



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

BUDGET VOTE SPEECH

By

**Ms Hlengiwe Mkhize: Deputy Minister of Correctional Services
Old Assembly Chamber, Cape Town
25 March 2010**

Chairperson

Honourable Ministers and Deputy Ministers

Chairperson of the Portfolio Committee, Mr Vincent Smith

Inspecting Judge, Honourable Judge Van Zyl

Honourable Members

Members of the Diplomatic Corp

Representatives of NGOs and other civil society formations

All our Officials and Offenders in attendance

Distinguished Guests

Ladies and Gentlemen,

Introduction

I would like to thank our Minister for her guidance and support.

An expression of appreciation goes to the Chairperson and members of the Portfolio Committee for their continued support. Allow me to express our warm gratitude to Ms Jennifer Schreiner, the Acting National Commissioner, and to all the officials for teaching us the ropes, for guiding us patiently during our orientation and for helping us deliver service to our people. We rely on our dedicated officials to create a highly structured and conducive climate for sustainable rehabilitation. We will continue calling for discipline and a corruption-free environment. Going forward, our visits to correctional centres will focus on monitoring and impact assessment.

When we took Office last year, we made a commitment to take forward the mammoth task of transforming the South African correctional system, from a militarised to a rehabilitation-centred hub.

Every step taken has been guided by our Department's *Strategic Plan*, the *Correctional Services Amendment Act* (2008) and the *White Paper on Corrections in South Africa* (2005). Our *Strategic Plan* is premised on "placing rehabilitation at the centre of all Departmental activities in partnerships with external stakeholders".

Following our June 2009 Budget Vote Debate, the Ministry implemented the new Administration's decision that, Deputy Ministers be allocated specific areas of responsibility. In our case, the delegated areas are as follows:

- Management of Development and Care, including programmes of rehabilitation and social reintegration;
- Establishment of the Branch for Remand Detainees; and
- Interface with the Office of the Inspecting Judge.

Today, we align ourselves with the words of the revolutionary leader, Fidel Castro, who once said – *Tell no lies, and Claim no easy victories!* Hence, we present, with determination of a warrior, the battles we have won, and, are being truthful about the challenges and tasks ahead.

In line with our commitments of 2009, this year we will continue paying special attention to the most vulnerable groups, within our correctional centres. We are referring, specifically, to female offenders, children, the youth, the elderly, people with physical disabilities and people with mental challenges.

Chairperson,

Allow me to endorse the Ministry's tabled commitments of the new financial year.

Female Offenders and children behind bars

The increasing number of women in our correctional centres is cause for concern. There are, currently, **3651** women, in our facilities. However, the challenge is that our correctional centres were designed for men, and as such, not appropriate for women's needs.

In tackling the challenge of female offenders, we have been guided by our *Constitution* (2006), and, the commitments we, as a country, have made (internationally).

Section 35 (2)(e) of the *Constitution*, requires us to protect the rights of arrested, detained and accused persons, including, the right "*to conditions of detention that are consistent with human dignity*". Certainly, locking women in facilities, designed for men, violates their rights to inherent human dignity and deprives them of their gender specific needs.

As signatories to the Convention on the Elimination of all forms of Discrimination Against Women, we are obliged to put in place a series of measures that eliminate gender discrimination and promote and protect women's rights and equality.

The Beijing Conference, held in September 1995, commits us to fully integrate a gender perspective into all our policies, legislation and programmes.

Chairperson,

We have just returned from the United Nations where we took part in the 54th Session of the United Nations (UN) Commission on the Status of Women. As Women of the world, we evaluated progress made on the Beijing Platform for Action and the Millennium Development Goals. Participants were reminded that 'women' rights are human rights!

We were, particularly, inspired by the session on the best practice, in dealing with women in corrections, engineered by Princess Bajrakitiyabha of Thailand. Her review of the 50 year old United Nations Standard Minimum Rules for the treatment of prisoners, proposes a supplement that

will address the unique needs of women and their children. This was discussed, and endorsed, by all member states.

