**UNREVISED HANSARD**

**MINI PLENARY - NATIONAL ASSEMBLY THURSDAY, 18 MAY 2023**

**VOTE NO 22 – CORRECTIONAL SERVICES**

***PROCEEDINGS OF THE MINI PLENARY SESSIONS – GOOD HOPE CHAMBER***

Members of the mini plenary met in the Good Hope Chamber at 16:16

The House Chairperson took the Chair.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Please, be patient, the problem is being sorted out. Hon members, in the virtual platform can you hear me? Okay, we only wanted to make sure that you can follow all the processes and you can hear us.

Otherwise we would not continue without you. You are so dear to us. Order hon members, shall we continue? Hon Minister, you are welcome.

**APPROPRIATIONS BILL**

Debate on Budget Vote No 22 – Correctional Services:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon House

Chairperson, members of the Executive present, Deputy Minister of Correctional Services, iNkosi Phathekile Holomisa, Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, the Chairperson of the Portfolio Committee on Justice and Correctional Services, hon Bulelani Magwanishe, hon members, the National Commissioner of Correctional Services, Mr Makgothi Samuel Thobakgale, the Inspecting Judge, Judge Edwin Cameron, good afternoon. House Chairperson, our resolve to reposition and transform the Department of Correctional Services is attuned towards creating a safer South Africa. We are strengthening good governance, promoting accountability, transparency and innovation.

Despite the challenges experienced in recent times, we stand here ready to report progress in a number of key ongoing initiatives and projects and the introductions of new projects in the Department of Correctional Services. In line with the Department of Correctional Services’ implementation of vision 2068 which is shaping corrections for the future. Working together with Deputy Minister Holomisa, we shall provide leadership to the department, harness the potential of the officials and solicit the best ideas from our stakeholders and

talented South Africans to make the Department of Correctional Services to work better.

As hon members are well aware, the performance of the Department of Correctional Service under this administration has significantly improved over the Medium-Term Strategic Framework, MTSF, in line with the call by the National Development Plan, NDP, for the department to deliver high quality services in support of government priorities. The performance of the department has improved by 19% since 2020/21. We have progressed from 70% in the 2020/21 financial year, 80% in the 2021/22 financial year to 89% in the 2022/23 financial year. This is significant improvement and progress that is visible and can be touched by hon members and the people of South Africa.

The improved performance is substantiated by unqualified audit opinions that a department registered in the past two financial years. We are not just thumb sucking. This is reality.

The 2022/23 financial year saw a further reduction in the findings giving a clear indication that the department is much

closer in obtaining a clean audit. We will ensure that this is attained during our term of office as governance structures and internal controls have been improving which is progressive development for a capable state. We therefore, with confidence, stand before this august House to table the Department of Correctional Services debate on Budget Vote 22 amounting to R26,2 billion.

This budget will enable us to continue transforming the department contributing towards creating a safer South Africa. Hon members, I want to focus on the human and secure incarceration of inmates noting that the department has been in the news following the escape from lawful custody by the notorious inmate, Thabo Bester. I want to assure this House and South Africans at large that we do not have courier’s correctional centres synonymous with escapes. In the last financial year, out of the inmate population of 157 56, a total of 27 inmates escaped which represents 0,017%. We do acknowledge that one escaped from lawful custody is one too many and we continue to work towards strengthening our security and adherence to standard operating procedures.

We have also spoken at great length about our public private partnerships correctional centres, more in particular the Mangaung Correctional Centre. As hon members would recall, on 02 May 2023, we announced our decision to terminate our concession contract with the Bloemfontein Correctional Contracts. A termination notice with a period of 90 days was indeed served and I am able to inform this House that the take-over process is underway. This means that Mangaung Correctional Centre, MCC will be part of the correctional services portfolio in about two months while the Kutama- Sinthumule Correctional Centre will be taken over in 2027 when the contract lapses.

However, the take-over work streams have affected Mangaung and the Kutama-Sinthumule Correctional Centres in their planning process. This will ensure seamless transition and some of the lessons learnt with the MCC will be critical towards the operations with regards to the Kutama-Sinthumule Correctional Centre. I want to inform hon members and fellow South Africans that indeed correctional activities to rehabilitate inmates are continuing across the 243 correctional centres in our country.

These activities are geared towards enabling inmates to put their lives back on track upon their release and to contribute towards safer communities. We are continuing to implement our Self-Sufficiency Strategic Framework. Through the Self- Sufficiency Strategic Framework, we are addressing the myriad of various challenges which often confront ex-offenders such as lack of skills, unemployment, stigma and failure to be reintegrated back into society. But more so, getting more ex- offenders and parolees to be active citizens within the economic sector and social life of communities.

The self-Sustainability Framework enables inmates to gain skills which they can use to earn an honest living. These include farming skills, workshop skills such as bricklaying, plumbing, carpentry, tractor mechanic, sewing, hairdressing and beautification and baking among others. Over the last three financial years, through the current MTSF period, a total amount of R72 million has been saved through the Self- Sustainability Framework of Correctional services.

We will continue to save more money as our officials and inmates are hard at work to improve the self-sufficiency performance in the current 2023/24 financial year. This is in

line with our quest of creating an entrepreneurial state. In the last financial year, the Department of Correctional Services was 100% self-sufficient in terms of eggs. That means we produced enough eggs for inmate’s rotation and therefore did not procure any eggs across all the centres in the country.

All management areas in Gauteng and the Eastern Cape are no longer buying cabbage. In the same period, we also produce the following food stuffs for offender rations: 9,4 million kg of vegetables, 482 000kg of fruits, 425 000kg of red meat,

1 million kg of chicken meat, 1,7 million kg of pork,

5,9 million litres of milk and 4,2 million loaves of bread at a cost of R688 per loaf.

We are continuously exploring and implementing to increase our own production so that we do not just become self-sufficient as a department but we also want to ensure that offenders who work in our farms, bakeries and workshops become self-employed upon their release and contribute in fighting hunger and poverty in their communities.

The National Skills Fund is also funding accredited skills funding for offenders. In the last financial year, the achievement through our partnership with the national skills funding included the following accredited training interventions: training of 304 offenders in vegetable production, tractor driving training for 181 offenders.

Through the safety and security sector, education and training, accredited computer repair cost 150 inmates and youth offenders and completed assisted chef by 104 inmates.

In our previous Budget Vote, we promised to extend correctional programmes to remand detainees for emotional health and wellbeing, problem solving, emotional intelligence, substance abuse, conflict resolution, substance abuse, domestic violence and restorative relations.Deputy Minister, Holomisa launched the Remand-Detainee Training Programme at Polokwane management area on 30 August 2022. We can report that 170 officials have been trained to facilitate these programmes across the country and all six regions are now orientated. The District Development Model also enables the Department of Correctional Services to focus on the self- sustainability through the prioritisation of production of workshops, agricultural products as well as looking into the

district specific opportunities that promote offender rehabilitation and reintegration.

Through the self-sustainability, offenders also contribute to various initiatives to empower districts in issues of crime. Community development projects are springboards for sound relations with communities, thus promoting corrections as a societal responsibility. In KwaZulu-Natal, the department through the department of Employment and Labour built three houses, two in Umsunduzi and one in eThekwini in the last financial year.

An elderly woman living with disability in Emjoveni, in Ward 1 KwaNongoma, was raped in March 2023. She was alone that evening and living in the dilapidated house made it much easier for the perpetrators to break down the door and proceed to violate her. The Department of Correctional Services raised its hand to assist ugogo by means of building a proper house to ensure that she can live in a safe and a secured environment.

In the Northern Cape, we are currently completing a house in Kuruman at John Taule District Municipality where an elderly

partially blind woman who is staying in a one room mud house with her grandchildren. Here, in the Western Cape, a destitute family at KTC in Nyanga will also soon have their dignity restored when the Department of Correctional Services completes the house. They were staying in the shack. These are some of the interventions that the department continues to implement to empower the victims of crime and also to raise awareness in communities on our rehabilitation and the reintegration programmes of the Department of the Correctional Services.

Hon members, offender arts and crafts projects that have good market value provide an added opportunity for revenue generation. With regards to commercialisation of the offender arts, we are happy to report that all six departments of correctional services regions now have arts and craft centres. During the past financial year, 2022/23, arts and crafts centres were opened at correctional facilities at GroenPad, Kgoshi Mampuru II, Grahamstown and Pietermaritzburg. At least nine more arts and crafts centres are planned to become operational across the country in the current 2023/24 financial year.

