



DEPARTMENT OF CORRECTIONAL SERVICES: REPUBLIC OF SOUTH AFRICA

OFFICE OF THE DEPUTY MINISTER

**Speech by the Deputy Minister Correctional Services, Mr.  
Thabang Makwetla, MP  
NCOP, Cape Town, 29 July 2014**

Honourable Chairperson of the NCOP and Esteemed Members,  
Honourable Minister of Justice and Correctional Services,  
Security Cluster Ministers present,  
Colleagues,

The Budget Vote presented by Minister Mike Masutha two weeks ago (16 July 2014) has prioritised the implementation of restorative justice. We appreciate the Minister's support of the Victim-Offender Dialogues (VODs) which are aimed at bringing the victims of crime at the centre of the entire criminal justice.

The renowned Xhosa poet, prose writer and educator, E.S.K. Mqhayi, in his seminal literary work, "Ityala Lamawele" (The Lawsuit of the Twins), published exactly a century ago in 1914, provides an exposé of the AmaXhosa people's legal system in the time of King Hintsa. Mqhayi succeeded in demonstrating that long before our colonization, Africans had a sound legal system in place. He expressed concern that, "the language and the mode of life of the Xhosa people are gradually disappearing because of the gospel and the new civilization which came with the nations from the West."

The VODs are akin to African indigenous forms of justice. They are based on a theory of justice that considers crime, and wrongdoing, to be an offence against an individual, or community, rather than just the

state. Participation in the VODs is voluntary, and VODs provide an opportunity for offenders to express remorse to victims without any obligation to be forgiven by victims. VODs show the highest rates of victim satisfaction and offender accountability. We are indeed moving away from the inclination of forgetting and neglecting victims of crimes once sentencing has been passed by our courts.

It is a befitting coincidence that we should today be debating a budget of Correctional Services, which among others foregrounds a policy intervention that seeks to reclaim the ethos of pre-colonial African societies, whose demise Mqhayi bemoaned exactly the day he died 69 years ago on the 29<sup>th</sup> of July 1945.

Honourable members, Victim-Offender dialogues should be viewed as central to the Department's mandate of rehabilitation and reintegration of offenders. A leading proponent of Restorative Justice, Howard Zehr, reminds us that Restorative Justice derives from the consideration that:

1. Crime is a violation of people and relationships;
2. Crime creates obligations to make things right;
3. Justice involves the victim, the offender, and the community;  
and
4. Justice seeks solutions which promote repair, reconciliation, and reassurance.

Honourable members, VODs are an important tributary to crime prevention, and in ensuring safe, and secure, living environments. The community, as the victim of crime, needs to move away from retribution and distrust into a new movement that seeks partnerships to re-educate offenders in order to reduce crime.

The purpose of the Victim-Offender Dialogues is among others, to provide:

- (i) An opportunity for a victim, and offender, to discuss the offence, get answers to their questions, express feelings and gain a greater sense of closure;

- (ii) An opportunity for broad community participation in the fight against crime; and
- (iii) Prevention of repeat offending.

From these telling observations, it is explicit that for restorative justice and VODs to succeed, we need a cultural leap back to the future.

Since the launch of the Victim-Offender Dialogue (VOD programme) on 28<sup>th</sup> November 2012, at Secunda, Mpumalanga, 91 VOD sessions were hosted, and 1,342 DCS officials trained, on the VOD Implementation Guidelines. The VOD programme has recorded modest but encouraging successes. For example in 1996, when the so called "Worcester bomber", Stefaans Coetzee, was initially interviewed, he said that his only regret was that the other three bombs that he planted never exploded. He was unremorseful. With the Victim-Offender Dialogues, Coetzee has contemplated the consequences of his action in context and has expressed regret and remorse to the surviving victims, families of the deceased, and the community of Worcester.

In the Eastern Cape, a mother who has participated in the VOD has forgiven an offender who murdered her son. She has adopted this inmate as her own child. The mother, and her children, regularly visit the offender at the Umthatha-based correctional facility, and even give him money. Work should still be done to involve the father of the offender in reconciling with his son.

In Hammersdale, KwaZulu-Natal, two parolees, who went through the VOD programme, are back in their communities managing their own businesses. The VOD programme has contributed to the de-stigmatisation of these offenders, and afforded them a second chance through their victims and the community.

