

**ADDRESS DELIVERED BY THE DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES, HONOURABLE THABANG MAKWETLA (MP), ON THE OCCASION OF THE DEPARTMENT OF CORRECTIONAL SERVICES BUDGET VOTE (VOTE 18)**

**NATIONAL ASSEMBLY, CAPE TOWN, 17 MAY 2017**

- Honourable House Chairperson
- Minister of Justice and Correctional Services, Honourable Adv. Michael Masutha
- Honourable Members of the Portfolio Committee on Justice and Correctional Services
- Distinguished Guests
- Ladies and Gentlemen

Our country is a nation that emerged from the ashes and anguish of apartheid to create a better life for all. We are on our way, despite the challenges we still face. Together, we must continue to deepen democracy and build safer communities. We cannot allow crime, and criminal activities, to derail us. The struggle for freedom secured the right for all South Africans to be part of our democracy. It was Fyodor Dostoevsky who said, "The degree of civilization in a society can be judged by entering its prisons".

The late Letsau Nelson Diale, one of the former Members of this Portfolio Committee in the first Parliament of the democratic South Africa, himself a former prisoner on Robben Island had this to say about his prison experience:

"We were handcuffed in such a way that our body movement was curtailed a great deal. We urinated onto ourselves because we were not given any chance to relieve ourselves. The chains were only removed from us at night, when we were dumped in a small cell with one toilet. When we arrived at the harbour, they violently dragged us from the boat, the chains causing our hands and feet much pain. At six o' clock in the morning, we would be headed to have breakfast that consisted of a little, watery, thin soft porridge without any butter, milk or sugar. A prisoner had to squat, as if on his marks at the beginning of a race, in an open prison yard, and scoop up the porridge with his cupped fingers. One had to eat very quickly guarded by many warders armed to the teeth. Our lunch consisted of a small portion of mealies; it would sometimes be served covered with sand and a little bit of 'phuza-mandla,' a certain liquid mealie meal produced for prisoners by certain factories. The warders forced prisoners to sit on cold stones in the quarry for the whole day throughout all the years. This exercise caused the prisoners to develop piles.

"When the prisoners were ordered back from the quarry to prison yard, there was a very painful and humiliating practice called "thauza' whereby prisoners would be forced to take off their prison clothes and throw them on a pile and remain naked, waiting for the order to show their backsides to the prison warder for inspection. When the warder was satisfied by his inspection, he would kick and assault the prisoners forcing them to run and grab any uniform that was in the mixed pile and fall in line barefoot.

No shoes were supplied. The prisoners would then be instructed to take their supper, would consist of watery, thin, soft porridge again, after which they would be locked in the cells, given one mat and one blanket. Some prisoners developed diseases such as asthma and TB, and passed away because of one of these diseases..... This is my experience, this is what I experienced for a solid period of eight years living on Robben Island.”

The degree of civilization in a society can be judged by entering its prisons, as Dostoevsky observed.

The genesis of South Africa’s penal system was crafted through the Prisons and Reformatory Act, promulgated in 1911, which decreed that prisons of the Union of South Africa shall be strictly segregated, secret and use corporal punishment. Abuse grew to appalling heights over decades. Attempts to disclose what was going on in apartheid prisons led to fierce persecution of the media and others. It took nearly a century of struggle before a new, democratic, government introduced measures to guarantee the fundamental rights of every citizen, including offenders. It is the Correctional Services Act, Act 111 of 1998, together with the White Paper on Corrections in South Africa, which facilitated a new paradigm shift, opting for corrections through rehabilitative interventions.