Hon members can see that inmates are not lying and doing nothing in our centres. They are busy at work. If someone cannot do arts and culture that person must do agriculture, if they cannot do agriculture, they must bake. If they cannot bake, some salon or something. So, all the inmates are very busy.

In terms of training officials and inmates to run production lines with the new machines and to skill inmates with functional skills to increase production capacity, the Johannesburg Textile Workshop resumed operations on 13 December 2022 for the manufacturing of inmate’s uniform.

Twenty female offenders received training in sewing and related skills. The Witbank workshop is now manufacturing official’s uniform. It is now in full production.

The department’s Build Programme for pharmacists and bakeries has been our flagship programme showcasing in-house infrastructural projects of good quality. We are almost at a stage where all management areas will boost bakeries and pharmacists as these are important in the life of the correctional service facility. They eat bread every day, so they are baking their own bread across the country. It reduces

costs in terms of procuring medicines directly from suppliers and making our own bread instead of buying bread at exorbitant prices. Where we buy bread, we now know the price of bread through which we procure.

Hon members, during the 2022/23 financial year, positive progress was registered in terms of diversification of the Facility Infrastructure Procurement Plan. In the 2022/23 financial year, the Department of Correctional Services allocated a total budget of R253 million to the Department of Public Works and Infrastructure. The Independent Development Trust is allocated R166 million and the Development Bank of Southern Africa 182 million. In-house projects carried by the Department of Correctional Services are allocated an amount of R90 million.

Hon members, the Department of Correctional Services continues to mitigate against overcrowding in its facilities. However, the high rate of crime does constrain the department’s efforts of down managing overcrowding and also on our rehabilitation progress. The inmate’s population continues to increase with overcrowding standing currently at 47%. Our infrastructure build programme is unlikely to meet the demand of

incarceration. The Overcrowding Reduction Strategy is being implemented by involving other structures within the Criminal Justice System in terms of exploring alternative sentencing, particularly for minor offences.

The Department of Correctional Services continues to address security breaches and smuggling of contrabands across its centres. The Deputy Minister, Holomisa and the National Commissioner Thobakgale and I continued to lead unannounced searches at our centres where we uncover cellphones, drugs, weapons and other contrabands. Members of the public continue to be arrested as they attempt to smuggle these contrabands even though they use sophisticated methods to hide these from our officials.

We have also roped in the Council for Scientific and Industrial Research, CSIR to prevent the smuggling of contrabands in our facilities. We will draw from their expertise in terms of preventing cellphone usages in pour cells across all our correctional centres. Some of our officials, regrettably, also help to smuggle the contrabands. On Monday, two corrupt officials we arrested at Goodwood Correctional Centre for allegedly smuggling of contrabands.

We will see a 50-50 split between those that have Matric qualification and a post Matric qualification for them to contribute to a safer South Africa. We will also continue our partnership with the University of Limpopo’s Department of Criminology and the Criminal Justice System where we now have to go to a Memorandum of Understanding to gain expect knowledge. We will also continue to work with the National Institute for Crime Prevention and Reintegration of Offenders, a non-profit organisation that remains instrumental to help us in facilitating the reintegration into society and reducing of recidivism, reintegration of offenders and alternative sentencing for offenders, particularly amongst young people.

I thank you.

Mr G MAGWANISHE: Chairperson, Minister of Correctional Services, hon Ronald Lamola, Deputy Minister responsible for Correctional Services, Inkosi Phathekile Holomisa ...

*IsiXhosa*:

... Aah Dilizintlanga.

*English*:

Deputy Minister of Justice and Correctional services, Mr Jeffery, Inspecting Judge, Judge Edwin Cameron, hon Members of Parliament, Executive Managers, the personnel of the Department of Justice and Correctional services, ladies and gentlemen, good afternoon. The mission of the Department of Correctional services is to contribute to the just, peaceful and safer South Africa for effective and humane incarceration of the inmates and the rehabilitation and social integration of the offenders. In the 2023-24 financial year, the department intends to accomplish this mission, with the budget of R26,1 billion. This is a decrease of 9,1% or R503 million when compared with the allocation of 2022-23 financial year.

To supplement this budget, the committee calls on the department to put more emphasis on their self-sufficient and sustainability model, as the Minister have said. Chairperson, the department runs production workshops, bakeries and farms in their correctional facilities across the country. These facilities should be fully utilised to realise its self- sufficiency in the operations of the department. Through self- sufficiency department produces some of the best furniture in their correctional facilities, especially in Boksburg Correctional Centre in Gauteng.

In our oversight visits to courts and correctional centre in Mpumalanga last year, we witnessed at first hand, that some of the court furniture including benches were ordered and produced from Boksburg Correctional Centre. The committee would like to encourage other government departments to place their orders with the Department of Correctional services when they need to procure furniture. When the committee visited Tzaneen Correctional Centre in April 2022, we were informed that the centre did not procure any vegetables in 2021-22 because, through their self-sufficiency programme, they managed to produce 95 417 kilograms of vegetables, and managed to save the centre R692 682,56c.

Chairperson, Tswelopele Correctional Centre baked 467 023 loaves of bread, and supplied centres such as Bizzah Makhate and Grootvlei Management Areas. The total saving for the fiscus amounted to R3,5 million. These are just few examples of how self-sufficient and the sustainability model of the Department of Correctional Services is serving the state, and in addition, imparting much needed skills to offenders. These are the skills that can be used upon their release back into their communities.

Recently, offenders in Pietermaritzburg Medium A, constructed a five-room house for the Zondi family in KwaMpumuza area, who were left homeless after the devastating floods that ravaged the parts of the country in April. The department used offender labour and the material which was donated by local businesses in the area. The committee extends its appreciation to Pelican Developments and Planning, Buildrite, as well as Amahlange Holdings, who chipped in and bought furniture for the house.

This is a good partnership that should be encouraged in assisting our communities. Another positive partnership was witnessed in March 2023 when the Department of Correctional Services using an offender labour partnered with the Gift of the Givers, to build a house for another family, also in KwaShange village outside Pietermaritzburg. Hon members, the department indicated that they will be having their first community corrections a built, using offender labour in July 2023.

In our recent visit to Colesburg Correctional Centre in April 2023, we also witnessed that an agricultural and maintenance store was converted to a pharmacy through using an offender

labour. These are some of the good stories that shows how is the department benefiting from using offender labour. In the 2023-24 financial year, the department has allocated an amount of R1,2 billion for offender development, and we will be having 90% of the offenders participating in long occupational programmes.

For the next three years, the department has budgeted R13,8 billion for facilities and it intends to create an

additional 1000 backspaces. The committee is seriously concern about the state of infrastructure in many of our correctional facilities around the country. A number of facilities are very old and dilapidated, and that poses a number of risks, including escapes and inhumane detention of the inmates. Hon members, Lydenburg Correctional Centre under Barberton Management Area was built in 1800, while the Youth town was built in 1884, Heidelberg under Boksburg rea was built 1888.

These are some of the facilities that needs serious upgrade and refurbishment. We all know that the Department of Public Works and Infrastructure, is a custodian of all government buildings. In many of the centres visited as the committee, the complaint we received was about the slow pace in which

Public Works services them. Another complaint was related to the poor workmanship by the constructors appointed by Public Works. For instance, the committee was informed during our visit that Pollsmoor Remand Detention Medium B and C male centres were still leaking although Public Works constructor was appointed, and the work was performed.

The committee will have to discuss on how departments within the security cluster will be serviced, and how projects will be accelerated within the cluster. As the committee, we reaffirm our support for the work done by the Judicial Inspectorate for Correctional Services under the leadership of the instructing Judge, Judge Cameron. They have ensured independent instruction of our correctional centres, have reported on the treatment of the inmates and about the conditions in the correctional centres.

The committee has noted with concern the reduction in the 2023-24 allocated budget of the Judicial Inspectorate for Correctional Services by R2,6 million. We hope that when the Judicial Inspectorate for Correctional Services Bill is finalised, it will address the independence both financially and operationally for the Judicial Inspectorate for

Correctional Services and other related challenges faced by the Inspectorate in carrying out their mandate. We would like to thank Judge Cameron and all the staff members of the Judicial Inspectorate for Correctional Services for the good work done for the year under review.

Hon members, during our site visits to jails, in all the provinces, we had an opportunity to witness first-hand the hard work done by the officials of the department in carrying out the mandate of rehabilitating the offenders and in keeping them in safe custody. As the committee, we want to extend our appreciation for the officials of the Department of Correctional Services and the management of Correctional Services.

