

Address by the Minister of Justice and Correctional Services

Adv. Michael Masutha, MP

Africa Corrections Day 2014 Lecture

Kgoši Mampuru II Management Area

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Programme Director

Deputy Minister of Correctional Services: Mr. Thabang Makwetla

Acting National Commissioner: Mr. Zach Modise

Chairperson of NICRO: Judge Erasmus

The CEO of NICRO: Ms. Soraya Solomon

The United Nations Office on Drugs and Crime Representative: Mr. Jason Eligh

Wits Justice Project Representatives

Azania Peoples Aid: Mr. Geoffrey Simiyu

All other Correctional Services Officials

Justice, Crime Prevention & Security Cluster Representatives

Our Stakeholders and Partners

Members of the Media

Distinguished Guests

The Constitution of the Republic of South Africa of 1996 has an entrenched Bill of Rights, which requires DCS to protect, and promote, democratic values of human dignity, equality and freedom. To give effect to our country's human rights based laws, DCS developed a broad-based White Paper on Corrections in South Africa (2005) which, together with the Correctional Services Act 111 of 1998, enjoins us to promote a human rights culture in our correctional system. Incarceration within a safe, secure and humane environment is therefore non-negotiable.

Rule 55 of the Standard of Minimum Rules for the Treatment of Prisoners stated that there shall be regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that the institutions are administered in accordance with existing laws and regulations and with the view to bringing about the objectives of penal and correctional services. To this end, DCS appointed an Inspecting Judge of Correctional Services who is currently Judge Vuka Tshabalala.

In order to deliver effectively on its core business, DCS has adopted a needs-based approach to rehabilitation. The Department is making progress towards the rehabilitation of offenders, through the provision, and implementation of over 11 correctional programmes addressing the different crime categories, and youth in particular. Furthermore, DCS has embarked on a drive to recruit and retain scarce

skills in order to enhance its capacity to implement rehabilitation programmes aimed at breaking the cycle of crime among offenders.

Currently, inmate access to psychological services is three times more than that of ordinary uninsured South Africans, but more is required to effectively correct offending behaviour and break the cycle of crime. There are 68 psychologists employed on a full-time basis to service about 155,000 inmates, in 243 correctional centres, nationally. We are, therefore, confident that, within our holistic approach, our psychologists, social workers, health care professionals, teachers, artisans and correctional officials, together of course with families and communities, can make a positive contribution to the rehabilitation and successful reintegration of offenders.

Mindful of the scarcity of skills, the department has adopted a strategy for the recruitment and retention of professionals, which includes granting of special higher salary notches, providing scarce skills and rural allowances, training and career growth opportunities as well as recognizing excellence among staff.

To address the challenge which is not unique to our country, the Department has developed a long-term Facilities Strategy, for the building of additional bed spaces and to ensure effective rehabilitation, and safe custody, in humane conditions. Furthermore, a multi-pronged overcrowding management strategy is being implemented, including the reinforcement of diversion programmes, alternative sentencing, effective management of the parole system and promotion of successful social re-integration.

Different categories of offenders are being kept in separate centres, taking into account various factors including their sex, age, criminal record and legal reason for their detention. In most instances, juveniles, mothers and babies and elderly offenders are accommodated in dedicated centres.

DCS has ensured access to effective primary health care, while those in need of secondary, and tertiary, health care services are taken to public health care facilities. The fight against the scourge of HIV and AIDS, as well as tuberculosis, is being intensified in order to enable every inmate to lead a healthy lifestyle. Since 2005, various policies, pertaining to Health, Mental Illness, Smoking and Nutrition, were developed and aligned to the White Paper, Correctional Services Act, Health Act, Mental Health Act and other applicable legislation. A wide range of health programmes are being implemented across all management areas, which include basic health care, HIV and Aids management and voluntary counselling and testing, TB and other communicable diseases, oral health care, mental health services and acute and chronic disease.

Since 2012/2013, it is mandatory for all incoming inmates to be screened for TB. In selected centres, TB screening machines have been introduced to assist in this regard.

