

**Address by the Minister of Justice & Correctional Services**

**Adv. Michael Masutha, MP**

**Meeting with Department of Correctional Services Senior  
Management Service (SMS) Officials**

**KgosiMampuru II Management Area, Gauteng**

**10 November 2014**

**Thank you Programme Director.**

- **Deputy Minister, Mr. Thabang Makwetla**
- **Acting National Commissioner, Chief Operations Officer,  
Chief Deputy Commissioners, Regional Commissioners,  
Deputy Commissioners and Directors**

While we do not wish to be captives of our past, we equally know that anyone who closes his eyes to the past is blind to the present. A space like Kgoshi Mampuru II where we are all gathered today should remind us that although we may forgive the merciless hanging of our Kings, Chiefs, and soldiers of the liberation movements in colonial and apartheid jails, we should not forget the prize that was paid for this freedom. Names like Kgoshi Mampuru II, Chief Miskomfini Dlamini, Vuyisile Mini, Solomon Mahlangu, and Andrew Zondo should compel all of us to respect the clarion call to serve our people with distinction.

As we define our role as the leadership of the Department, we recall that exactly on this day (10 November) in 1985, our country lost the ANC's 7<sup>th</sup> President-General, the late Dr. James Sebe Moroka who embodied the values of selflessness and service to all our people. As President Jacob Zuma recalled in his 2012 lecture on Dr. Moroka, it was Dr. Moroka who treated African patients who were unable to pay him for free. He also helped many young people financially, including two Afrikaner students, who qualified as medical doctors.

Ladies and gentlemen,

I wish to thank the Acting National Commissioner for succeeding in arranging this session and everyone for attending. Let me also take this opportunity to thank everyone for all the efforts taken to brief me on various matters of my current portfolio and sharing institutional memory on where this Department comes from. My understanding can never be complete until I have met the Executive Management Committee (EMC) which I chair, and in due course I will inform the EMC of my availability for us to meet within this critical departmental structure.

It is the task of the ANC-led government to implement development programmes that derive from its election manifesto. It is our duty as civil servants to ensure that the wishes of our people who elected us into power are translated into clear programmes, meaningful programmes. To this effect, our government has identified 12 priorities for itself. For today's purpose, I will limit myself to the ones with which I have a performance agreement with the President.

### **My Performance Agreement with the President**

Our government has adopted an outcomes-based approach on performance. This approach was adopted in 2009 and the current administration is required to ensure that all the identified outcomes are achieved. On 23 July 2014 Cabinet adopted the 2014-2019 Medium Term Strategic Frameworks (MTSF) to be used as a comprehensive five-year implementation plan for the National Development Plan 2030 Vision and the Commitments in the governing party's election manifesto.

The MTSF is the key mechanism for achieving alignment of medium-term and short-term planning of government to the NDP 2030. The MTSF provides a framework for prioritizing and sequencing government programmes and development of initiatives for the next five year. There are 14 MTSF Priority outcomes identified for the current administration. For the duration of my term I, have entered into a performance agreement with the President to support the following Outcomes:

1. Outcome 2: A long and healthy life for all South Africans
2. Outcome 3: All people in South Africa are and feel safe

3. Outcome 11: Create a better South Africa, contribute to a better and safer Africa in a better world
4. Outcome 12: An efficient, effective and development- oriented public service
5. Outcome 13: An inclusive and responsive social protection system
6. Outcome 14: National Building and Social Cohesion

The above is core to our business. I have had time to familiarize myself with the strategic goals of the Department and have raised certain concerns with Senior Managers that I have met thus far.

I am expected to ensure that the Department's strategic plans and annual performance plans are fully aligned with the indicators and targets of the MTSF.

It is my wish and desire for us to work hard to achieve all the Outcomes which forms the basis for my Performance agreement with the President, but I believe firmly that Outcome 3, 12, and 14 carry the core mandate of our portfolio and our vision should be based on same. Over and above, South Africa has continental and international obligations. We should therefore continue to play a meaningful role in these structures in order to realize outcome 11 which specifically states that we need to "create a better South Africa and contribute to a better and safer Africa and the World." We should all strive to improve the justice system of this country in order to achieve an inclusive and responsive social protection system.

## **MY VISION FOR THE DEPARTMENT**

### **(a) Restorative Justice Approach for the Department**

I am aware of a lot of hard work that Correctional Services has done over the years in developing and adopting policies on restorative justice and victim empowerment. In 2001, the Department adopted the Restorative justice approach as part of its mandate to rehabilitate and correct offending behaviour of inmates. Furthermore, the White Paper on Corrections (2005)

makes provisions for the restorations of relations between offenders and those they harmed.

We have thus been saying it for a while that the offended must be at the centre of the criminal justice system. The time is ripe to make sure that we translate talk into action. It is time we succeeded in implementing our well crafted policies, and to amend policies and legislation to ensure that the voices of the offended are not silenced.