Chairperson, let me take this opportunity to thank the Executive Authority of the Department of Correctional Services in particular, the Minister, the Deputy Minister, the National Commissioner, and his team for their leadership. Through our words and actions, we should always communicate a message to the inmates and society that correctional facilities are not a place of condemnation, but a place that should build characters.

Out of our correctional centres, we should build leaders and the entrepreneurs of tomorrow, and not condemn people to a permanent life of nothing-less. Our correctional centres should be the universities of life where regrets are converted into positive life experience. Chairperson, we support this Budget Vote.

Mr J N ENGELBRECHT: Hon Chairperson, hon members, during this Budget Vote it is necessary to take stock of the last financial year’s performance. I am sorry to say that after assessing the performance I came to the conclusion that the majority of problems that existed during the last financial year are still prevalent this year.

In terms of measuring performance, one has to look at the Departments core mandate, that is incarceration, rehabilitation and re-integration into communities. In terms of incarceration, overcrowding seems to be a perpetual problem, while the ratio between officials and inmates remains decidedly unsatisfactory. The ever-increasing number of remanded detainees and the department’s inability to accommodate them seems unsolvable.

Answering 7 questions might be helpful in this regard, for what it’s worth. What are the key factors contributing to the high remand detainee population in South Africa, including systemic inefficiencies, risk assessment practices, and socio- economic factors? What are the international best practices and successful strategies implemented in other jurisdictions to reduce the remand detainee population and alleviate prison overcrowding?

How can these strategies be adapted and implemented in the South African context? What is the effectiveness of existing initiatives and interventions in South Africa aimed at addressing the issue of remand detainees and reducing prison overcrowding, such as bail reforms, alternative measures, and case management practices?

What are the experiences, perspectives, and needs of remand detainees and key stakeholders involved in their management, including judicial officers, legal professionals, and correctional personnel? How do these perspectives inform potential strategies and interventions?

hat evidence-based recommendations and policy implications can be proposed to guide relevant stakeholders in implementing effective strategies to reduce the remand detainee population, improve the efficiency of the criminal justice system, and alleviate prison overcrowding in South Africa?

In terms of rehabilitation and re-integration one needs to look at the recidivism rate in South Africa which remains amongst the highest in the world. This points to failure, are the rehabilitation and up skilling programs within our correctional facilities still relevant and of use? Would an inmate be in a position to acquire a job after being released from incarceration?

In answers to a Parliamentary question about contraband in South African prisons the Minister gave a figure of 37,000 illegal cell phones that was confiscated during the last financial year. During the same period only 24 officials faced disciplinary action relating to contraband. This creates the perception that corruption in DCS is endemic, with little or no consequences for the perpetrators. The lack of progress made with recommendations by the Zondo Report, firmly establishes this culture of impunity.

I have to use this opportunity to mention the scandalous inaction of DCS HR Department. The department signed an agreement with unions on salaries during 2009. According to an addendum to the agreement, they should have paid members as from March 2017 to March 2020. The in-service members received their money. Some of the pensioners also received their money, while others received only a certain percentage and some received nothing.

The department told pensioners that an audit needed to be done since 2017. According to the department, the calculations were done incorrectly. It is 2023 now, six years later, those DCS pensioners are still waiting. Some have died in the meantime without receiving money owed to them by the Department. This is disgraceful.

The dysfunctionality of our parole system and the dire effects thereof on the entire criminal justice system is of great

concern. Since the hon Lamola became the Minister, he has stated every year without fail, that the parole system is in desperate need of reform and will be reviewed. His term as Minister is almost over and nothing came of this so-called review.

All is however not doom and gloom. I am encouraged by the implementation of the Self-Sufficiency Strategic Framework at all facilities. The savings of R372 million to the taxpayer over the last 3 years is commendable. To quote hon James

Selfe, “Prisons work where prisoners work.” I hope this initiative will be expanded.

Further good news is that the JICS Bill was presented to Cabinet on 10 May 2023. The independence of JICS is of

critical importance, this Bill would hopefully provide that. The reduction in budget for the financial year means that DCS

has to do much better with far less. I am not filled with confidence.

Ms Y N YAKO: Chairperson, this year marks 10 years of unbroken struggle for economic emancipation of our people. Ours is the most noble struggle post 1994, and over the past 10 years, we have stood shoulder to shoulder with our people, demanding justice and dignity for all. The very conception of correctional services in this country is at the coalface of justice. At present, the prison inmate population is just over

152 000, which is 40% more than available bed spaces at these prisons.

Just over 3 000 of these inmates are in prison only because they could not afford the fines which were an alternative punishment to incarceration. And over 40 000 of these are remand detainees, some of whom have been in jail for years. This is an unhealthy environment in which many of those working in correctional services find themselves, and to which many inmates are condemned into. Under these conditions, gangsterism is rife and actually encouraged by the system, prison warders are forced to work in a system that is corrupt, to an extent that those against corruption are frowned upon. It is these conditions that makes it difficult to see any good from correctional services, despite the fact that there are thousands of honest and committed men and women working there.

When visiting correctional centers one cannot help but see the level of organisation that goes into the job of holding this society no longer deems good enough into account. It is often a thankless job, an unsafe job, and for most correctional officers, they embrace, love and do incredible work. Some facilities, with no resources at their disposal, do best with maximum discipline. The Bester and Dr Nandipha Magudumana’s issue therefore is not an aberration, but an inevitable outcome of a system that is thoroughly rotten.

The Human Resource system in the department is completely rotten, and there is no proper human resource management system in the department. There is no safety for prisoners and officers alike, and this is demonstrated by how Thabo Bester was classified as dead and the role of those tasked with guarding him in facilitating his escape.

For years, we had asked the Minister about the rationale for outsourcing the management of prisons to private entities, as was the case in Mangaung. When we asked, we were fully conscious of the prison industrial complex that has turned the lives of poor black men in particular into commodities that could be dispensed with, at will, to make money for capital.

A life was lost in Mangaung, and his body was criminally used to let a rapist and a murder out of jail. This was facilitated by the private entity that the Minister had defended for years. It would surprise me therefore if were to find out that G4S has some of these top politicians in their pockets. When we asked the Minister about this G4S contract, he repeatedly replied with arrogance that we will wait for 2026 for this contract to be dissolved. The question begs: Would this be terminated now had this not have been world-wide news?

It is encouraging that self-sufficiency will form part of this budget as through concentrated oversight done by the committee, we have seen how our state could benefit from the work done in correctional centers. We have seen high level woodwork from some centers, which the state could absorb, and utilise. Their farms mostly are well run and well-functioning, and most correctional centres can self-sustain from them. However, there are correctional centers such as the one in Colesberg that lack proper security for and from the community. These centers are dilapidated, with no proper care, because they hardly appear in the news.

One correctional center should be a model for the next, if we truly value correctional service in South Africa’s society. Through them wanting a safe, just, and peaceful South Africa, we should not contribute to the same, which we say we do not want. It then boggles one’s logic, why such a crucial department in security is provided with a less budget than the previous year, for the same year where it needs to work harder than ever to do better. We reject this budget, as much as we reject the person who leads it. He might be young, but possesses no dynamic imagination.

Prof C T MSIMANG: Hon House Chair, hon Minister, hon Deputy Minister, and hon members, we as a nation come from a past where prison facilities were used as tools for torture, oppression and unjust punishment by a government that apparently hated its citizens. Almost 30 years into our democracy one would have thought that we would have made big reforms to the correctional services system that would seek to rebuild the very fabric that holds our citizenry together.

That is to instil as sense of belonging, constitutional ethics and values, amongst all of us. This department has an important role to play in balancing the rights of victims whereby incarcerating the offenders in its facilities, but also rehabilitating them in order to reintegration for society with a better sense of moral and ethical values.

The IFP notes with concern the lack of funding and the number of inspectors in prisons to conduct regular inspections.

Additionally, in light of the recent events regarding the privately-run correctional services facility by Group 4 Securicor, G4S, it is worrying that this department has taking a reduction of its overall budget. As we have been reassured by the Minister of the Thabo Bester breakout ordeal and the department’s response plans to be dealing with this matter, it

does not leave one with a substantial amount of confidence in the correctional services system. The fact that an inmate broke out of a private facility is one matter, but the government has served a 90-day notice to cancel the contract with a private security firm that manages the facility.

