

## **Budget Vote Speech by Minister of Justice and Correctional Services**

**Michael Masutha, MP (Adv) National Assembly, Parliament, Wednesday 17 May 2017**

Honourable Speaker

Ministers and Deputy Ministers

Honourable Members

Distinguished Guests

Comrades and friends

Ladies and gentlemen

Good Afternoon

As Honourable Members are aware, this year is the 100<sup>th</sup> birthday of our great struggle stalwart Oliver Reginald Tambo who once said: "The fight for freedom must go on until it is won; until our country is free and happy and peaceful as part of the community of man, we cannot rest". His words resonate with our theme: "*The year of OR Tambo: Together deepening democracy and building safer and crime free communities*", as we celebrate 23 years of freedom.

Our goal to sustain a humane, efficient and effective correctional system that complies with national and international standards is squarely dependent on ensuring highly motivated, properly incentivized and capacitated officials. I can never overemphasize the commitment of our officials who are working under challenging conditions, and are making a positive contribution towards redefining corrections in this country.

Esteemed colleagues, in his State of the Nation Address this year, President Zuma said: "One of the strategies of fighting crime is to ensure that those who are released from prison do not commit crime again..."

As the Department of Correctional Services we continue to work hard to turn prisons into correctional centres through offering various services. As a result, compliance levels with parole and probation conditions have improved to reach a historic mark of 98 percent. This is clear evidence of our effective and efficient rehabilitation programmes. The country has also made good progress in reducing the numbers of children in correctional centres.

Honourable Speaker,

Despite some challenges we experienced since we took office in May 2014 which we have since been hard at work to address, I am pleased to report that for the first time, since 1994, this Department received an unqualified audit finding last year (2015/16).

Although the Department has achieved an unqualified audit outcome, there remain opportunities for improvement with respect to compliance especially with respect to supply chain management prescripts, internal controls in the management of programme performance information and implementation of audit recommendations.

During the past financial year, various assurance service providers such as the Departmental Investigating Unit, Inspectorate Directorate and Code Enforcement had been assigned to investigate and institute disciplinary action on irregular, unauthorized, fruitless and wasteful expenditure.

A total of 595 cases of irregular expenditure have been investigated. Where disciplinary actions were instituted, the outcomes of such actions include written warnings, verbal warnings and counselling for officials who transgressed on supply chain management prescripts. It is worth noting that cases of supply chain transgressions have been reduced, owing to the implementation of due diligence procedures in the form of compliance reviews to awarding of tenders. This mechanism will continue to be implemented to ensure continued compliance to legislation.

Honourable Members,

With a dwindling budget facing all State entities, we have to be more innovative and think differently so that we can achieve more with less. Treasury has enforced austerity measures in the form of baseline reductions. As a result, Correctional Services budget allocation has been reduced by R235 million in 2017/18. We are further bound to experience a similar trend for years 2018-19 and 2019-20.

In the 2017/18 financial year, the total budget allocation for the department is R22.8 billion with a year on year nominal increase of 5.7%. This will translate into 2018/19 receiving R24.5 billion and R26.2 billion for 2019/20. In spite of limited financial resources, we have deliberately reprioritized funding towards rehabilitation programmes. In so doing, over the medium-term, funding for rehabilitation will grow on average by 7.6%. This shift will ensure that provision of needs-based programmes to offenders is improved, thereby enabling social reintegration of offenders into communities.

These austerity measures call upon management to implement cost containment, whilst ensuring value for money in our activities. These measures have resulted in savings of approximately R34 million, which will be realized over the medium-term.

In order to ensure that the right level of skills are placed in the correct positions, we are re-looking at the human resource structure of Department to deal with the top heavy management composition so we can redirect resources and a bulk of activities towards the rehabilitation of offenders. This entails

streamlining head office and reducing it by a third, whereupon officials are re-deployed to strengthen operations at centre level. A number of critical posts at a senior management level remain vacant and we have put measures in place to expedite the process of filling them. The posts in question are Chief Deputy Commissioner for Human Resources and the Regional Commissioner for Limpopo, Mpumalanga and Gauteng.

