraser, the matter is in the hands of the President – he is dealing with the issue. As you are aware, the issue is related to State Security and as we speak now that is not residing with us. The President is dealing with the matter and we are awaiting guidance in that regard. With regard to the Judicial Inspectorate for Correctional Services, Jics, matter which various hon members raised in the House, as the department we have been very clear to engage with National Treasury and the department of Public Service and Administration with regards to what will be the best location for Jics as a component of government for them to continue to play their independent and oversight role to correctional Services.

We are still continuing to do that so that they are in the process of being allowed to play that independent role as a component that will be able to do so. What you may have seen from National Treasury is a comment in the process and it does not at this stage change our view with regards to what should be the location of Jics which we believe should remain

independent and autonomous and should continue to function as a]it is and be allowed to establish its own component. We hope at the end there would be fruitful engagement that will reach to an amicable solution in regard to that.

We agree with the comments that there should be alternatives to incarceration, it is what we have said earlier on. I think the judicial officers across the country are beginning to respond to this call - some of them. We continue to bring the newly appointed magistrates to our centres, in certain instances those that are already practising so that they can also understand the need for these alternative sentencing, and are able to see our infrastructure and what is happening inside our correctional facilities. There would not be economy of scale and comparison between the basic education system and an investment that we are doing as a country, looking at a budget of Higher Education and Basic Education which are higher than the budget of Correctional Service, there can’t be comparison of scale. There can’t be comparison with regards the life the inmates are living inside and the life of our kids that government has invested so much. You will see it through the budget and the resources and various inputs by government.

It is for that reason that ourselves, with the limited budget, need to ensure that inmates are rehabilitated because the majority of them as I have said will one day be realised. It is in the interest of the public that we play a rehabilitation role for them. We understand the criticisms coming from the hon members with regards to the low budget for rehabilitation and community correction. Unfortunately, it is the environment we find ourselves in, but we continue to give support to these branches so that they can be able to play their role of rehabilitation and community corrections, including the monitoring of inmates that are on parole.

This is a huge responsibility bestowed on us, particularly now that we have also added a huge number of inmates in terms of the last remissions that we have done. The remissions should not be seen as something that is untoward. Across the globe it’s a system that is being used. It is an instrument that is available to the state from time to time to ease the backlogs in the correctional facilities. Other countries even do it annually.

In our situation there is assessment that is done and at the end the President decides whether there should be such given

the conditions and the circumstances and it has up to now saved us well to ease the congestions in our centres and in our facilities. We regret the 126 incidents of reoffending by some of the parolees. These people give us a very bad name because we always say to the parolees when we release them to the public that they must be good ambassadors of the department. They must not bring shame; they must not bring the name of the parolees into disrepute, because as you can see we are ... [Time expired.] ... thousands of them still comply.

Thank you, House Chairperson.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members, you are reminded that the debate on Public Service and Administration, including the National School of Government and Public Service Commission Budget Vote, Basic Education Budget Vote, and National Treasury Budget Vote will take place at 16:30.

Debate concluded.

Mini-plenary rose at 15:50