The reduction of its overall budget obviously means that government will need to commit funds either taking over the facility or building new premises and sufficiently stuffing them. While we do applaud consequence management decisions to cancel the contract, we think that better planning of this department is needed in order to correctly rehabilitate the inmates of the Mangaung Correctional Centre. We are looking forward to government’s response explaining exactly how funds from this department will be used to cater for the inmates of Mangaung Correctional Centre and what is government’s plan to ensure that all human rights obligations are met. The IFP supports the Budget Vote. I thank you.

Mr W W WESSELS: Hon House Chairperson, the Minister started his address this afternoon by referring to the fact that the department was in the media, as we all know, now, because of Thabo Bester’s escape. However, this is not the first time

the department has featured in the headlines. It’s not the first time, and it’s not the only time, and it’s also not the first or only time that Mangaung Prison has made the headlines. It’s also not the first time that G4S whom is in control of that prison has made headlines and the inefficiency of their management has made headlines. Maybe it was not due to escapes, but due to irregularities, nonetheless, corruption, bribery, rape, attacks, assault, hostage situations, drugging of prisoners, human rights violations, and the list continues. To such an extent that in 2013, on 9 October, the department took control back of Mangaung Prison, just as they did now, on 22 May.

The ANC members applauded when the Minister said that the department took back control, but it’s not the first time. Ten months after that first time they took back control, they gave back control to G4S. Will that again happen? And why did it happen in the first place? Ten years ago, it was already a known fact that there is a very, very big problem. There was a commission of investigation, but nothing was actually done.

Therefore, the Minister talks about rehabilitation and the member to my right refers to the fact that prisons should be

universities of life and should play an integral role in rehabilitation of offenders.

However, the statistics speak for themselves, 90% of released prisoners reoffend and 70% of released prisoners are reincarcerated more than thrice. There is a huge problem, because our prisons are not rehabilitation or reintegration centres. Those programmes fail, Minister. What happens in our prisons are that offenders become more involved in criminal activities. They go to prison even for smaller offences and leave prison being murderers. That is what happens in our prisons. Therefore, it is because of, as the member of the DA also mentioned, the ratio of wardens to inmates, because of the maladministration, poor management, but also because of these private contractors in these specific prisons that are exploiting government and are not actually doing a good job.

They are trying to make profit. Obviously, it is profitable having people in prison, not having people out of prison.

Therefore, that’s the problem with the privatisation of our prisons.

The ANC is so against privatisation, yet they privatise institutions that should really not be privatised, definitely

not on that way and it’s ironic. It’s ironic that you shout about privatisation when it actually makes sense. But then when companies with your friends in it, exploit government, then you are silent, then you are shocked. Shocked that these big companies are exploiting government and are poorly managing our prisons. Therefore, go and learn from other countries. Go and look what this very company G4S does in prisons in India. Does in prisons in the United Kingdom. How many irregularities there are in those prisons. So why don’t you do your homework? Why don’t you try to get out of contracts that are failing? There are ways to get out of that contract. You don’t have to renew it and you don’t have to wait the term, because there should be counter performance as the Minister should know, pre his qualifications. I thank you.

Mr S N SWART: House Chair, the ACDP notes with concern that the reduction in the budget allocation by R509 million for this financial year and clearly the department will need to reprioritise the plans to ensure that the rehabilitation of offenders and safe custody of inmates is not compromised by this reduction. Now, the department or more particularly G4S was in the news for all the wrong reasons following the brazen escape of Thabo Bester after a faked suicide, which only came

to light earlier this year, despite taking place in May last year.

Once the deoxyribonucleic acid, DNA, and post-mortem reports were available in June already last year, it was very clear that Bester had not died in the fire but had conspired with G4S officials in an elaborate escape plan under the guise of a faked suicide. The ACDP and many others were deeply concerned that the public, and in particular rape victims were not advised that a serial rapist, a murderer had escaped. It appears that there is no policy in place. Imagine if rape victims had seen Bester walking about in public when he was supposed to be serving a prison sentence. The lack of action from May last year to March this year despite credible evidence available place the lives of vulnerable women and children at risk. Inspecting Judge Cameron explained that Judicial Inspectorate for Correctional Services, JICs, had tried its best to expedite SA Police Service, SAPS, G4S and the Department of Correctional Services investigations, but very little was done. Investigations seem to have been only expedited after overwhelming evidence provided by *GroundUp* journalists.

Judge Cameroon had warned that this will be a catastrophic for the whole administration of justice, a notorious felon can get out over maximum prison. What does it say about the criminal justice system? The ACDP agrees. Hon Minister, you are correctly apologised to the nation for this serious lapse.

Once tracking and tracing where eventually commenced this year, Bester and his accomplices were arrested. As more information emerges, the ACDP trusts that all those corrupt G4S officials who facilitated Bester’s escape will face the full force of the law. We commend those investigators who successfully prevented the removal of the burnt body who we now know is that of Mr Katlego Bereng. Our thoughts and prayers are with his family at this very sad time.

Lastly, the ACDP is fully aware of severe overcrowding at many of the correctional centres. We visited Colesberg there is an awaiting trail detainee that owed R100, Deputy Minister, in bail. We spoke to the judicial officer and later he said that that will be reassessed, but clearly that is costing the department R350 per day. Therefore, a lot more needs to be done to address awaiting trial prisoners. We believe that that can result in a cost serving to the department. I thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES RESPONSIBLE FOR CORRECTIONAL SERVICES(Inkosi S P Holomisa) :

Minister of Justice and Correctional Services, Ronald Ozzy Lamola, Deputy Minister of Justice and Constitutional Development, John Jeffery, hon members, distinguished guests, ladies and gentlemen, in line with priorities in South Africa’s Development Agenda, including the National Development Plan 2030 Chapter 12 — building safer communities, as well as the Medium-Term Strategic Framework Priority 6 — social cohesion and safe communities, an integrated approach to safety and security requires co-ordinated activities across the Justice, Crime Prevention and Security, JCPS, cluster.

All vulnerable groups, majority of whom are women, children, rural communities and those living in informal settlements should enjoy equal protection of the law and their fear of crime should be eradicated through effective co-ordinated responses of law enforcement agencies, business, community and civil society.

Central to Department of Correctional Services, DCS, efforts in breaking the cycle of crime is successful reintegration into society of all those under the care of the department.

This is achieved through advancing victim and offender reconciliation, increasing accessibility to efficient community correction services and creating economic opportunities for ex-offenders, parolees and probationers. To achieve this, community correction focuses on the restorative justice programme which is aimed at elevating the victim to the centre of the criminal justice system by making sure that victims are not forgotten when the department rehabilitates and reintegrates those who have offended.

In the 2021-22 financial year 16 951 victims and 5 758 offenders, parolees and probationers participated in the restorative justice programmes. In the financial year 2021-22 99% of the 52 054 parolees complied with parole conditions, however, it is of serious concern to us that the 1% who do not comply with parole conditions commit even more heinous crimes leading to understandable outrage in society. Naturally, we would be happy to achieve 100% compliance were it not for the human frailties from which none of us is immune.

Through its Social Reintegration Framework, the department is repositioning the system of community corrections. In the context of this framework, placement into community

corrections includes all types of conditional placement and placement under correctional supervision. The overarching aim of the Social Reintegration Framework is to keep individuals in the community. Through community corrections, DCS will provide supervision interventions and tailored services to prevent reoffending thereby improving public safety.

In terms of community outreach programmes and improved social reintegration through strategic partnerships, 233 izimbizo were held, including victim and offender dialogues, marketing of DCS programmes, public amenities cleaning projects. In March of this year, we renewed the memorandum of understanding, MOU, with the National House of Traditional and Khoi-San Leaders following the signing of the first MOU in 2019. Encouraged by the successes archived by the partnership, the department sought to strengthen relations between both institutions in order to gear the MOU towards improved community corrections and efficient reintegration of offenders. This partnership with the National House of Traditional and Khoi-San Leaders illustrates our commitment to making corrections a societal responsibility as outlined in the White Paper on Corrections.

The department also held a dialogue on the role of traditional leaders in gender-based violence and femicide and drug prevention in Limpopo on 3 August 2022. The dialogue was convened in conjunction with the United Nations Office on Drugs and Crime, University of Venda and the Limpopo House of Traditional and Khoi-San Leaders.

The department continues with efforts to facilitate access to economic opportunities for ex-offenders, parolees and probationers. In the financial year of 2021-22, 592 economic opportunities were facilitated. In the same period, 6 400 parolees and probationers participated in various community initiatives as part of giving back to the community. In the current financial year, the department aims to significantly improve on the 344 jobs creation and socioeconomic opportunities facilitated with victims of crime in 2022-23.