The said Rules will be further discussed, during the upcoming 12th UN Congress on the Prevention of Crime and the Treatment of Offenders, in Brazil, in April 2010. A resolution is likely to come out of the Congress on gender equality and the promotion of human rights, within the criminal justice system.

Chairperson,

In the process of honouring our commitments, that is, paying attention to vulnerable groups, I am happy to report that we conceptualised a project, which we considered to be the best practice, commonly known as Imbeleko. In African cultures, Imbeleko denotes a blanket, made out of animal skin or hide, used by mothers to protect and bond with their children. *Ka Sesotho, Imbeleko ke Thari.*

The Imbeleko Project has two pillars. The first pillar focuses on creating a humane, safe and friendly environment for the mother-child interaction, within our correctional facilities. The second pillar prioritises finding alternative placement, for children, above two years, outside our centres.

We have rolled out Imbeleko in five (5) of our six (6) regions. We will round it up when we launch the project in Gauteng, on 31st of March 2010.

The next phase, starting from April 2010, entails: (a) Monitoring and evaluating how the project is implemented by our officials; (b) Maintaining and expanding partnerships with role players; (c) Improving mother-and-child units in DCS facilities; and, (d) Following-up on the well-being of those babies, who have been placed in alternative care centres.

While Imbeleko focuses specifically on babies, we are also mindful of children in conflict with the law within our correctional facilities.

The Last three (3) years have seen a consistent decrease in the incarceration of children under the age of 18. We have managed to break the threshold of 1000, and, as at end of February, we had approximately 560 children. The introduction of the *Child Justice Act* will provide major

relief to the nation by providing better protection to children in conflict with the law. This *Act* entrenches the principle that prison should be a last resort, and is on the whole, inappropriate for children.

We will pursue cooperation with the Constitutional Hill-based, *Sizoya Sibuye Women's Heritage and Cultural Forum*, which is a formation of ex-women political prisoners who were held at No.4, in Johannesburg, from 1976 onwards.

They focus on keeping the memory of the famous thirteen women alive. They include, among others, Fatima Meer, Joyce Seroke, Sally Motlana and Deborah Matshoba. Three days ago, the Forum held a memorial service in honour of Fatima Meer. They shared experiences of being women in an apartheid prison and vowed to work with DCS in ensuring that the rights and dignity of incarcerated women are protected.

One of the moving experiences, which made our senior citizens laugh heartily, was the story of Fatima Meer's traditional sari. During one of the strip-searches, that the women were subjected to, how Fatima's sari was wrapped around her, made it too complicated for the police-officer to unwrap it.

Young Offenders

Chairperson,

Last year, we highlighted the impact of the apartheid system on young people. Its negative effects were affirmed by our visits to correctional centres, like Ekuseni in Kwa-Zulu Natal, Emthonjeni in Gauteng and Hawequa, in the Western Cape where, we found hundreds of young vulnerable people with challenges, ranging from lack of education, substance abuse-related problems and lack of parental guidance.

Currently, a large number of sentenced and unsentenced inmates fall between 18 and 25 years. On 31 December 2009, there were 24 457 unsentenced youth and 32 587 sentenced youth in our facilities.

In view of the afore-mentioned national challenges, we commit to focus on the development of young people in our care. Policies are in place. What is

required is action. We have articulated the following objectives in our Department's Youth Policy:

- To cater for the youthful offenders' basic individual and age-appropriate needs by developing and providing needs-based rehabilitation programmes;
- To promote societal responsibility in the rehabilitation of the youthful offenders by linking them with their families and communities for successful reintegration into their communities;
- To develop youth offenders by providing them with life skills, formal education and vocational training during their term of incarceration; and
- To assist youth offenders in exploring their capabilities and discovering their potential in order to function adequately after their incarceration, as law-abiding citizens.

We will pay particular attention to the enhancement of educational levels of young offenders. This task is in keeping with the five national priorities, outlined by President Jacob Zuma during his second *State of the Nation Address*. The President has identified Education as a top priority.

We are happy to report that our matriculants in KwaZulu-Natal, at Usethubeni Youth Centre in Durban Westville, achieved a pass-rate of 97% at the end of 2009.

