



**MINISTRY OF JUSTICE AND CORRECTIONAL SERVICES: REPUBLIC OF SOUTH AFRICA**

**Deputy Minister of Correctional Services, Nkosi Phathekile Holomisa**

**National Commissioner of Correctional Services, Mr Arthur Fraser;**

**Acting Director General of Justice and Constitutional Development, Advocate Skosana;**

**Chairperson of the National Council of Correctional Services, Judge Siraj Desai;**  
**and**

**Members of the Media**

The COVID-19 outbreak, which was first detected in Wuhan, China, in December 2019, has been evolving rapidly worldwide. On 30 January 2020, the World Health Organization (**WHO**) led by Director-General, Dr Tedros Adhanom, informed the world that COVID-19 was a public health emergency of international concern. On 12 March 2020, **WHO** escalated their alert and COVID-19 outbreak was declared a global pandemic.

On 25 March 2020, President of the Republic of South Africa, His Excellency, Mr Cyril Matamela Ramaphosa, declared a National State of Disaster, in terms of the National Disaster Management Act.

Comparatively speaking, other institutions nationally and worldwide, discharging the risk of people within their remit of responsibility, closed off their facilities and sent people back into the community. This is not something the Department of Correctional Services (DCS) can do with ease, simply because the interest of justice and society demand the complete opposite from us.

The DCS has continually adopted a conscientious approach in implementing its Covid-19 Disaster Management Response Strategy across all its centres and offices. This strategy entails prevention, containment, treatment and recovery.

We are confronted however, with the glaring impossibility of maintaining physical distancing in our centres due to overcrowding.

The United Nations (UN) High Commissioner for Human Rights, Ms Michelle Bachelet, has advised that under international human rights law, States are obliged to prevent foreseeable threats to public health and ensure that all who need vital medical care receive it. Over and above that, the UN Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules), set out measures to protect those in detention.

High Commissioner Bachelet also advised authorities to look for ways to release people in detention, more in particular low risk offenders and those who are at risk of contracting the virus. These include the elderly and those with serious health conditions. These are guiding international instruments as far as possible.

Our own Constitutional Court in the matter of Lee v Minister of Correctional Services, reminds that “[p]risoners are amongst the most vulnerable in our society to the failure of the state to meet its constitutional and statutory obligations”, and that “a civilised and humane society demands that when the state takes away the autonomy of an individual by imprisonment, it must assume the obligation . . . inherent in the right . . . to ‘conditions of detention that are consistent with human dignity’

Currently, our Covid-19 preventative measures are stretched to the brink, we have managed thus far, but the spread of the virus continues. We ought to act decisively and prevent this invisible killer from rapidly multiplying in our Centres. We convey our gratitude in this regard to the officials of correctional services who held the fort thus far in managing the spread of the virus in our centres.

We have, as of 08 May 2020, recorded **175 confirmed cases** of Covid-19 in Correctional Services and the total breakdown is as follows:

<b>Region</b>	<b>Affected Officials</b>	<b>Affected Inmates</b>	<b>Fatalities</b>	<b>Recovery</b>
Eastern Cape	37	65	02	58
Western Cape	54	03	01	24
Gauteng	04	09	0	0
LMN	02	0	0	1
Head office	01	0	0	1
<b>Total</b>	<b>95</b>	<b>77</b>	<b>3</b>	<b>84</b>

Acts of criminals who wreak havoc in our communities are a pain in the lives of law abiding citizens. Crime terrorise us in our homes, workplaces and businesses. Citizens then look up to the law to address the criminal elements that make our lives poorer.

However, we are inculcating a restorative justice system, restorative justice sees crime as an act against the victim and shifts the focus to repairing the harm that has been committed against the victim and community. It believes that the offender also needs assistance and seeks to identify what needs to change to prevent further re-offending.

We want to emphasize that behind Correctional Centres walls, offenders are being rehabilitated. There are programmes which are aimed at correcting offending behaviour, aide human development and promote social responsibility and positive social values.

Through our rehabilitation programmes, inmates are provided with life skills, empowered to abhor their previous lives of crime and are prepared for a second chance in life upon their release.

As part of implementing rehabilitation programmes and self-sustainability model in the department, inmates across the country are through our Production Workshops manufacturing furniture and their uniform. We have 19 textile workshops, 10 steel workshops, 10 wood workshops, 9 bakeries and 1 shoe factory.

Our workshops specialize in wood machining, upholstery, welding, plate metal work, fitting and turning, spray painting, powder coating, sign writing, confectionery, jig tool and dye making. Inmates gain valuable skills from the workshops which bolster their employment prospects and opportunities to establish their own businesses upon their release.

For the 2019/20 financial year, we have produced 3 702 000 loaves of bread, 6 378 568 litres of milk, 415 134 kg of fruits, 471 127 kg of red meat, 1 773 172 kg of pork, 539 061 kg of poultry and 1 456 368 dozens of eggs.