The VODs are being received well by the press and the public. In the story, "Prison taught me to tell truth", published by *The Star* (19 February 2013), a Durban businessman is quoted to have said: "Through the victim-offender dialogue programme I learnt that asking

for forgiveness was key to my healing and trying to get closure." Upon release, this offender who killed two people and injured ten others because of negligent driving, has been involved in anti-crime talks at schools and continues to participate in the Victim-Offender Dialogues of the Department.

Chairperson, the single Ministry of Justice and Correctional Services, carries the promise of implementing restorative justice to unprecedented levels. Our VODs are premised on the philosophy and experience of *ubuntu*. When we say, *motho ke motho ka batho*, we mean, "my humanity is tied with your humanity", that is, "what makes others worse off also brings harm to oneself."

In the article, "Ubuntu and the Law in South Africa", Justice Yvonne Mokgoro (2012:319) says, and I quote: "I believe we should incorporate *ubuntu* into mainstream jurisprudence by harnessing it carefully, consciously, creatively, strategically, and with ingenuity so that age-old African social innovations and historical cultural experiences are aligned with present –day legal notions and techniques if the intention is to create a legitimate system of law for all South Africans."

Honourable Members, the problem of prison overcrowding and overwhelming incarceration of Africans is an old one in South Africa. In the 1964 Foreword to Mandela's ***No Easy Walk to Freedom***, OR Tambo observed that: "South Africa has the dubious reputation of boasting one of the highest prison populations in the world. Jails are jam packed with Africans imprisoned for serious offences-and crimes of violence are ever on the increase in apartheid society - but also for petty infringements of statutory law that no civilised society would punish with imprisonment." We must spare no effort in finding creative and innovative ways for dealing with high levels of incarceration in our country and the overcrowding challenge. This will be a fitting tribute to a legendary humanist and revolutionary leader like Oliver Reginald Tambo.

Honourable Members, The Freedom Charter' clause, "The Doors of Learning and Culture Shall Be Opened" states that: "The aim of

education shall be to teach the youth to love their people and culture, to honour human brotherhood, liberty, and peace.”

Correctional Services must see itself as an active agent of this envisaged radical change and not a passive recipient of what society produces. DCS cannot fold arms and say it is just at the end tail of the entire criminal justice system. This demeanour does not help society when DCS silences its own critical voice or places itself at the periphery of the discourse and strategies of combating crime.

Our rehabilitation programmes, apart from offering the critical vocational skills to inmates, they should also offer inspiring and life changing content that should assist inmates to value their lives, history, culture and identity. Offenders must leave our institutions being ambassadors of crime-fighting, social cohesion and gender equality.

On the 17 September 2014, DCS officially launched the “**Reading for Redemption**” campaign as well as opened an Integrated Resource Centre at St. Alban’s Correctional Centre in Nelson Mandela Bay in the Eastern Cape. More than a million rand worth of books were donated to inmates, since the announcement of the “Reading for Redemption” campaign and our call to all organs of society to donate constructive books to aid the Department’s path towards the rehabilitation of offenders.

I have also noted that, in Brazil, for example, prisons are offering an interesting option to “select” who are the avid readers. The programme offers the opportunity to shave up to 48 days off their sentences every year by reading and writing essays on books they have read. Statistics, and analysis, show some strong links between literacy and crime levels.

Honourable members, corrections remain a societal responsibility. As a department, we will be strengthening community partnerships and stakeholder involvement. We will engage with NGOs, churches, women, youth, business associations and trade unions in a structured manner in our rehabilitation programmes and for effective reintegration of lawfully released offenders.

In conclusion, Honourable Chairperson, I am reminded that our reflections on the state and conditions of South African Correctional Centres, today coincides with a significant development in the annals of our national history. On this day in 1921, here in Cape Town, a political organisation whose members became arguably the most dominant and celebrated prisoners of conscience for decades more in South African Prisons, the Communist Party of South Africa was established. Allow me, therefore to dedicate my remarks to the memory of Bram Fisher, who as fate would have it, subsequently died in prison, and that of his fellow comrades, Walter Sisulu, Govan Mbeki, Ahmed Timol, Raymond Mhlaba, Wilton Mkwayi, Ahmed Kathrada, Andrew Mlangeni and many more whose lifelong suffering in South African jails made our society to glamour more for a humane order. This is to the destruction of a system which sort to dehumanize them.

I thank you.

