



Ministry Justice and Correctional Services

Republic of South Africa

**Political Overview of Minister of Justice and Correctional Services at the Portfolio Committee of Justice
on Correctional Services on 24 June 2020.**

Honourable Members, thank you for the invitation to address you and to account on how the departments we are appointed to oversee are delivering services to the nation under a global pandemic environment. We continue to adapt to the new normal as a result of Covid-19.

Government continues to implore all South Africans to adhere to preventative measures, restrictions and regulations so that they are protected from possible infections.

President Ramaphosa has performed a delicate balancing act by announcing easing of lockdown restrictions which government is implementing to create an environment for economic activities to resume.

The easing of restrictions in no way suggests that we are coronavirus free. It places a heightened responsibility on all of us to observe the required Health protocols to mitigate risk of transmissions that can lead to a resurgence of high number of cases.

Honourable Chairperson

The departments in our Ministry have not been spared of the effects of Covid-19. Some of the courts were forced to close for decontamination purpose after positive cases were detected. Our correctional center's also continuing to record positive cases for both officials and inmates. However, we have comprehensive strategies in both departments which enable us to manage and treat infections.

To date in correctional services, we have recorded 1 485 recoveries and we currently attending to 497 active cases. Our sincerest condolences go to the families of 16 citizens in our centers who have since passed on as result of COVID-19.

In respect of the Department of Justice and Constitutional Development we are still experiencing lower numbers, with 93 reported active cases and a total of three, two magistrates and a court clerk, have succumbed to COVID-19 we extend our sincere condolences to families of these citizens as well.

Overcrowding in Correctional Facilities

Honourable Members, our mandate requires us to administer justice to the latter. This means that we are constitutionally obliged to incarcerate inmates who have been lawfully sentenced by courts irrespective of accommodation capacity at our disposal.

The rate of imprisonment in our country for awaiting trial offenders is increasing at a rate which requires us to urgently interrogate the linkages in our criminal justice system.

An analysis of our inmate population to date reveals our bed space in Correctional Services currently sits at 118 572, whereas we have a total of 149 330 inmates with 96 272 sentenced inmates and 53 058 remand detainees. In other words Honourable members, 55,1 percent of our inmate population are yet to have their day in court.

These numbers cannot be viewed outside of the country's socio-economic conditions. Our prison population is largely constituted by those from disadvantaged backgrounds, more in particular young black males.

Some are in our centres for economic crimes such as shoplifting, stealing, and robbery. There are also those who have committed heinous crimes. The high number of those imprisoned for economic crimes has prompted us to ask ourselves whether incarceration should be the only option at our disposal.

We are asking this question cognizant of the fact that sentences for such crimes are short term thus resulting in sentenced offenders not benefitting from effective rehabilitation programmes in correctional facilities. Put differently, short term incarceration for low risk crimes, do not give enough time for the correctional services system to reform and rehabilitate offenders.

We are carefully examining the criminal justice system in areas such as sentencing so that incarceration does not become the only option for such crimes.

We will be reviewing some of our policies and we are looking forward to thoughtful contributions which will emanate from public debates through the legislative process so that together, we can address overcrowding in correctional centres.

We have the National Overcrowding Task Team which works with regions and management areas to manage overcrowding through a multi-prolonged strategy.

Overcrowding is a multi-dimensional challenge caused by various societal factors such as rampant criminality, unemployment, substance abuse and poverty, amongst others.

In the next five years, we will create additional 3 000 bed spaces through upgrades and construction of new facilities. However, as I have said, 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 the country.

This means the level of crime must significantly be reduced for us to avoid overcrowding.

We will continue to manage overcrowding through effective and appropriate use of conversion of sentence to community correctional supervision, release on parole for inmates and transfers between centres so that we can optimally use our bed spaces.

The department will address this matter on their presentation and elaborate further.

Special COVID-19 Parole Dispensation

As Honourable Members would recall, on 8 May 2020, we elaborated on a Special Parole Dispensation after His Excellency, President Cyril Ramaphosa, authorized the consideration for placement on parole for selected categories of sentenced offenders.