In partnership with the Presidential National Commission (PNC), we have placed some 242 young offenders and 8 of our officials on an E-Literacy Programme, which is a strategic intervention meant to empower youth offenders with Information Communication Technology skills. The programme will start at the following correctional centres: (a) Barberton Male Youth Centre; (b) Leeuwkop Male Youth Centre; (c) Durban Female Youth Centre and (d) Johannesburg Female Youth Centre.

As part of our Poverty Alleviation Strategy, we have entered into a partnership with the Department of Basic Education in terms of which we

will recruit and remunerate 18 Early Childhood Development practitioners and seven parolees (in training) to provide services to babies behind bars. The trainees will receive a stipend and a qualification equivalent to NQF Levels 4 and 5.

Our achievements in this area will be a befitting tribute to tata Madiba as we celebrate the 20th Anniversary of his release from prison, (which was on 11 February 1990). Tata Madiba urged all of us to “*make every home, every shack or rickety structure, a centre of learning*”.

Mental Illness

Chairperson,

During our visits to correctional centres, we came across disturbing cases of incarcerated offenders displaying symptoms of mental illness. Certainly, our correctional facilities have no capacity to manage complex conditions like mental illness. As such, they should be referred to psychiatric hospitals.

Mentally ill offenders are a risk to others and are vulnerable to abuse. Our Department does not have capacity to manage mental illnesses. We have also realised that there are limited facilities for carrying out forensic observations. This calls for collaboration with the Department of Health which is competent in doing medical forensic assessments.

In response to these challenges, in August 2009, we convened a workshop with experts from the fields of criminology, psychiatry and psychology, under the theme, “*understanding the relationship between a person’s mental health status and crimes committed*”. The objectives of the workshop were:

- To establish a link between mental health and patterns of crime;
- To determine the contribution of experts in the design, implementation and monitoring of rehabilitation programmes offered in our correctional centres;
- To share lessons about strategies for reducing recidivism; and

- To determine whether current legislation adequately guides us in the trial processes and incarceration of people with mental health challenges.

As no one intervention could address the above-mentioned objectives, we resolved, among other things, to:

- Convene an international conference to draw on national and international expertise and best practices in the design and management of rehabilitation programmes; and
- Intensify contact with international groups involved in mental health issues. In this regard, we have already received the cooperation of the Global Initiative on Psychiatry based in the Netherlands.

Offender Rehabilitation Path

Chairperson,

In our last Budget Vote Speech, we explained the “offender rehabilitation path”, as a journey to be undertaken by each offender, from the moment of admission to the time of release. Such a path, correctly and consistently followed, with professional support from correctional officials, will take us closer to the rehabilitation objectives of the *White Paper* by, among other things, strengthening mechanisms for ensuring the offenders’ readiness for consideration by the Parole Boards.

We intend to improve the functioning of the Case Management Committees by enhancing case management administration processes, from admission to release. We will encourage our officials to develop Correctional Sentence Plans outlining all the necessary interventions, including:

- Rehabilitation programmes;
- Offender labour; and
- Social Reintegration.

Rehabilitation programmes: The Correctional Sentence Plan will include all interventions aimed at the rehabilitation of the offender. These will include:

offence specific programmes to address the offending behaviour; personal development programmes to provide skills; education and vocational training; and needs-based personal wellbeing programmes, such as spiritual upliftment and pre-release programmes.

Admittedly, we are presenting our Vote being fully aware of the challenges imposed by our current budget allocation. The *White Paper on Corrections* calls upon us to strike a balance between security and rehabilitation.

An analysis of the budget allocation, per programme, over a period of seven (7) years, from 2003/04 to 2010/11, shows that, it is not aligned to the DCS core mandate. Out of the current budget of R15, 129, 043, 000, only R2, 030, 418, 000 is for Development and Care.

Another challenge to our rehabilitation objective is overcrowding which makes it difficult to properly implement programmes. We are trapped in a vicious cycle, if we say we cannot run rehabilitation programmes because of overcrowding, the rate of recidivism will remain high as offenders will be released not having adequately dealt with the offending behaviour.

The 2010 FIFA World Cup, at our doorstep, has opened endless possibilities of instilling values such as tolerance, cooperation, and team-spirit through football, among offenders.