In addition to pursuing district specific partnerships with the business and the non-government-organisations sector to leverage the District Development Model, the department entered into a nationwide MOU with the National Youth Development Agency, which is focused on providing demand

driven skills training, entrepreneurship development programmes and facilitating job placement opportunities.

In December 2020 the Constitutional Court declared certain provisions of the Correctional Services Act of 1998 invalid in so far as they failed to provide for adequate independence for Judicial Inspectorate for Correctional Services, JICS. The declaration of invalidity was initially suspended for 24 months to afford Parliament an opportunity to remedy the defects. In November 2022 the Constitutional Court extended the suspension of invalidity for a further 12 months period.

On the recommendation of the interdepartmental assessment committee, the Minister led engagements in DCS, JICS and National Treasury towards the establishment of JICS as a national government component so as to afford its adequate independence to execute its oversight mandate. The result of this robust consultation is the Correctional Services Amendment Bill and the Judicial Inspectorate for Correctional Services Bill, both of which are ready to be put through the legislative processes of Parliament.

The purpose of Government Information Technology Officer, GITO, branch is to create business value through the provisioning of reliable integrated and secure ICT infrastructure and business applications systems to ensure effective strategic alignment and enhancement of business processes in DCS. The Judicial Inspectorate for Correctional Services has been experiencing delays in the procurement of services to enable it to deliver effective communications technologies through the cabling and mesh network implementation. As a result of these delays, progress in the implementation of integrated inmate management system has been slow.

Network switches have been installed in 60 of the 65 identified sites, telephone communication is also being improved, to date, JITO has implemented voiceover internet protocol in 28 sites, the Microsoft implantation project is progressing well, the department has started reaping the benefits.

On 12 May 2023 we embarked on one of our working visits to Baviaanspoort management area in the Gauteng region to interact with officials who work at the coalface in order to

understand challenges relating to their basic conditions of employment and to inspect the state of operations at the facility. Management area is one of the management areas which contributes significantly to the department’s self sufficiency and sustainability strategy framework through its production of eggs, chicken, beef, pork, dairy products and vegetables.

All farming activities are operated through offender labour where valuable farming skills are transferred to the inmates which they will utilise to earn a living upon release. The management area is thus able to supply its produce to a number of correctional centres.

We will enhance existing self-sufficiency and sustainability projects and improve the distribution of self-produced products amongst regions to ensure that as far as it is possible, the department uses offender labour and skills to provide for its own needs.

House Chairperson, as I commend to the House this Budget Vote for support and approval, I wish to convey my gratitude to Minister Ozzy Lamola for his inspiring leadership, to the National Commissioner for his decisive management of the department, to the senior managers, officials and employees of

the department and the Ministry for their dedication to service. I am more than pleased with the good working relationship and mutual respect we enjoy with the Judicial Inspectorates for Correctional Services under the leadership of Justice Cameron without compromising its integrity and independence. The commitment of the National Council of Correctional Services and the correctional supervision and parole boards in discharging their unenviable task of determining who should and who should not be released before the expiry of their sentence period on parole is applauded. Importantly, I wish to extend my appreciation for the support, chastisements, guidance, advice and leadership we receive from the chairperson and the hon members of this portfolio committee whenever we appear before them. Lastly, the support I receive from my family I do not take for granted. I thank you.

Mr A M SHAIK EMAM: Hon House Chairperson, the NFP will support the Budget Vote tabled here today. Allow me to once again draw the attention of this House to that 4 450 ... [Interjections.]

Mr S N SWART: Hon Chair, may I rise on a point of order, please.

The CHAIRPERSON (Ms J Hermans): What is your point of order, member?

Mr S N SWART: I presume the hon member is about to refer to something in Palestine that has nothing to do with the debates in this House. I object it on a point of relevance.

Mr A M SHAIK EMAM: [Inaudible.] [Interjections.]

Mr S N SWART: Then, prove me wrong and raise something else for a change.

The CHAIRPERSON (Ms J Hermans): That is not a point of order.

Mr S N SWART: So, I rise on a point of relevance, Chair.

The CHAIRPERSON (Ms J Hermans): That is not a point of order.

Mr S N SWART: Relevance! Thank you, Chair. Let us hear what he says. I withdraw.

The CHAIRPERSON (Ms J Hermans): Proceed!

Mr A M SHAIK EMAM: House Chairperson, the truth hits, and it hits very hard. A total number of 4 450 Palestinians’ so- called ... [Inaudible.] ... prisoners are languishing in prison.

Mr S N SWART: Chair, I rise on a point of order. Chair, would you rule ... recognise me, Chair.

The CHAIRPERSON (Ms J Hermans): Would you sit, hon member there’s a point of order.

Mr S N SWART: Chair, maybe I was bit premature, but now I rise on a point of order for relevance. Relevance to the issue of the debates which is the Correctional Services. The hon member in everyone of his debates raise this issue. I would submit it is not relevant, Chair. I would ask you to rule in this regard. Thank you.

The CHAIRPERSON (Ms J Hermans): Would you allow me a minute to consult. Members, that point of order is not sustained. It is a point of debate. Continue, member.

Mr A M SHAIK EMAM: Hundred and sixty of these detainees are children, 32 women and over 1 000 they call them administered detainees. We know this, this is what we have experienced in this country - detention without trial. Over a thousand of them are languishing in prison.

Chairperson, I want to admit that I did not know, and I want to commend this department. I have been raising it repeatedly. I think the hon members would be aware of the baking industry and the correctional facilities, the training of inmates and reintegrating them into society. Indeed, I have realised it today that of course you do have a programme and I think it is commendable. When you look at the cost of bread today, it costs R8,00 to bake it, but you pay over R20,00 when you buy it out. I think it is also important, Minister, to train those in there so that when they go back into society, they can be absorbed by the baking industry. I think it is very, very important.

One of the challenges that the correctional facilities are facing is overcrowding. A lot of emphasis is on dealing with issues aftereffects, and we repeatedly raise the concern of moving into trying to prevent the high levels of crime in

society. Perhaps, that is going to be the solution in the long run.

One of the issues and problems we do experience, Minister, is the parole offices. They are not very effective particularly in certain communities and certain areas. You would find that the high levels of crime in the country is committed by repeat offenders in South Africa. I think it is a matter that needs a bit of attention.

Having said that, we must understand that detainees once they are released into society, they experience all kinds of difficulties. They cannot get finance, they can’t get a job, they are blacklisted and there is a stigma attached to their names. Perhaps we need to look at the integrated system of how we could have them absorbed and help them into society once again. A good example of somebody who had been selling drugs. when they come out he has no job. Nobody wants to accept him or her. What happens? They end up standing on that street corner and say here comes the drug dealer. There is an opportunity. I think these are some of the things that we need to look at. I think the department is moving in the right direction. I think you need more money - there is no doubt

about that - so that you can put up more correctional facilities and improve the quality of the service you are providing [Time expired.] The NFP supports the Budget Vote. Thank you.

Ms A RAMOLOBENG: House Chair, Minister Ronald Lamola, Deputy Minister John Jeffery, Deputy Minister Nkosi Patekile Holomisa, National Commissioner Mr Thobakgale and hon members, good afternoon. The ANC supports this Budget Vote and I wish to begin first with an extract from a memoir by our former Deputy Chief Justice Dikgang Moseneke titled, *My Own Liberator*, in the chapter called Education Project, and I quote:

Surprisingly, the authorities did not resit with any seriousness the right of every prisoner to study. Their remaining line was that you might forfeit your right to study if you were convicted of a serious breach of the prison code or if you abuse the right to study. Neither we nor they knew how far reaching the study project would become for a prison life and in time for our liberation project. The right to study changed our lot more than anything else. It extracted the emotional sting from

imprisonment. Only physical restrained and discomfort remained as we took refuge in mental activity. A prisoner who care to study would in effect escape from prison. It was a case of mind overtime; the space study freed fresh energy and gave us unbidden hope.

House Chair, we will recall that the former Deputy Chief Justice was sentenced to 10 years and was in prison in Robben Island at the tender age of 15, for participating in antiapartheid activities. At the heart of the apartheid prison system was deterrence and redistribution as a means of punishment. Little attention was placed on correcting the offending behaviour, rehabilitating and socially reintegrating him or her. Nevertheless, physical incarceration, hush conditions and even inhumane treatments could not imprison the mind of some political prisoners. Moseneke, the Deputy Chief Justice obtained a Bachelor of Arts in English and in Political Science, a B Uris and a Bachelor of Law Degree from the University of South Africa while serving his sentence in Robben Island.