This was a measure to combat the spread of Covid-19 in Correctional Facilities which are considered high risk areas for infection.

South Africa is not the only country that has released inmates to mitigate the rapid spread of Coronavirus in correctional facilities.

Many countries took this approach in response to the United Nations' call on all countries to reduce prison populations so that social distancing and self-isolation conditions can be better practiced.

The parole dispensation only applies to low risk sentenced inmates who have passed their minimum detention period or will approach this period in the coming five years.

Those who committed violent crimes, sexual offences and other categories of crimes we have mentioned are excluded from this parole dispensation.

So far, we have released 3 557 inmates across the country and none of them have been re-arrested thus far. The breakdown of release per regions is as follows:

Eastern Cape – 275,

Western Cape – 825,

Gauteng – 678,

Northern Cape and Free State – 555,

Limpopo, North West and Mpumalanga – 490, and

Kwa-Zulu Natal - 734

Before we release the inmates, we adhere to the latter to all the parole boards processes. Honourable members, everyone within the system is alive to the fact that this process has to be nothing short of meticulous.

The number of inmates we have released thus far is lower than we anticipated. This is attributed to factors such as non-availability of some of members of the parole boards as a result of Covid-19 and delays in taking DNA samples from inmates. However, we are addressing these shortfalls and we anticipate that the process will move with speed going forward.

The released inmates will be placed on Community Corrections where they will continue serving their sentences. We have personnel who will be entrusted with monitoring the parolees and administrating their probations.

All our Management Areas are increasing their capacity on community corrections and we are also exploring the field of technology for some of our work and the department will expand further in this regard. The Department is also exploring the utilization of Community Policing Forums to enhance monitoring.

Once this process has been completed, it is estimated that it will reduce overcrowding in correctional facilities by 12.5%. A reduction which is 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.

Honourable Members, I want to emphasize that behind the walls of correctional facilities, we run rehabilitation programmes which inmates are exposed to.

We also transfer skills to inmates to enable them to contribute back to society positively and increase their prospects of being gainfully employed upon their release.

Just yesterday, I conducted an announced visit at the Witbank Correctional Facility. This facility is responsible for textile and shoe production aspect of correctional services. In this facility, I witnessed how offenders manufacture shoes and offender uniform for numerous centres across the country. This a clear indication that correctional services can become a self-sufficient department.

In the last financial year, our production workshops in Correctional Services which inmates operate produced the following:

- 3.7 million loaves of bread,
- 6.3 million liters of milk,
- 415 000kg of fruits,
- 471 000 kg of red meat.
- 1.7 million kg of Pork,
- 539 000 kg of Poultry, and
- 1.4 million dozens of eggs.

It is critical to note that some of the inmates who will be placed on parole possess skills to produce these items and many more. We appeal to the community to guard against discriminating and stigmatizing against the released inmates but rather allow them to use their newly gained skills to make an honest living.

Court Backlog

Honourable Members, we have developed and adopted a Criminal Case Backlog Plan which provides guidelines for the management of backlogs in the criminal court rolls which are exacerbated by the National State of Disaster and lockdown restrictions.

Justice must continue to prevail under Covid-19, we are working with the judiciary to ensure that operations in the courts continue, whilst observing regulations gazetted.

Most courts have developed priority rolls in conjunction with the National Prosecuting Authority, Legal Aid South Africa and the legal representatives of accused persons. This allows the flow and management of cases. We may also have to consider looking at the number of court hours. The new normal requires a new way of doing things.

The department will expand further on how we are addressing court backlogs in their presentation.

As I conclude honourable members, I want us to understand that although as a nation we may find ourselves at our lowest ebb, our resurrection is informed by our ability and willingness to leap into a whole new way of thinking.

I want to appreciate the good work done by the portfolio committee. We commit ourselves to continue drawing from the wisdom of the committee and we will account and appear before the committee when invited. Through the chairperson, I would now invite the departments to make their presentations.

I thank you!