Regarding Offender labour, our Act (Section 40) and relevant international instruments, including the *Basic Principles for the Treatment of Prisoners* (Principle 8) and the *Standard Minimum Rules for the Treatment of Prisoners* (Rule 72), require that sufficient work be provided to keep offenders active for a normal working day. Accordingly, our Department needs to do more to contribute towards economic development as envisaged in the Medium Term Strategic Framework.

Some work in this area, though minimal, is already being done by inmates. However, our rate of success will depend on the participation and support of NGOs and other government departments. We will continue in the 2010/2011 financial year with consultation with the Minister of Higher Education on the issues of skilling.

On Social Reintegration, the *White Paper* mandates our Department to work in partnerships with all stakeholders. In the last financial year, bilateral

meetings were held with the Tshwane and the Johannesburg Metropolitan Municipalities as well as the Department of Public Works. As a result of these engagements, 150 ex-offenders were taken for training to develop various skills, such as library services, landscaping and driving. Consequently, all those who have been trained are now employed.

Our Department has engaged the Department of Justice and Constitutional Development to explore ways of fast-tracking criminal record expungement processes for first time offenders with minor crimes. This work will continue in the current year. Criminal records remain one of the main stumbling blocks impeding the employment of ex-offenders.

Community Outreach

Chairperson,

During our 2009 Budget Vote, we have said that victims should remain at the centre of the criminal justice system. We have also highlighted the importance of the Victims' Charter. We had an opportunity to witness Victim-Offender Mediation in Middledrift, in the Eastern Cape Province.

As part of our contribution to crime prevention, we partnered with the Sexual Offences and Community Affairs Unit of the NPA (National Prosecuting Authority) to reach out to women in rural areas. Our intention was to equip them with appropriate knowledge and skills so as to prevent them from becoming victims of domestic violence.

International Cooperation

Chairperson,

As promised, we have explored various innovative approaches to rehabilitation. Two examples should suffice. On 04 to 10 October (2009), we went to Australia as part of an African National Congress delegation where we visited, courtesy of our Australian counterparts, the EMU Plains Correctional Centre and the Alexander Maconochie Centre. We were exposed to modernised correctional facilities placing rehabilitation at the centre of all activities.

In January 2010 we visited the Republic of Uganda to participate in the launch of a Training Centre for Women affected by the civil war in the

Northern part of that sister country. We held fruitful discussions with government representatives and committed to host, in 2010, Uganda's government officials to share experiences around correctional supervision and alternative sentencing.

Our challenge in the 2010/2011 financial year will be to continue engaging our stakeholders to support the war on crime, among other things:

- By working closely with the Police in the establishment and strengthening of community corrections forums;
- By supporting the call to help us change the criminal behaviour of offenders and ex-offenders; and
- By accepting rehabilitated ex-offenders.

Improving the management of Remand Detainees

Chairperson,

You will recall that Cabinet directed our Department to establish a Branch that will be responsible for managing remand detainees. This task is important as it affords us the opportunity to significantly improve the overall management of Awaiting Trial Detainees. In this respect, and during the year 2009/2010, we have developed and consulted on a discussion document that consolidated all the challenges attending remand detention.

Flowing therefrom, we are in the process of reviewing the existing legislative framework governing remand detention, the better to ensure appropriate alignment between and within the various pieces of legislation.

The review process in question has enabled us to start working on a draft white paper on remand detention. We are confident that within the 2010/2011 financial year, we shall table the draft white paper for consideration by Cabinet and Parliament.

The improvements we seek to effect to the management of remand detention are essentially intended to ensure that our functions, procedures

and activities give practical effect to the relevant laws. Detailed areas that will be affected include, but are not limited to the following:

- The alignment of legislation, ensuring that legislation and regulations conform with the prescripts of international treaties, protocols and agreements that our government is a signatory to;
- Improving training and development of staff;
- Improving integration across the justice system;
- Ensuring that the design of remand detention facilities conforms with legislative injunctions;
- Improving services to remand detainees;
- Ascertaining the rights, entitlements and obligations of remand detainees; and
- Putting on a more professional interaction with external stakeholders and enabling better monitoring and evaluation.