In March 2014, DCS concluded a ground-breaking policy framework on the management of remand detainees, with the passing of the White Paper on Remand Detention in South Africa. The policy seeks to close a gap left by the White Paper on Corrections passed in 2005, as well as the amendments made to the Correctional Services Act. In our continent, the number of remand detainees, or awaiting-trial detainees, is a major concern both in terms of actual numbers and their length of

detention. In some instances, in the continent, remand detainees constitute up to 97% of people incarcerated. In South Africa, on average, 15 to 20% of remand detainees are in custody because they cannot afford to pay bail granted by the courts. However, whilst the global average of remand detainees in relation to sentenced offenders is 32%, in South Africa the number of remand detainees was 26% as at 17 September 2014 – six percent lower than the global average. This decrease is as a result of increased collaboration by various partners within the criminal justice system, which will be further enhanced with the now integrated Ministry of Justice and Correctional Services.

Next month, we are expected to launch the Integrated Inmate Management System (IIMS). This system comprises of a centralized database of remand detainee and offender information, enhances information security and offender identification and has the potential to link-up with the other JCPS cluster departments information systems for data exchange and information sharing. This single-view of remand detainee and offender information, based on biometric identification of remand detainees and offenders, will curtail instances of identity fraud and erroneous releases. We are working towards the modernization of the correctional system in order to provide a reliable, integrated and secure information and communication technology (ICT) infrastructure and system.

In November 2014, we expect to launch a video-conferencing system in all 53 Correctional Supervision and Parole Board (CSPB) offices. This innovation is intended to help reduce the barriers of participation in parole hearings, including physical distance and language barriers to our efforts of prioritising the victims in parole hearings. With this video conferencing capacity, built with funding from the Criminal Asset Recovery Account (CARA), victims may go to their nearest CSPB offices and be linked to the actual parole board hearings to express their views on possible release of offenders on parole.

From this (2014/15) financial year, we will ensure that 64% of offenders' complete correctional programmes and that an 80% participation rate of offenders enrolled in education, and skills development programmes, is maintained. We will step up collaboration with, among others, established universities, the National Youth Development Agency, the Sector Education and Training Authorities as well as the Departments of Basic and Higher Education and Labour.

Although there has been significant improvement in compliance with conditions of probationers and parolees from 82% in 2012/13 to 94% in 2013/14, DCS is investing more in building the credibility of the system among criminal justice partners and communities.

We have signed MOUs with the Universities of South Africa, Pretoria and Zululand, which makes provision for Criminology students from these institutions to gain practical work experience relating to their field of study, and, simultaneously, to assist DCS with assessments, risk profiling, community profiling and the rendering of correctional programmes.

There are many pockets of excellence within DCS which must move from being just inside correctional centres to the outside and into communities across the country, where unemployed youth, from surrounding localities, are brought in to correctional centres over a period of time to be trained with offenders in, among others, motor

mechanics, furniture making, electrical engineering business management and agriculture. As per the National Development Plan, safety and security are directly related to socioeconomic development and equality. A safe and secure country encourages economic growth and transformation by providing an environment conducive to employment creation, improved education and health outcomes, and strengthened social cohesion. The country should address rehabilitation through correctional services from an institutional point of view, and in society, through community and societal transformation processes. Active citizenry, an efficient criminal justice system and effective coordinated partnerships with civil society and the private sector are key components of a sustainable strategy for citizen safety. Achieving long-term, sustainable safety requires tackling the fundamental causes of criminality. This would mean mobilizing state and non-state capacities and resources at all levels, and citizen involvement and co-responsibility.

In conclusion

Human rights are [moral](#) principles, or [norms](#), that describe certain standards of human behaviour, and are regularly protected as [legal rights](#) in national and [international law](#). They are commonly understood as inalienable fundamental [rights](#) "to which a person is inherently entitled simply because she or he is a human being", and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being [universal](#), and they are [egalitarian](#) in the sense of being the same for everyone. They require empathy and the rule of law, and impose an obligation on persons to respect the human rights of others.

Addressing the court before his sentencing, the late President Mandela said ***"Whatever the sentence Your Worship sees fit to impose upon me for the crime for which I have been convicted before this court may it rest assured that when my sentence has been completed, I will still be moved as men are always moved, by their conscience. I will still be moved by my dislike of the race discrimination against my people. When I come out from serving my sentence, I will take up again, as best I can, the struggle for the removal of those injustices until they are finally abolished"***

THANK YOU.