



SUBMISSION

to the

**PORTFOLIO COMMITTEE ON CORRECTIONAL
SERVICES**

by the

CATHOLIC PARLIAMENTARY LIAISON OFFICE

on

INMATE LABOUR

and

SOCIAL REINTEGRATION

1. INTRODUCTION

The Parliamentary Liaison Office of the Southern Africa Catholic Bishops' Conference (SACBC) welcomes this opportunity to engage with the Portfolio Committee on Correctional Services on this important and much-neglected question.

We particularly wish to commend the Committee for taking the initiative in this discussion, and for placing the issue before the public for comment. This is a notable example of the kind of proactive approach that citizens wish to see from the legislature, and it enhances the reputation of the Correctional Services Committee as one of Parliament's most enterprising committees.

2. THE CATHOLIC CHURCH'S STANCE

“Punishment does not serve merely the purpose of defending the public order and guaranteeing the safety of persons; it becomes as well an **instrument for the correction of the offender**, a correction that also takes on the moral value of expiation when the guilty party voluntarily accepts his punishment. There is a two-fold purpose here. On the one hand, **encouraging the re-insertion of the condemned person into society**; on the other, fostering a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed.”¹

Punishment must always seek to achieve the rehabilitation of the offender, even in the case of long-term inmates who have been convicted of serious crimes. This is not something that arises from a sentimental desire to be ‘soft on criminals’ or from a naïve approach to the evil that some people commit. Rather, it stems from an understanding that no-one is beyond salvation, and that no-one should ever be stripped of their dignity. It also stems from the legitimate self-interest of society – since ultimately almost all prisoners will one day be released, it is clearly in the public interest that everything possible should be done to ensure that they are fit to re-enter society.

3. THE LEGAL FRAMEWORK

Section 2 of the Correctional Services Act 111 of 1998 deals with the purpose of the correctional system. It provides, *inter alia*, that the ‘human dignity’ of prisoners must be ensured; and that the system must promote ‘the social responsibility and human development of all prisoners...’.

This echoes closely section 35(2)(e) of the Constitution, which provides that prisoners have the right ‘to conditions of detention that are consistent with human dignity...’.

We note also the provisions of section 40 of the Correctional Services Act, which makes specific mention of work opportunities being provided for prisoners.

4. CURRENT PRACTICE

The current situation in which it is common practice for prisoners to spend as many as 23 hours out of every 24 locked up in their cells, is an affront to the dignity of inmates. It is unacceptable both from the viewpoint of the Catholic Church as set out above, and in terms of constitutional requirements and the provisions of the Act.

¹ *Compendium of the Social Doctrine of the Church*, Nairobi, 2004, Paulines Publications, p 217 (emphasis added).

More than this, it is a spectacularly shortsighted policy. It is little wonder that South Africa has the high recidivism rates that it does – overcrowding, boredom, idleness and the inhumanity of prison conditions all contribute to the degradation of prisoners, not to their rehabilitation. Society ends up paying the price, as newly-released inmates are often less able to fit into society and abide by social norms than they were before they were incarcerated. With something in the order of 160 000 people currently behind bars it is, in our view, a matter of great urgency that this situation be addressed.

5. THE DIGNITY OF WORK

Work is too often regarded as an unpleasant obligation, something that is forced on us, or which we have to do in order to survive. In the context of imprisonment this is exactly the kind of mindless, repetitive work that inmates have traditionally been made to do, especially in the days of ‘hard labour’. There should not be a return to this kind of work; rather, we should devise work opportunities, with appropriate training, that enhance the dignity and humanity of inmates.

Writing 30 years ago on the subject of work, Pope John Paul II put it this way:

“Work is a good thing for men and women – a good thing for their humanity – because through work they not only transform nature, adapting it to their own needs, but they also achieve fulfillment as human beings and indeed in a sense become ‘more human’ beings.”²

It is surely true that most inmates end up in prison as a result of some deficiency in their relations with the rest of society; after all, society punishes them in part because of the harm they have caused to it. Unfortunately, recidivism rates clearly show that imprisonment as it is currently practiced does little or nothing to address this deficiency. Anything, therefore, that can add to the dignity and humanity of the prisoner and of the prison experience, is to be welcomed; and, if it is carried out properly and creatively it will inevitably promote rehabilitation and reduce recidivism.

6. THE ADVANTAGES OF PRISON LABOUR

The call for comment published in the press by this Committee sets out many of the advantages of inmate labour: developing a healthy work ethic; a sense of social responsibility; reducing the cost of incarceration by having inmates carry out duties such as cleaning, cooking and minor repairs.

We endorse these aspects. There is nothing wrong with inmates having to contribute, through their labour, to the costs of their incarceration; indeed, this ought to be part of their social restitution.

However, there are other advantages that are equally important:

The acquisition of skills and the development of latent abilities and talents could make a huge difference to the inmate’s prospects of regular employment outside prison.

Earning a meaningful wage would enable inmates to support dependants and possibly also make some degree of individual restitution to their victim/s.

They could also build up savings for use after release.

² Encyclical letter *Laborem Exercens* 1981, para 9.2.

A structured work day would immediately reduce the time spent cooped up in the cells, with all the negative associations of that practice.

Being involved in stimulating work would provide an alternative to the negative practices that appear to occupy so much of inmates' time – drugs, violence, gang activities, etc.

It must be stressed, though, that merely encouraging – or forcing – inmates to take part in routine tasks like cleaning and cooking will not achieve very much, beyond possibly reducing running costs. What is needed is far more imaginative and challenging work that will enable the inmate to grow and to realize potential that has been left dormant.

Such a work programme will no doubt be costly, requiring extra staff, equipment and finance. However, such costs must be set off against the fact that we are now spending R200 per day for each prisoner and, given the sky-high recidivism rate, once someone had been imprisoned for the first time, we can look forward to their repeated incarceration for even longer periods as the years go by.

It is surely self-evident that proper investment in schemes that will reduce recidivism and significantly increase rates of rehabilitation is the only sensible choice.

7. CONCLUSION

We reiterate our support for the Committee's initiative. The Catholic Church, along with other religious denominations, has an extensive network of prison chaplains and visitors. We would be happy to explore ways of co-operating with the Department of Correctional Services to make the ideas discussed above a reality. If the Portfolio Committee wishes us to make an oral submission we would be delighted to do so.

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