We have started developing proposals on the structure of the new Branch that have been consulted on within the Department. Within three months, we commit to finalising the proposals by the executive so that the Branch could be established.

Without doubt, more investments are required to improve working conditions, including the enabling infrastructure. These improvements we will effect to ensure that remand detention in South Africa compares favourably with the best international practice. In all our work, we will always be guided by the principle that everyone is innocent until proven guilty.

We welcome the introduction of the Video Conferencing solution to deal with the postponement relating to remand detainees. This project will have far-reaching benefits for the criminal justice system, including:

- Reduced administration effort in the process of checking-out Remand Detainees to court and re-admitting the Remand Detainees on their return from court;
- Reduced security risk in the court environment;
- Shortened overall time to conduct postponement hearing;
- Reduced resource requirement; and
- Reduced administration and logistics at holding cells.

Interface with the Office of the Inspecting Judge

Chairperson,

This Budget Vote Debate happens during the Human Rights Month. We would be failing in our duty if we did not address human rights of inmates. Experience has shown that the potential for abuse is always present in a correctional facility. It is for this reason that the work of the Judicial Inspectorate for Correctional Services is so crucial.

The Department of Correctional Services continued along its path directed at promoting and giving effect to the constitutional values of transparency, equality and fairness. We continued in our efforts to strengthen the Judicial Inspectorate and the oversight role of the Inspecting Judge, the Honourable Mr Justice D H van Zyl.

We were fortified when, on 01 October 2009, Sections 60 to 67 of the *Correctional Services Amendment Act 25 of 2008* were put into operation by proclamation in the *Government Gazette*. These sections are aimed at strengthening the independence of the Judicial Inspectorate and at expanding the powers of the Inspecting Judge. For the first time, Heads of Correctional Centres are compelled by law to report instances of the “use of force” to the Inspecting Judge while inmates have the right to appeal to the Inspecting Judge against any decision concerning their segregation.

In this regard, the concept of “solitary confinement”, hitherto associated with the inhumane practice of detaining inmates in total isolation for long periods of time, has been removed. In addition, the Inspecting Judge now

has the power to refer parole matters, including medical parole, to the Parole Review Board.

The *Amendment Act* also requires the Judicial Inspectorate to extend the system of Independent Visitors to all correctional centres. These Independent Visitors, who are appointed from the ranks of community members after a process of publicly calling for nominations and consulting with community organisations, are tasked with the responsibility of visiting correctional centres on a regular basis, interviewing inmates in private and then reporting to the Inspecting Judge on complaints which cannot be resolved at local level.

In my capacity as Deputy Minister, I remain in regular contact with the Inspecting Judge. We have noted the issues which he raised in his last Annual Report, as tabled in this House during October 2009, and shall continue to work with him to address the shortcomings he has identified.

Judge van Zyl informed me of his priorities for the 2010/2011 financial year, namely:

- Giving effect to the recent amendments of the *Correctional Services Act* 111 of 1998;
- Focusing on the natural and unnatural deaths of detained inmates;
- Strengthening Visitors' Committees; and
- Continuing with the Inspectorate's efforts to address overcrowding in our correctional centres.

Chairperson,

Based on the reports of the Inspecting Judge, within our current financial year, we have to find a way to deal with assaults and gangster-related incidents. Gangsterism poses a huge security risk as it connects inmates with organised criminal syndicates in society. Working closely with the Inspecting Judge, we will strengthen measures for ensuring that those guilty of such, including inmates and our officials, face the consequences of the law.

Conclusion

Lastly, strengthening cooperation within the JCPS cluster will certainly accelerate our service delivery.

There is an urgency to align the budget, to intensify rehabilitation and to reduce recidivism.

To achieve our rehabilitation objectives, a concerted effort is required to promote alternative sentencing as provided for by the Criminal Procedure Act of 1977, particularly for minor offences. Willy-nilly incarceration is counter-productive.

Chairperson,

We are committed to do all this with the ultimate objective of ensuring that everyone in South Africa feels safe and is safe.

I thank you.

Issue by the Department of Correctional Services.

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