After years in the legal profession and having played various important roles in the country, the Deputy Chief Justice

Moseneke ascended to the Apex Court as a Deputy Chief Justice of the Republic of South Africa and is well respected across the world of his contribution.

Mr M NYHONTSO: Order, hon Chair. Hon Chair, I can remember it was mentioned that he was the deputy president of the PAC, and that is the reason why he was imprisoned.

The CHAIRPERSON (Ms J Hermans): That is not a point of order. Proceed hon member.

Ms A RAMOLOBENG: After years in the legal profession and having played various important roles in the country, Moseneke, the Deputy Chief Justice ascended to the Apex Court as a Deputy Chief Justice of the Republic of South Africa as well represented across the world for his contribution to our freedom, democracy, huma rights and progressive jurisprudence.

With its foundation on the Freedom Charter, the policy position of the ANC on prison has been consistent. In articulating its vision of the country, the ANC’s *Ready to Govern* stated that a prison service for the country must play its part not simply in restraining convicts, but in

rehabilitating them. the ANC asserted that adequate resources should be made available for the humane accommodation, education, training and job placement of convict. The ANC warned that the failure to do so would lead to expenditure of an ever-increasing number of new jails. The ANC remains committed against any inhumane and cruel punishment.

Rehabilitation which is Programme 3 of the budget plays a critical role for the realisation of the National Development Plan’s, NDP’s, Priority 5, which is social cohesion and building safe communities. Effective rehabilitation helps break the cycle of crime in our society and this is being achieved by the Department of Correctional Services through, amongst others, intensifying inmates’ skills development programmes and offender labour optimalisation.

However, correction is not the sole responsibility of government. Correction is a societal responsibility based on the ideals contained in the Conation. All South Africans should contribute to maintaining and projecting a just peaceful and safe society. Rehabilitation programmes cannot be effective if the correctional centres are not safe and secure. The escalating crime rate in the country requires different

interventions at different levels. Despite the involvement of other government departments such as the SA Police Service and the Department of Justice in attempt to combat crime, the Department of Correctional Services has been solely assigned with the responsibility of rehabilitating offenders.

The escalating rate is alarming and suggests that the offender-rehabilitation process is not as effective as it should be. One of the major concerns is the unavailability of resources within the correctional centres to facilitate this process. Overcrowding in correctional facilities also creates enormous challenge for the the Department of Correctional Services and this negatively impact on reanimation.

In terms of the budget, the Department of Correctional Services will receive R26,1 billion in this current financial year, 2023-24. This is a decrease of 1,9% or R509,3 million which was stated by the chair for the previous allocation of the previous financial year, 2022-23. The rehabilitation programme has been allocated an amount of R2,3 billion, receiving 7% of the overall allocation to the Vote. A total of 72% of the allocation to the programme is for compensation of employees. This budget cuts are gravely concerning.

House Chair, Kofi Annan, the former General Secretary of the United Nations ones said, and I quote:

No one is born a good citizen, no nation is born a democracy rather both are processes that continue to evolve over a life time. Young people must be included from birth. A society that cuts off from its youth serves its lifeline.

We must show our appreciation for the work of the Department of Correctional Services in educating young offenders, for example, the Usethubeni Youth School in KwaZulu-Natal is one of the best performing schools in the region recording years of consecutive 100% pass rate. In 2021, the school produced three of the top five best performing teachers and the second best student nationally.

House Chair, we welcome the work done by the Department of Correctional Services and the National Development Agency in conducting joint programmes geared towards empowering offenders, parolees, probationers, victims of crime and members of the community and the society at large. The learnership offered is aimed at preventing ex-offenders from relapsing into a life of crime due to them idling at home with

nothing or little to do. It has been reported that the Vhembe TVET College has also identified students who will be trained in the programme.

House Chair, last year, Minister Ronald Lamola indicated that during the devastating floods in KwaZulu-Natal and the Eastern Cape which resulted in the loss of lives, home, possessions and hopes, inmates, through the Department of Correctional Services self-sufficiency and sustainability model contributed towards the social relief and efforts. This year, the Minister reported that all correctional centres are implementing self- sufficiency strategic framework. Through this framework government has saved a total of R372 million in the last three financial years. This must be applauded.

We know the challenges the department is facing and urge it to continue in collaboration with other stakeholders and departments doing its work ensuring that South Africa is a safer place. The department has the ability to correct offending behaviour, rehabilitating people and ensuring that, as in the case of our former Deputy Chief Justice Moseneke, they become their own liberators. I thank you, House Chair.

Mr M NYHONTSO: Thank you very much comrade Chair. Before I say anything, let me remind you that the Deputy Chief Justice Dikgang Moseneke, is the Chief Justice this country never had. You did not make him Chief Justice because at some point he was the deputy president of the Pan Africanist Congress, PAC. History doesn’t have black pages. You did not make him the Chief Justice because he is still an irredeemable pan Africanist and never subscribed to Freedom Charter.

With that said comrade Chair. It is difficult to know what to understand when the Department of Correctional Services, DCS, is mentioned. What is clear is that the DCS need self- correction itself. The public image they hold is that of “a den and a thief and a robber” who are in charge of the facilities that keep them to prepare and condition offenders into state and narrow behavioural pattern.

The DCS is prominent in the Zondo Commission Report for being used as a conduit of corruption and money laundering through the Bosasa company. The DCS is reported to be having increased escapees of offenders in its care. This factor must be examined and corrected. The prison numbers gang still hold sway and have increased their influences. And this is not

conducive for turning offenders around into citizens with good potential. The DCS is in the news for wrong reasons. With the allegation of hosting a string of hired assassins who are unleashed to society to commit matter and mayhem. The DCS management is laxed, allowing staff members to have intimate relations with offenders. The gap is too huge between the DCS and G4S Security company assigned to ride to run security prison facilities for extremely dangerous offenders. This needs urgent attention.

The PAC had some of its members of the armed wing in prison for offenses conducted during the freedom struggle. Most are out on parole. The point is that their continued imprisonment is uncalled for. Parole is an extension of imprisonment. They now have criminal records in their name for fighting against apartheid and settler colonialism. This must be expunged.

Because...

*IsiXhosa:*

... Dilizintaba ungowakuthi wena...

*English:*

The PAC supports this Budget Vote. Thank you, hon Chair.

The CHAIRPERSON (Ms J Hermans): Thank you. Hon Breytenbach, you have extra minutes, so you have seven minutes to debate.

Adv G BREYTENBACH: Hon House Chair and hon members, today we must discuss the performance of the Department of Correctional Services, DCS, and the role of the hon Lamola as the Minister who incidentally takes advice from the hon Motshekga. While Minister Lamola was appointed to this role with much promise and fanfare, his tenure has been marked by a number of significant failures and shortcomings. One of them is fashion advice.

One of the key areas where Minister Lamola has failed is in his inability to address the issue of corruption within the department. Despite promising to root out corruption and to promote transparency and accountability within the department, Minister has failed to take any meaningful action to address the endemic corruption that has plagued the department for many years.

As the ... [Inaudible.] ... details the long running saga unfolds, it is clear that the entire department requires an overhaul. Introducing measures to improve controls and

accountability. The corruption within the DCS had a devastating impact on the lives of inmates who are often subject to physical abuse, neglect and other forms of mistreatment at the hands of other inmates, and also prison officials. This abuse is carried out with relative impunity.

While the office of ... [Inaudible.] ... Judge had the mandate to investigate make findings in this regard, the Minister and the department have demonstrated a distinct lack of enthusiasm in establishing the judicial inspectorate as an independent and properly resourced entity. Minister Lamola has failed to address this issue with any urgency, and as a result, the abuse of power and violation of human rights within the department has continued to go unchecked. This matter should have been attended to long ago, and if we are to see any accountability, it must be done with some urgency.

Furthermore, Minister Lamola has failed to address the issue of overcrowding within South African prisoners. Despite acknowledging the severity of this issue, he has failed to implement any meaningful solutions to address it. This has led to chronic and continued overcrowding, which has made it impossible for officials to provide inmates with the resources

and services they need to live in a safe and healthy environment. Overcrowding is endemic in South African prisons, currently standing at 47% again.