Worth celebrating is the settlement agreement in respect of the 2<sup>nd</sup> Phase of the Occupation Specific Dispensation (OSD). This can be described as a watershed moment, considering that this was a thorny issue which took years to be resolved. I applaud our officials, organised labour and all other stakeholders who showed determination, and resilience, in resolving the impasse.

In 2016, I indicated that Department was in the process of developing an Integrated Inmate Management System (IIMS) which is intended to give a single capture, and view point, of all inmate and offender information in all correctional centres. This will improve on the delivery of our mandate to effectively incarcerate, rehabilitate and reintegrate the inmate population.

We have made significant progress in the implementation of IIMS at Kgosi Mampuru II, and Johannesburg Remand Detention centres commenced on the 19 March 2017, with an intake of almost 2,600 offenders into the system with biometric identification and verification to and from courts. The rollout of the system will continue to all remaining Remand Centres during 2017/18, while further enhancements will be developed for community corrections. The presentation on the Integrated Justice System (IJS) has shown that in the 1<sup>st</sup> quarter of 2017/18 IIMS will be integrated with DOJCD Integrated Case Management System for Sentencing & Warrants (what is called J7). This will enable virtual access to the two systems by officials.

Members of this House will remember that on 22 December 2016, the Western Cape High Court, in the matter between Sonke Gender Justice, the Government and the Head of Centre Pollsmoor Remand Detention Facility, the Honourable Judge Saldanha made an order that we undertake to reduce the number of persons detained at the Pollsmoor Remand Detention Facility to 150% of the current approved accommodation number within six (6) months of the date of this order.

As we have started implementing our action plan, the total population at Pollsmoor remand detention has been reduced from 251% in December 2016 to 157% as of the second week of May 2017. This demonstrates that we are on course to meet the target within the timeframes as indicated in the judgment.

In the last financial year, I announced that the department will undertake a pilot project to monitor compliance with the Correctional Services Act in our facilities, through a research tool developed jointly with Professor Muntingh from the University of the Western Cape. Four centres were part of this initial phase. The results of the survey have pointed to a need for the department to accelerate its research and monitoring capability, especially in the large and most problematic management areas.

This exercise will assist us to avert unnecessary litigation from our stakeholders on our inability to comply with the provisions of the Act, on minimum conditions of detention and protection of basic human rights.

For this financial year, the department is going to escalate the implementation of the monitoring tool to the five largest Management Areas in the country, i.e. Pollsmoor, Durban-Westville, Kgosi Mampuru, Johannesburg and St. Albans. Four different centres within each of these management areas will be targeted to allow for an enriched cross analysis of the most problematic areas of compliance, thereby enabling us to develop early warning signs and alternate remedies to the problems seizing our correctional system. The Department continues to engage with various external stakeholders and institutions of higher learning so as to ensure that we continue to follow best practices in terms of dealing with juvenile offenders. A recent study was conducted by UNISA on a criminological analysis on the transfer of juveniles to adult correctional centres. In the main, the study looked at establishing factors to be taken into account before the transfer of such offenders to adult correctional facilities as well as to investigate the needs of youth offenders in adult correctional centres. The findings and recommendations of this study will be taken into account in informing future policy formulation as it relates to juvenile offenders.

One of our main challenges with offenders serving life sentences is as a result of the 2011 North Gauteng High Court judgment of Van Wyk, which had the effect of bringing forward the minimum detention period for offenders sentenced to life before 01 October 2004.

Such has thus created some backlogs in processing parole consideration for this category of offenders, while on the other side, many cases were referred back for further profiling. To address the backlogs, we have accelerated the process of recruiting professionals such as psychologists, and social workers. Currently, all these professionals are converged in one place to speedily process the backlogs and in a week's time, they are expected to submit all the cases for further handling. Furthermore, the National Council for Correctional Services has undertaken to meet more often and to host regular marathon meetings so as to ensure that all offenders who qualify for parole consideration are considered timeously. With regard to the political offenders parole consideration process, as Honourable Members are aware, I have appointed a task team to process the Parole Application of this category of offenders. The same process as alluded to above is to be applied.

A process of information sharing on the status of parole applications for offenders serving life sentences, is currently underway. This will assist in creating a transparent consideration process. A toll free line with dedicated and trained officials is envisaged.

Honourable Members,

In November 2015, I established a Task Team with a view to drive the re-engineering of our parole system.