Over and above the mandatory rehabilitation programmes, let us adopt restorative justice-oriented programmes. Let us also remember that from the 16 to the 23 of November, the world will be commemorating *International Restorative Justice Week*. The theme for Restorative Justice Week 2014 is "**Inspiring Innovation**." We must use this week to recognize and celebrate the sharing of concrete learning and results that come from the application of a restorative justice approach and related processes used by practitioners and stakeholders. This is indeed a good week for us to reflect on Victim-Offender Mediation processes including the Department's Victim-Offender Dialogues.

The Department must also have a clear programme which will be properly communicated to the public during the campaign of *16 Days of Activism for No Violence Against Women and Children* which starts on the 25 of November until 10 December.

Our approach to everything that we do as a Department must be inspired and shaped by restorative justice processes. From the day a person is admitted in a correctional centre until he leaves, we should do things with this philosophy in mind. Offenders must not be condemned, but they must be encouraged to reconcile with those they offended. Offenders must learn about the impact of their actions to society, and when we consider giving them second chances like employment, we should also find ways of assisting 'victims' of crime or the offended find employment.

**(b) Reaching out to communities**

One of the lasting impressions I had during my first interaction with managers in the Department was that the Department has

for many years been narrowly, inward-looking in its mandate and operations. Our concern must be the impoverished people outside our correctional centres who are prone to committing crime. We must be concerned about our young people who are being wiped out by gang violence, drugs, and alcohol abuse because they end up in the mortuary or in our correctional facilities after committing petty or heinous crimes.

The offenders that we are rehabilitating and skilling must become our ambassadors in the fight against crime. We need to see more of them visiting schools and discouraging their peers about the life of crime. The offenders that we have skilled, as a way of demonstrating remorse to communities and victims of crime, must not only plough community gardens and build schools, but must also transfer these skills to our communities as a way to pre-empt the innocent from committing crime.

Programme Director, I am aware that there are a number of examples that the Department has where they have ploughed back to the community. I will keep returning to this point as long as I do not see it reflected in our strategic framework and resource allocations. What I need to see during my term are these community uplifting projects by our offenders done on a bigger scale. Each Correctional centre, in terms of its performance appraisal, must identify needs in their immediate communities and work with the offenders as per the needs of communities. If this is done well, such efforts will go a long way in reconciling our offenders with the communities which they have harmed.

(c) **CMCs and Parole Boards**

Based on my initial observations, there is a clear need to improve parole administration in this country. It is for this reason that this month, I will be in court defending my decision not to grant one of our offenders parole because his victims indicated that they had been left out of the parole consideration process. I have thus set up a task team which is looking at parole administration, and it is already picking up the challenges regarding the participation of the offended in parole processes. It is for this reason that I have decided to organise work sessions for CMCs and parole boards at the end of November and beginning of December to ensure that the work of these professionals is strengthened.

#### **(d) Legislative Review**

There are a number of loopholes in the legislation that this administration has noticed. In future, it is plausible that we may have a separate legislation that deals with parole administration. It appears also that there is a need to review and develop policy on advisory bodies.

#### **(e) Communication**

I believe that we need to improve internal communication and communication with our external stakeholders. We need to inform and educate the public about our mandate including parole. A lot of the good work that the Department is currently doing should be communicated to all our stakeholders.

We are far from being a perfect people. However, the fact that we are mandated to repair harm, give hope, and offer a second chance to humanity, means we are called to a perfect mission. As Senior Managers bestowed with this sacred responsibility, we dare not fail those who sacrificed their lives for our freedom in this noble duty of fostering peace and creating safe and secured communities.

We need to work together and coordinate our efforts. Our National Development Plan is actually clear that for us to achieve the vision we have set ourselves for 2030, we need to deal away with the silo mentality of delivering services.

Let me conclude by returning to my wish for a restorative justice approach in the department which I believe will go a long way in the cultural emancipation of our indigenous knowledge systems. In a moving 2012 book entitled, *Ubuntu and the Law: African Ideals and post-apartheid jurisprudence*, John Murungi captures the heart of African jurisprudence in the following words:

*“Each path of jurisprudence represents an attempt by human beings to tell a story about being human. Unless one discounts the humanity of others, one must admit that one has something in common with all other human beings. To discount what one has in common with other human beings is to discount oneself as a human being. **What is essential to***

***law is what secures human beings in their being.*** The pursuit and the preservation of what is human and what is implicated by being human are what, in a particular understanding, is signified by African jurisprudence. Being African is a sign of being African, and being African is a sign of being human. African jurisprudence is a signature. In this signature lies not only what is essential about the Africanness of African jurisprudence. To learn how to decipher it, which, in a sense, implies learning how to decipher oneself, paves the way to genuine understanding”.

I thank you.