Minister, during this debate in 2021, you announced that R1,6 billion would be spent over the medium term then to create new facilities at Parys, Burgersdorp and Lichtenberg. Two years later, as is the tradition with correctional services, the contractor in Parys has been liquidated, Burgersdorp is still in the planning phase, and Lichtenberg is on hold because the ANC local government there cannot assure a reliable water supply. The amount of additional beds spaces created is zero.

Correctional centres in the Eastern Cape are 63% overcrowded, while the Western Cape is at 49%, and Gauteng prisons are overcrowded by 45%. This leads to numerous related complications and makes a mockery of any attempted rehabilitation, which affects the health of inmates and also has a negative effect upon those whose task it is to guide them.

Inmates are routinely locked in their communal cells for upwards of 20 hours daily, only being let out for one hour of

exercise and for meals, which often take the form of all three daily meals being served in one sitting.

Another area where Minister Lamola has fallen short is his lack of action on the issue of rehabilitation and reintegration. While he has acknowledged the importance of these issues, he has failed to implement any meaningful programmes or initiatives to support the rehabilitation and reintegration of offenders. This has contributed to the incredibly high rates of recidivism within South African Criminal Justice System and has further compounded the already dire situation with correctional services. This will continue for as long as only a fraction of the budget spent on rehabilitation programmes. The rest being spent on Bosasa and other similarly acquired projects. If prisons can now produce and prepare their own food, then why did we pay Bosasa millions to do this for years?

No discussion of the DCS would be complete without reference to the recent and continuing Thabo Bester debacle. At the onset, I must express my deep concern and disappointment at the overall handling of the matter by the Minister the DCS and G4S Security company. The case of Bester who was granted

parole by correctional services and then went on to commit numerous violent crimes. It is a tragic example of the failure of our criminal justice system.

It’s a failure that has crossed innocent lives and brought grief to families and communities and shines a glaring light on our inability to address gender-based violence in South Africa. This failure is not just about Bester, it is about the DCS and G4S, who were responsible for the supervision and monitoring. Which is just clear that they both failed in their duty.

G4S is a private company responsible for monitoring Bester, failed to detect his criminal behaviour and prevent him from, committing more crimes. This failure is a clear indication of a lack of supervision of the company’s employees. While rampant corruption is obvious, the contracting company takes a devil-may-care approach accepting no liability, and take a rather casual approach with regard to vetting and monitoring of staff members.

But the total and absolute failure of the entire Security Cluster to act in anything resembling a responsible fashion,

after the escape of Bester is breath-taking. In the full knowledge that the body found in the cell was not that of Bester, in the face of the ineluctable conclusion that best escaped, no effort was made to rearrests him.

But more importantly, no effort whatsoever was made to warn or inform, or support or protect any of these surviving victims. In a country where we have just passed significant laws to combat gender-based violence where women are raped and killed on a daily basis, the leaders of our Security Cluster just looked the other way. This is a shameful indictment on the Ministers involved in that and their departments.

To demonstrate the total lack of inconsistency of approach, on

13 of April this year, this Minister stated confidently that the G4S’s contract would not be cancelled. Two weeks later he flip flopped and cancelled the contract. This matter is far from over Minister and be sure that we will leave no stone unturned to get to the truth.

It is time for Minister Lamola to take decisive action to address these issues. And to ensure that the DCS is able to carry out its vital role in a responsible and ethical manner.

In short Minister, it’s time for you to do your job. I thank you.

Mr Q R DYANTYI: Hon House Chair, let me begin this debate by sharing a quote: “The degree of civilization in a society can be judged by entering its prisons.” This would have been said by Fyodor Dostoevsky, a Russian novelist. South Africa’s criminal justice system has undergone reforms and it is reflecting the tenors of the Constitution, and undoing 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 like Kgalema Digang, criminals, children and adults. It did not bother. 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 a constitutional demand for safe, secure and humane incarceration, prisons were demonetarised. The direction of these institutional changes has placed greater emphasis on human rights and included a more historical vocabulary in policy documents.

The objective of the rehabilitation process, as summarised in the 2004 White Paper, added focus on correcting offending behaviour, enhancing human development and promoting social responsibility. To deal with its core business, the department adopted a needs-based approach to rehabilitation. Needs-based interventions are interventions, which are specially targeted to causal factors, with the unique profile of the offender.

The White Paper therefore recommended that the department develop an individualised correctional sentence plan that will take the correctional setting of the individual into account. Section 38(2) of the Correctional Services Act stipulates that offender-specific assessment measures needs 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’s unique needs.

Ineffective rehabilitation programmes are largely responsible for recidivism. In many instances, offenders are rearrested, reconvicted and reimprisoned 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 of rehabilitation programmes is because a needs- based approach is not adequately followed for each inmate.

One of the major challenges facing the Department of Correctional Services, DCS, is overcrowding, which leads to gang activity, a decrease in correctional official supervision and control, a lower standard of living for all inmates and additional violation amongst offenders.

In addition to overcrowding, gansterism and the 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 conceivable manner, the positive impact that programmes could have. Overcrowding can have a significant negative impact on offenders’ wellbeing.

When the weight of offenders’ numbers overwhelms physical and human resources, correctional services delivery is constraint in many respects. Overcrowding negatively affects officials too. The 2016 Judicial Inspectorate for Correctional Services,

Jics, Annual Report found that overcrowding in a combination with staff shortages is a primary source of stress amongst correctional officials.

Let us just walk back a bit now, so that we create a particular context and remind this House and the nation about the Jali Commission Report. In 2001, President Thabo Mbeki established the Jali Commission of Inquiry into Corruption and Maladministration in the Department of Correctional Services. Before the establishment if the Jali Commission, there had been at least 20 investigations into irregularities and abuses within the department. In 2000, it was reported to Parliament that the state has lost control of the DCS. It was in this context that the commission was established.

In 2005, the Jali Commission submitted its full report with recommendations to the President. The Jali Commission had a particular scope. It examined, for example, only nine of the department’s 52 management areas as well as specific focal areas defined in the commission’s terms of reference. The mandate given to the commission was indicative of the scale and scope of corruption, maladministration and the rights and violations in the DCS.

Just take a minute. In 2001, these were not problems of the democracy. This is what we inherited.

*Afrikaans*:

Wessels, dit is julle gemors, wat ons in 2001 inherited [geërf] het.

*English*:

This would not have been created by 1994, but yet, because it was part of our struggle, we had to institute this. While it is acknowledged that there have been some notable improvements in the ... [Inaudible.] ... since the commission submitted its report, especially when assessed against the crisis-engulfed DCS of the late 1990s, many also argue that imprisonment has not fundamentally changed since then.

On the positive side, great strides have been made to rid the DCS of high-level corruption and to re-establish state control of the department. Supply chain management was improved and new disciplinary code was established, corrupt officials were dismissed - and they continue to be dismissed - and large- scale trainable staff was undertaken, to name just a few improvements, since such a report.

That report also dealt with issues of gang management strategy and policy on sexual violence. The Jali Commission was extremely critical of how the department had failed to deal with prison gangs. Sexual violence is a regrettable part of South Africa’s prison landscape and it is frequently but not exclusively linked to the number of gangs. The Jali Commission described it as a horrific scourge of sexual violence that plagues our prisons, where appalling abuses and the acts of sexual perversions are perpetrated on helpless and unprotected prisoners. The Jali Commission was also appalled at how the DCS had failed victims of sexual violence.

Then you had the issue of overcrowding as part of the issue that the Jali Commission took up. To understand overcrowding properly, one might even make an example of the education system. To get better outcomes in an education system, you are not going to get it with hundred kids in a class. You have to reduce that in order to rehabilitate.

Overcrowding is a major challenge for the department, because it exacerbates the problem of corruption and maladministration, affects the rehabilitation of the prisoners, encourages sexual abuse of inmates.

The commission was disturbed to hear of evidence of prisoners who for a fear could disappear from prison or escape. It also found that the department does not do enough to ensure that staff, who aid in this escapes are severely punished. That was in 2001.

In conclusion, in terms of that report, the overall impression gained is that many of these problems identified by the Jali Commission are still present in the system. While overcrowding is largely a problem created outside of the department’s control, rights violation such as assault by the officials, interprisoner violence, access to health care and other support services are very much within the department’s control.

Overcrowding, corruption and impunity, rights violation and services that do not reach sufficient numbers of prison and leave much to be desired with regard to impact. All indication is, as we stand here, that there has been significant improvement in the DCS, especially regarding corruption, maladministration, but there is a part that remains unacceptably dysfunctional.

