

**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO. 2367**

**DATE OF QUESTION: 20 JUNE 2022**

**DATE OF SUBMISSION: 01 JULY 2022**

**Mr J Engelbrecht (DA) to ask the Minister of Justice and Correctional Services:**

(1) Whether interaction with the (a) victims and (b) their families is a requirement in the parole hearing of the perpetrator; if not, why not; if so, what are the relevant details;

(2) what are the number of cases in which victims and/or their families were not consulted before parole was granted since 1 March 2019? **NW2789E**

**REPLY**:

1. The Department of Correctional Services (DCS), in support of Government Victim Empowerment Programme (VEP), developed procedures to facilitate and promote the involvement of victims in Correctional Supervision and Parole Boards (CSPB) meetings whern an offender is considered for possible placement on parole.

in order to facilitate the involvement of victims in the Parole Board meetings, provisions were made in both Section 75 (4) of Correctional Services Act, 1998 (Act 111 of 1998), as well as Section 299 A of the Criminal Procedure Act, 1977 (Act 51 of 1977) to regulate matters in this regard.

1. (a) & (b) Yes, it is a requirement to consult only victims of offences that are specified in section 299A of Act 51 of 1997. Such a victim, whether was present or absent during the sentencing of the offender, have the right to be informed of his right to make representations when placement of an offender on parole, day parole or correctional supervision is being considered. The victim is notified of the date, time and place of the Parole Board meeting. Formats of the representations, process of the meeting, and influence of representation on the decision are also explained to the victim.

In case where the primary victim was murdered the family is also considered as victim and is invited to make a representation when an offender is considered for possible placement. It is important to note that the notification/ invitation is sent to the victim at least 30 days to the scheduled date of the Parole Board meeting.

A list of such offences in which victims may participate in the parole processes is provided as follows in section 299A of the Act 51 of 1977:

1. Murder or any other offence which involves the intentionally killing of person;
2. Rape;
3. Robbery where the wielding of a fire-arm or any other dangerous weapon or the infliction of grievous bodily harm or the robbery of a motor vehicle in involved;
4. Assault of a sexual nature;
5. Kidnaping or any conspiracy, incitement or attempt to commit any offence contemplated in paragraphs (a) to (b)

However, a victim of any other offence not listed above is also allowed to make representations to the Parole Board and the Board may not disapprove such a request without good reason.

The Department has employed Auxiliary Social Workers who are amongst others assisting with victim tracing in each Management Area.

1. The table below outlines the number of cases in which victims and\/ or their families were not consulted before parole was granted:

|  |  |  |  |
| --- | --- | --- | --- |
| **Region** | **2019/2020** | **2020/2021** | **2021/2022** |
| Eastern Cape  | 20  | 81 | 15 |
| Limpopo, Mpumalanga, North West  | 245 | 470 | 351 |
| Free State & Northern Cape  | 21 | 39 | 07 |
| Kwa-Zulu Natal  | 235 | 605 | 947 |
| Gauteng  | 836 | 776 | 551 |
| Western Cape  | 39 | 62 | 11 |
| Grand Total  | 1396 | 2033 | 1882 |

Covid-19 had a negative impact on victim participation in the Parole Board meetings, which made it difficult for more victims to be traced during that period. Although some participated in Victim Offender Dialogue they have registered a need not to participate when parole is considred.some victims that were traced had relocated to unknown areas. It should be noted that efforts have been made to trace all victims with no success.

For the same reported period the following number of victims participated in the Parole Board meetings through various forms of representations during parole processes such as physical, written and audio recordings.

|  |  |  |
| --- | --- | --- |
| **2019/2020** | **2020/2021** | **2021/2022** |
| 1456 | 1765 | 1721 |

**END**