As a response to COVID-19, we will add the production of Facemasks in the workshops, which will significantly contribute towards the continued implementation of preventative measures in our facilities. We are also exploring producing soaps internally and work is at an advanced stage in this regard.

These are some of the activities that contribute to rehabilitation of inmates and prepare inmates for their release. As you would recall, special remission of sentences was announced by his Excellency, President Ramaphosa, on the 16th of December 2019, effectively releasing 14 647 low risk inmates to community corrections.

The inmates were granted a special remission of 12 months and those who were classified as low risk, received additional 12 months. This reduced overcrowding in our centres by 8.99%.

Already, some of these individuals have been removed from the community correction system after completing their sentences.

Inmates who were serving sentences for **sexual offences, child abuse, murder, attempted murder, armed robbery, sedition, high treason, sabotage, terrorism, offenders declared as dangerous by the court in terms of Section 286 A of the Criminal Procedure Act, 51 of 1977, offenders sentenced to life imprisonment, violations under the Domestic Violence Act, 1998(Act No 116 of 1998), any escaped/absconded inmate who evaded the justice system after being released on**

**bail pending appearance and was still at large on 16 December 2019, those certified as mentally ill and detained in accordance with the Mental Health Act of 2002 (Act 17 of 2002)** were excluded from the remission of sentence process. The same category of exclusions applies to this COVID-19 parole dispensation we are announcing.

It is imperative to inform South Africans that of the 14 647 inmates who were released, 99% have not violated their parole conditions. It is only a fraction that undermined our efforts and re-offended, they are 50 in total. The law has already dealt with them expeditiously and harshly.

We acknowledge that the special remission reduced overcrowding in our Centres, but unfortunately, we still have a high percentage of overcrowding which currently stands at 32.58% as of 04 May 2020. We have a total of 157 208 inmates, whereas our accommodation capacity is 118 572. This number includes a total of 56 536 inmates who are in remand detention. This means our accommodation capacity is exceeded by 38 636 inmates.

In our regions, the Eastern Cape has a highest prevalence of overcrowding at 54,88%, Gauteng follows with 52.10%, Limpopo, Mpumalanga and North West region stands at 39.18%, Western Cape stands at 29.08%, KwaZulu-Natal stands at 25.97% and Free State and Northern Cape region is at 0.45%.

In our big centres, **St Albans Medium A in the Eastern Cape** has occupancy level of 238.39% with a total of 1 683 inmates whereas its bed capacity is 706, **Johannesburg Medium A in Gauteng** has occupancy level 251.29% with a total of 6 609 inmates whereas its bed capacity is 2 630, **Kgosi Mampuru II Local also in Gauteng**, has occupancy level of occupancy of 176.55% with a total of 3 833 inmates whereas its bed capacity is 2 171, **Pollsmoor Medium B in the Western Cape** has occupancy level of

218.08% with a total of 953 inmates whereas its bed capacity is 437 and **Durban Medium A in Kwa-Zulu Natal** has occupancy level of 164.01% with a total of 4 102 inmates whereas its bed capacity is 2 501.

These are overcrowding challenges that confront us. Overcrowding is a multi-dimensional problem caused by various societal challenges such as criminality, unemployment, substance abuse and poverty, among others.

One of our mitigation factors to alleviate overcrowding was construction of new infrastructure and upgrading of old infrastructure to increase bed space. In 2015, we upgraded Ceres Centre, Western Cape, resulting in 282 additional beds.

In 2017, we upgraded Matatiele in Kwa-Zulu Natal and Vanrhynsdorp in Western Cape, resulting in additional 352 beds.

In 2018, we upgraded Standerton Centre in Limpopo, Mpumalanga and North West Region, resulting in 604 additional beds. In 2019, we upgraded Estcourt in KZN resulting in additional 309 beds. In 2020, we upgraded C Max in Kgosi Mampuru II resulting in 12 additional beds.

In the next five years, we will create additional 3 006 bed spaces through upgrades and construction of new facilities in Emthonjeni, Brandvlei, Parys, Burgersdorp and Lichtenburg. Experience has taught us that it is not possible for our infrastructure projects to outpace the rate of conviction due to our high crime rate in our country.

The levels of crime must significantly be reduced for us to avoid overcrowding in our centers, which currently poses a great risk to both inmates and officials. The DCS also has an overcrowding strategy where we manage levels of sentenced offenders through improving effective and appropriate use of conversion of sentence to community correctional supervision, release on parole and transfers between centres.

Reports indicate that the global prison population is estimated at 11 million, where at least 124 prisons worldwide, exceed their maximum occupancy rates. **WHO** states that prisons all over the world can expect “huge mortality rates” from COVID-19 as many of them are overcrowded.

This is attributed to the fact that the virus spreads quicker in closed spaces. Another exacerbating factor is that some of the inmates already have compromised immune system, as a result of chronic conditions. This makes them more vulnerable to Covid-19 and it can have a catastrophic effect to inmates, officials, communities around correctional centres as well as the broader public.