Some of the highlights that we can share is that, from the Department of Correctional Services’ presentation in term so of 2022 included the following: the number of escapes decreased significantly from 117 in 2020-21 to 22, last year. The 22 escapes reported in the 2021-22 financial year is the lowest recorded number of escapes in the past 27 years.

As of 31 March 2022, the inmate population was made up of – this is an important context that you need to understand –

96 000 sentenced offenders and 47 000 remand detainees. This gives you a total of 142 000 in prison, compared to a bed space of 118 000. This is the nature of overcrowding that we have to deal with.

With regard to the rehabilitation programmes, a total of 8 000 offenders are ... [Interjections.] ... in educational programmes. The DCS has also achieved an unqualified opinion audit for two consecutive years.

We want to applaud the self-sufficiency programme by the Minister as an emerging positive spark that is happening. Also what is important is that, tomorrow those who are raising issues of the parole system, we are having a portfolio

committee meeting to discuss the very same matter. You are therefore invited to that discussion.

We have also begun initiatives, as the portfolio committee, to look at an alternative bail approach system and members who are part of that committee are aware of that. Perhaps an even bigger context to be given to hon Wessels, as things stand, on the issue of triple Ps, public-private prisons, out of 243 correctional centres, there are only two in the country that we have. Only two. We have to make that context and understand it. Those two don’t take more than 5 000 all together, as compared to the 142 000 that we have in all other centres. It is important to understand that context.

In fact, those, I can hear today that your Wessels and others are turning their backs on privatisation. So, when privatisation does not work, they don’t like it, but they always call for it. I can also indicate that, at the time that this happened, the issue was a pilot mechanism, not a privatisation. It was about how to deal with issues of overcrowding.

To hon Nyhontso, we are quoting ideas here, we are not quoting membership of individuals. So, your issue of the Deputy President ... [Inaudible.] ... is displaced. We have also indicated that the issue of the contract, it was us who raised as members on the day when the department came before us. Some of you did not even pose that question, but we posed that question. We said, now that things are like this, you have 18 breaches, what will you do? The debarment indicated and responded that they are awaiting a legal opinion.

Once they have received the legal opinion, which is now, they are taking that decision. I don’t know about them refusing.

They indicated that it would never happen. It is also misplaced and misdirected.

As, we conclude, the former Judge of the Constitutional Court said, when he was asked in a debate two questions. He was asked whether this is the country that he fought for. His answer was, this is indeed the country that he fought for. The second part of the question was whether this is the society that he fought for. His answer was that this is not yet the society that he fought for, as part of our national democratic society that we are trying to build. We are therefore forging

ahead and we are going to do more of this, as we win the election in 2024 and improve on this programmes. Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: House

Chairperson, thank you very much, Hon Breytenbach, for this minute, you could have shared some of them with the hon Horn, I see he is yearning to say something, but thank you very much to all the members of the portfolio committee who have supported this budget. Hon Shaik, we agree with you on everything including on Palestine. We thank everyone for their support. Hon Engelbrecht, while we concede that remand detention is problematic and overcrowding, the reality is that the external factors affecting the issue of remand detention and overcrowding, first is the level of crime in society which we have to reduce and the reality that everyday inmates are being convicted, they're coming into our facilities, and we cannot be able to construct facilities at the same pace as the conviction.

So that is what the system needs to find a way to resolve, and all of us have to play our role in resolving that challenge.

Hence, we are looking at all systems in the entire criminal justice cluster with the police, the National Prosecuting

Authority, NPA, the judicial officers and also within correctional services to resolve this challenge of overcrowding in terms of Second Chance and other methods that must help us to deal with this matter. Hon Yako, on the notion of the prison industrial complex, we know that you have just cut and pasted a perspective from American activist Angela Davis, which is completely out of line with the South African context. So when you quote you must quote within the context of our country. It is irrelevant. It is not in sync.

There is no logic in rejecting a budget because it is not enough. Support it, but also call for it to be increased if you care about corrections. Hon Wessels, the G4S contract as Hon Dyantyi said, was a pilot project with the Mangaung Correctional Facility and there is a positive in this contract and the positive is that they're leaving us with infrastructure. It is not correct that we are going to look for new infrastructure. There is infrastructure there that can take 2 900 inmates. So that is a positive. We can't throw the baby away with the bath water. What we need to deal with now is how we operationalise the centre, who must be employed, vetting and all that, and that is what the department is doing in the process of taking over that facility. The land, the

facility and everything belong to the state. The review of the parole system is something that is in the process and we are working with the Department of Planning, Monitoring and Evaluation to evaluate and review the parole system. The National Council for Correctional Services, NCCS, is responsible for advising me on policy matters as I already commented on some of the issues and also Judicial Inspectorate for Correctional Services, Jics, is in that process.

It is also not correct, Hon Wessels, you must share with us where you get these statistics that 90% of the released inmates and parolees re-offend, you are misleading the House. There are no such statistics. The correct statistics are that 99% comply with their parole conditions and that most of those that are released comply. It is a fact that the few that violate their parole conditions and the few who were ex- offenders who commit offences commit horrendous crimes which make international headlines and then make it look like every one of the released inmates behaves like them, and that is what the system must correct.

It is for that reason that we have got a partnership now with the University of Limpopo to deal with the rehabilitation

programme so that when our inmates are released, they are able to behave in a manner that is corrective and that is exemplary, and it is for that reason that the Self-Sufficiency Programme is also aimed to give them skills so that when they're released, they've got a skill that they can use to participate economically in the life of society, but also a skill they can use for any social activity.

So the Self-Sustainability Programme, I am happy that all political parties in this House agree that it's a huge success. There is no one here who can stand up in this House and say that we are not succeeding with the self- Sustainability Programme. The Department of Correctional Services can stand here tall, that we are one of the entrepreneurial departments that are addressed and run in a self-sustainable way, and we're building that capability and a capable state that will enable the state to be responsive to its needs financially and also in terms of its capability.

Prof Msimang ...

*IsiZulu*:

... siyajabula baba ukuthi uyasixhasa lesi sabelomali futhi uvumelana nathi kodwa ngikuzwile ...

*English*:

... you criticised as the IFP and you also criticised yourself by saying that you thought that we will have now in the early stages of our democracy, having attended or addressed all challenges at correctional services. This department was run by former Ministers coming from the IFP, Hon Mzimela and Hon Sikhosana. So ...

*IsiZulu*:

... umnyango wenu lo Solwazi uMsimang, uma ugxeka akusetshenzwanga kusho ukuthi kuleso sisekelo sasekuqaleni aniwenzanga umsebenzi kodwa siyajabula ukuthi nivumelana nathi, niyasixhasa lesi sabelomali, sijabula kakhulu Solwazi uMsimang futhi nalokho okunye okushilo sivumelana nawe ukuthi, cha, impela, siyibambile, sihamba kahle kodwa la ekufanele silungise khona sizolungisa njengoba usho.

*English*:

Hon Nyhontso, the department is not a conduit for corruption, regarding the issues you are raising about Bosasa, this

administration terminated the Bosasa contract and started the Self-Sustainability Programme. So we are not only dealing with G46 and the Mangaung Centre and when I came in the issues of Bosasa were all over, but we have now resolved those issues and we are moving forward. Hon Breytenbach, we have addressed all those issues you are raising about Bosasa. I was the one here. You were here also as a Hon member when we took over the process, we insourced and did what was practically possible, and now I can tell you across the county, correctional services officials can walk tall in every township of South Africa because they're doing a good job.

There are challenges indeed but they are resolving them and they are no longer a skunk of the South African public. We have turned around this department and evidence is there, from the Auditor-General’s audit of our performance indicators, we have improved from when we took over to now. We are not thumb- sucking, it's reality. It can be touched. You can go to any centre and touch it with your own hands and see this self- sustainability in any facility, you go to Kgosi Mampuru, Leeuwkop, and you go anywhere, you can touch it, Hon Hope, and I do agree with Hon Dyantyi and Hon Kgomotso that our work is visible. It can be seen.

I understand that the EFF is yearning for this, Ma’am Khawula because we are already implementing your imagined manifesto. We're not imagining it. We are doing it. We are building a capable state. We are doing insourcing. You can see it in every centre, we are producing. We are not the government of the future. This government is doing it and you cannot have any ground. Thank you very much. This budget is for self- sustainability.

Debate concluded.

The mini-plenary session rose at 18:18.