The Western Cape High Court judgment in the Sonke Gender Justice matter has, in recent months, put the spotlight on general conditions at our correctional centres, particularly the Big Five centres of Pollsmoor, St. Albans, Durban-Westville, Johannesburg and Kgosi Mampuru II. In his report on Pollsmoor Correctional Centre – Remand Centre and Women’s Centre, Justice Cameron, of the Constitutional Court of South Africa, said: “The Constitution provides that detainees and sentenced prisoners have the right to ‘conditions of detention that are consistent with human dignity’. This provision requires that, at a minimum, prisoners and detainees should have access to – exercise; adequate accommodation; nutrition; reading material; and medical treatment. The Constitution also seeks to protect prisoners and detainees from cruel, inhuman or degrading treatment or punishment. In addition, the Correctional Services Act stipulates that correctional centres must have, among other things: sufficient space to enable inmates to move freely and sleep comfortably within the confines of their cells; accommodation that is properly ventilated; cells with sufficient natural and artificial lighting that allows inmates to read and write; sufficient and accessible ablution facilities available to all inmates at all times, including access to hot and cold water for washing purposes; and a separate bed and bedding for every inmate which provides adequate warmth for the climatic conditions and which complies with hygienic requirements”.

Despite various challenges, in response to the court order to reduce overcrowding at Pollsmoor Remand Detention Centre by at least 150%, an action plan, implemented in cooperation with the JCPS Cluster, saw the population reduced from 4,066 on 6 December 2016 to 2,570 on 8 May 2017.

The action plan is multipronged to include, amongst others, the following:

- Pollsmoor Medium A, Goodwood and Malmesbury correctional facilities were converted to be full time remand detention facilities to alleviate and assist to manage the influx from the courts.
- Accordingly, 1,000 sentenced offenders were transferred to the FS/NC Region.
- The position of Head of Centre has been filled.
- Progress has also been made in terms of physical exercise to increase the frequency of exercise from twice to four times a week, and assaults.
- Basic medical supplies and medication: In February 2017, the turnaround time for issuing prescriptions has decreased from 48 hours to 24 hours. Pollsmoor is now utilizing an onsite Laboratory Service with a Genexpert machine to improve the turnaround time for sputum (TB) results.
- With respect to feeding, the current shift system and acute staff shortages are an objective constraint to the strict adherence to Section 8(5) of the Correctional Services Act governing the provision of meals. However, offenders are still provided with three meals.
- With respect to bed spaces, due to the down management of the totals at the RD facility, there is adequate beds for offenders.
- The hygiene conditions have remarkably improved, with the addition of eight domestic washing machines for the purpose of providing clean blankets. New admission are now receiving clean blankets on arrival.
- Single cells are utilized as an informal library.

Whilst Pollsmoor is not an isolated syndrome, such conditions are certainly not prevalent at all 243 facilities. Other recommendations to deal with overcrowding include the option of building more incarceration facilities, marketing of bail and other non-custodial alternatives as well as ensuring an effective and efficient community corrections system.

For the past financial year, our quest to fight Tuberculosis has seen 83% offenders being treated, whilst inmate testing for HIV was at 123.14% and the provision of antiretroviral therapy (ART) at 98%. Numerous programmes are in place to improve the welfare of inmates, and promote healthy living.

Conditions of detention consistent with human dignity compels the Department to deal effectively with gangs in correctional facilities. Gang culture has a long history in South Africa. The Numbers prison gangs (26s, 27s and 28s) can trace their origins back to the prisons, mine compounds and informal settlements as long as 1824. In practice, government has been reactive and anti-gang strategies have not yielded the desired outcome partly because they have been restricted to policing and the criminal justice system. At the request of the JCPS Cluster, the National Anti-Gangsterism Strategy has been formulated to address not only the phenomenon, and impact, of gangsterism but also prevention of gangsterism. In line with the national strategy, DCS is also implementing an anti-gang strategy.

Challenges being encountered by DCS include no sustained gang centred programmes, as well as an integrated holistic approach to managing gangs.