As we have seen, Correctional Centres walls do not prevent the spread of Covid-19. It is also likely that infections in our centres can be transmitted from our centres into society at large as officials regularly interact with their loved ones in their communities and offenders interchangeably. This could occur despite the fact that we are operating under a contagious disease protocol. **WHO** acknowledges that an outbreak of COVID-19 in prisons threatens people outside prisons.

In line with this observation, most countries across the globe, released inmates who are close to serving their Minimum Detention Periods and were sentenced for non-violent crimes, to avoid the Covid-19 rampage.

Countries like Turkey, Iran, France, Italy, Eritrea, Cameroon, to mention but a few, have during the outbreak of the virus, released inmates to ease overcrowding in their facilities. Inaction on our part, will put lives of officials, the broader population and offenders at great risk as Covid-19 cases continuously rise.

It is against this background that we promoted to President Ramaphosa to place selected categories of low risk offenders in the community corrections system.

This was in accordance with Section 84(2) (j) of the Constitution which gives the President the responsibility for pardoning or relieving offenders and remitting any fines, penalties or forfeitures.

In addition, Section 82 (1)(a) of the Correctional Services Act also empowers the President to at any given time, authorize the placement on correctional supervision or parole for any sentenced offender, subject to conditions that may be recommended by the Correctional Supervision and Parole Board.

Therefore, in line with Section 82 (1) of the Correctional Services Act, President Ramaphosa has authorised the consideration of parole for selected low risk qualifying sentenced offenders who have or will reach their Minimum Detention Periods within five years.

Placement on parole will be a decision of the parole boards, the President's decision only allows that these low risk offenders be considered for parole by the parole boards. It will be done in phases and the most vulnerable, such as those with underlying health problems, elderly (aged above 60 years) and female offenders with infants, will be prioritised.

Approximately 19 000 inmates across the country will benefit from this decision provided they meet requirements of the parole board. They will be considered on a case by case basis and those who qualify will be placed on parole after all the due processes including Victim Offender Dialogues, have accordingly unfolded.

This process will also include a comprehensive screening process for inmates including but not limited to, taking of their finger prints and DNA samples by the South African Police Services and soliciting inputs from departmental social workers and criminologists, which is a critical criteria for placement on parole.

We want to emphasize that this process is different from the remission which was applied in 2019 where offenders' sentences were remitted, meaning their sentences were reduced, in that case by 12-24 months.

Once completed, this process is expected to reduce overcrowding by 12.15% should those considered for parole by the boards be granted parole. This reduction will be important from a clinical perspective as overcrowding affects the quality of oxygen circulation within cells and this contributes to the speedy spread of the virus thereof. The DCS will implement further preventative measures to safeguard those remaining under our care.

The current process entails bringing forward the period of offenders' date of consideration of parole placement, and it does not alter the sentence that inmates received. All the inmates placed on community corrections are expected to abide by conditions that parole boards will impose upon them.

In our context, awaiting trial detainees contribute significantly to overcrowding. Our analysis at this stage has revealed that a considerable number of awaiting trial detainees find themselves incarcerated because of their socio-economic conditions. There are 5000 inmates who are currently in detention due to their inability to post bail. We are looking at intervention measures that could be implemented for these inmates working together with all relevant stakeholders.

We are not oblivious to the concerns of society towards releasing offenders before their sentence expiry dates. We arrived at this decision after careful consideration of facts before us. This measure is aimed at protecting the entire spectrum of South Africa from the Covid-19 pandemic, we cannot afford to falter, and we must flatten the curve and preserve lives.

Should the parolees display behaviour that is in conflict with the law and erodes public confidence on their rehabilitation, we will not hesitate to revoke their parole and incarcerate them. This is a conditional parole.

We know of parolees who violated their conditions of release and caused unbearable pain to society by committing heinous crimes. Their actions highlighted the inefficiencies of the parole system. Immediately thereafter, parole boards have met to look at the efficacy of the parole system and they have identified strategic interventions to enhance the system.

These interventions include establishing a task team of experts, criminologists and criminal psychologists to assess efficacy of the rehabilitation programmes and identifying gaps that leads to offenders reoffending and committing heinous and violent crimes; legislative review of the parole system and using the Western Cape as a pilot project where DCS provides names for eligible offenders for parole consideration in advance to SAPS thereby ensuring that Case Management Committees and the Correctional Service

Parole Boards have access to full information on offenders' prior crimes. During this process boards must do their work with due diligence

Let us work together to fight against the Covid-19 pandemic, it is a difficult task, but one which we must concur.

As President Ramaphosa reminds us from time to time, ***the situation in which we find ourselves demands courage and patience. It requires goodwill and trust between you, the citizen, and your government, and between each other.***

We are a resilient people, this too, we shall overcome. Hosi Katekisa Afrika Dzonga

**I thank you.**