I am pleased to announce that the Task Team has pursued this assignment with commendable vigour, and has finalized the draft Position Paper “A REVISED PAROLE SYSTEM FOR SOUTH AFRICA”. The draft position paper has been subjected to extensive consultation, and we will keep you updated accordingly. Further, proposed amendments to the Correctional Services Act have been submitted for consideration. In addition, on 24 January 2017, proposed amendments to the Criminal Procedure Act were submitted to the Department of Justice and Constitutional Development for consideration. Once all necessary processes have been finalized, we will approach Cabinet and Parliament with draft legislation to support implementation of the Position Paper.

The proposed legislation will also help realign our services with the Criminal Procedure, Act 51 of 1977, as amended, to make restorative justice a mandatory process to help heal the harm caused by crime. The legislation will ensure that sufficient capacity is built for facilitating an inclusive process from the frontline in correctional centres, with professionals such as social workers to better manage relations with victims. The legislation will also create an enabling legislative, policy and operational environment for establishing effective relations with community based agencies, for ensuring effective implementation of the community corrections services.

The Department is currently working on developing a system for Prisoner Transfer Agreements at Bilateral and Multilateral Platforms. A consultative process with external stakeholders and the Executive Authority will soon be undertaken. Following this process, the proposed position document will be presented before Cabinet for final approval prior to entering into various bilateral agreements.

On the SADC multilateral forum, Legal experts from the Member States will be finalising the Draft SADC Protocol on the Inter-state Transfer of Foreign Prisoners in Gaborone on the 31<sup>st</sup> May 2017. This Draft Protocol will then be endorsed by the Ministerial Committee of the Organ (MCO) on the 21<sup>st</sup> July 2017.

Honourable Speaker

Collaboration between DCS and the National Skills Fund (NSF) has been enhanced, with NSF approving R87 million for 2016/2017 to 2018/2019, to target the skills development of 10,058 offenders. Another partnership was established with the Safety and Security Sector Education and Training Authority (SASSETA), with a commitment to provide funding for the training of offenders in various accredited skills programmes.

Much work has been done to address the filling of critical vacancies created by staff attrition, and we have been able to reduce the backlog of unfilled vacancies by 7.4%. DCS continues to offer employment through its learnership programmes, focusing on the most vulnerable sectors of the youth in our communities. A total of 2,017 learners who have been declared competent will be absorbed in vacant entry level posts, with some of these learners from child-headed household

backgrounds here with us today. We are also planning to recruit 3,096 youth in the next learnership programme.

In March this year, DCS was awarded a gold medal for the Best Interns Learnership Programmes and Best Skills Programme at the National Skills Authority (NSA) awards ceremony. Also with us in the public gallery today is Correctional Official Mr. Aubrey Baloyi, who is currently a dog handler at Boksburg Management Area. As a student correctional official, Aubrey was part of the 2016 learnership group when he saved R2000 from his monthly stipend to buy a member of the public, Cesar Atanaseo Cumbe, a wheelchair, which, together with groceries donated by his colleagues from the Boksburg Community Corrections Office, were handed over on 22 March 2017. Baloyi saw the plight of Cumbe when they were conducting monitoring of parolees and probationers at Zonkizizwe informal settlement as part of his practical learning in the learnership programme, and it troubled him so much that he decided he must do something about it. Cumbe survives through a social grant and small earnings from his shoe making business he runs from the street. Due to his walking impairment, he had self-made knee pads to help him crawl with less pain. When handing over the wheelchair, Baloyi said: "We are not related at all, but I felt I had an obligation as a public servant and a citizen of this country to bring change and improve the lives of others. Goodwill and humility should be every public servant's everyday activity". I offer him commendation on behalf of government for his splendid example of Ubuntu.

Finally, I want to extend thanks and appreciation to members of the Portfolio Committee for Justice and Correctional Services, the Deputy Minister of Justice and Correctional Services Honourable Thabang Makwetla, National Commissioner Zach Modise together with his management team and all correctional officials as well as all other stakeholders for all your efforts towards ensuring a progressive corrections agenda. Together, we can advance the ideals of OR Tambo.

I THANK YOU.

**Enquiries, Mthunzi Mhaga on [083 641 8141](tel:0836418141)**

**17 May 2017**