Following the wholesale violent attack on officials on 26 December 2016, which resulted in the death of three offenders and injuries to 13 officials, I, again, visited St. Albans Maximum Correctional Centre, in Port Elizabeth, on 17 March 2017, for an interactive stakeholder session to address gang-related issues that affect both the incarcerated population, our workforce and surrounding communities. On 11 April 2017, I was back at St. Albans and engaged officials, and offenders, about their strained relations and working conditions. Eighteen officials at this centre still remain on leave for occupational injuries since October 2016, and there has not been staff replenishment to cover their absence. Between 30 April and 1 May 2017, five officials were violently attacked by inmates at Pollsmoor Medium A and Medium B centres. It is situations like these where our penal system can be viewed as having failed. Gangsterism, and feuds, in correctional centres cannot be allowed to continue, and offenders cannot be allowed to have the authority in centres. We continue to remind officials about the legal prescripts on the use of force, and the repercussions for officials when they lose focus and apply disproportionate force. When management is not united, wrong messages are given to staff. Few categories of people have daily access to our correctional centres. They are officials, offenders returning from external custody or work teams, and visitors. These people are the carriers of unauthorised items. As part of our clampdown on corruption at St. Albans recently, a correctional official and a DCS educator were dismissed. Several steps have already been taken to prevent a recurrence of violent attacks at St. Albans, which we are monitoring, and we will be back there soon.

**Some of the interventions at St. Albans include:**

- All offenders involved in the incident were removed from Maximum to Port Elizabeth Correctional Centre.
- In addressing some of the complaints of the offenders, some of them were transferred to facilities closer to their families.
- Management is implementing an action plan to address concerns raised by officials. These concerns include staff shortages, divided management approaches, information gaps between staff and management, impact of the shift pattern on operations and the associated risks to officials, HR administration: performance management, service benefits as well as inconsistencies in injury-on-duty management, and the application of common approaches to work so that DCS policies are implemented in a uniform manner.

We continue to give staffing issues at correctional facilities serious attention, and we have called upon the Department to ensure that there is no sluggishness in dealing with HR matters.

Our ageing infrastructure, and menial maintenance work, has been a concern for a while. Over the MTEF, we have allocated R2.6 billion for infrastructure development and maintenance, property leases, municipal services and accommodation charges for all our facilities. Engagement with the DG of Public Works and the National Commissioner are bearing some fruit, in respect of improvement on projects. About 90% of vacant technical posts in Facilities have been filled, and we are continuing to build our own internal capacity. The utilisation of offender labour will go a long way in reducing the level of dilapidation in our facilities. The budget on municipal charges and private leases continues to constrain the department to do as many projects as it would be practicably possible.

As a consequence, R183m has been removed from the capital budget to try and fund municipal charges. Due to the reallocation, a significant number of projects have been stopped or delayed.

Honourable Members, as per the White Paper on Corrections, the correctional system in South Africa should be subject to independent inspection. The Judicial Inspectorate for Correctional Services (JICS) facilitates the inspection of correctional facilities to ensure that offenders' rights are respected, and the Inspectorate reports on any corrupt or dishonest practices in correctional centres. As Section 85 of the Correctional Services Acts states, JICS is an independent office under the control of the Inspecting Judge. The Inspecting Judge must have at his or her disposal a number of full-time inspectors. Their findings are reported to the Inspecting Judge, who is obliged to report to the Minister of Justice and Correctional Services. Therefore, JICS is an important office that Correctional Services must support in order to ensure accountability and external scrutiny. The Department has been tasked to urgently address issues that hamper the effectiveness of JICS, and to put in place short, medium-term and long-term plans including increasing the JICS infrastructure footprint.

As part of our on-going work towards rehabilitation and reintegration of offenders, we must do more to engage with ex-offenders. On 14 March 2017, I met with various representatives from the ex-offender community in an attempt to find solutions to the recent sporadic incidents of violence at certain correctional centres. My office will continue to encourage initiatives of this nature, and redouble efforts to rehabilitate offenders.

In conclusion, allow me to congratulate our inmates and correctional officials for their role in getting into the Guinness World Records for making the world's biggest blanket. The achievement was orchestrated by Carolyn Steyn, founder of the 67 Blankets for Nelson Mandela campaign.

In this Department, Honourable Members, there are thousands of courageous and dedicated South Africans who carry out duties under extremely adverse conditions on a daily basis, away from the public glare. These are the unsung heroes, without whom our nation-building project can only remain a dream. I wish to convey my appreciation to the officials and officers of the Department of Correctional Services for their determined contribution to the building of a better society. Chairperson, there is an ever-greater demand for accountability and we have to demonstrate value for every rand spent. Together, let's build a country where all people are, and feel, safe.

THANK YOU.

**17 May 2017**