



**Ministry Justice and Correctional Services
Republic of South Africa**

**MINISTER RONALD LAMOLA POLITICAL OVERVIEW ON THE PORTFOLIO STRATEGIC PLANS FOR THE
PERIOD 2020 TO 2025 AND ANNUAL PERFORMANCE PLAN FOR THE 2020/21 FINANCIAL YEAR-
DEPARTMENTS OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, DEPARTMENT OF
CORRECTIONAL SERVICES AND THE OFFICE OF THE CHIEF JUSTICE

PRESENTED TO THE PARLIAMENTARY PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL
SERVICES ON 18 MAY 2020**

Chairperson,

Honourable Members of the Portfolio Committee on Justice and Correctional Services,

I greet you all!

It is an honour and a privilege to present the political overview for the Strategic Plan 2020/2025 and the Annual Performance Plan for the 2020/2021 financial year, on behalf of the Department of Justice and Constitutional Development, the Department of Correctional Services as well as the Department which we refer to as the Office of the Chief Justice. The Office of the Chief Justice tables its second Strategic Plan 2020 to 2025 since it became a fully-fledged Department under Vote 22 in the 2015/16 Financial Year.

Honourable Members,

These Strategic plans come at a time when South Africa is confronted with a pandemic that has redefined the way we live and the way we work.

When we conceptualized these plans, our priorities sought to invoke a paradigm shift in our country. A shift to rebuild the capacity of the state, rebuild our ability to fight corruption, restore investor confidence, recalibrate the economy and create much needed jobs.

But as the African proverb goes "Ikamva alaziwa" ("no one knows what tomorrow brings"), we are now required to implement these Plans on the back of a COVID-19 pandemic amid a recessionary economic climate. Because of this, we must reflect on the impact of the pandemic, even though the Strategic Plans and Annual Performance Plans were finalised before the gravity and impact of the COVID-19 pandemic in our country were fully understood or even known.

It is clear that ability to deliver on our priorities will be curtailed by the advent of COVID-19 – we are experiencing challenges in areas where there were none before and this forces us to think outside the box and adapt our approach accordingly.

Honourable members,

In times like this, the words of , former President Nelson Rolihlahla Mandela, are inspirational, when he said:

"Disasters will always come and go, leaving their victims either completely broken or steeled and seasoned and better able to face the next crop of challenges that may occur."

South Africans are a resolute people, and it is our firm belief that we will come out of this pandemic a stronger nation.

Honourable Chairperson,

Broadly speaking, there are 8 priorities that we wish to outline which permeate across all three departments. Some unique to the nature of a particular department but most, in the main, give expression to the ultimate outcome of an integrated justice system and an effective correctional services system.

In the main these priorities seek to implement our vision of ensuring that we have capable, ethical and developmental state, Social Cohesion and safe communities.

To this the end of this financial year is envisaged as the year wherein all vacant posts will be filled to enhance our endeavor to build a capable state. If we are to deliver on our promise of providing people's centered services, then this is crucial.

This will be done in tandem with implementing the findings made by various oversight bodies such as the Auditor-General as well as those set out in special reports received from various oversight bodies, from this committee, SCOPA and from the Special Investigations Unit etc.

The Department of Correctional Services has over the years been subject to several high profile investigations over maladministration and corruption. This has harmed its public image. We are, therefore, committed to reverse this by following through on relevant SIU resolutions and ensuring that consequence management is implemented throughout the system.

Impunity breaks down public trust and we are clear in our resolve that an ethical state is founded on consequence management. The Batho Pele principles underpin how we serve the people.

The Plans of the Department of Correctional Service (DCS)

The department's guiding metric is to promote a just and peaceful society by incarcerating inmates in a safe and secure environment and correct their offending behavior. Once we have corrected such behavior, the next step is to reintegrate inmates back into communities when they are released.

As honorable members are aware, behind the walls of prisons, there are various programs that unfold, inmates get to attend school, are trained in various fields, produce their own food, repay society by doing renovations and maintenance of public facilities, etc.

We have heard the outcries on the parole system, we are busy reviewing it and we have adopted measures that will in the interim assist us to minimize the risk of reoffending. Our approach will also be victim centric, victims of crimes are often robbed of breadwinners through crime and we want to see how as part of implementing restorative justice, victim empowerment is also integral.

This year we want to maintain an unqualified audit opinion with lesser findings so that we can build towards a clean audit opinion.

The DCS has five programs, namely, Administration, Incarceration, Rehabilitation, Care and Social Reintegration. Some of the major plans for 2020/21 Financial Year include:

- Dealing decisively with corruption and fraud in the department by completing investigations timeously.
- Approve Integrated Human Resource Strategy and Master Information System Security Technology Plan
- Management of overcrowding in our centres
- Increase number of offenders participating in Occupational Skills and Educational Programmes
- Ensure that offenders have access to quality healthcare and are screened for diseases such as diabetes and hypertension
- We want to have 99% of parolees and probationers who do not violate their conditions
- We also want to increase economic opportunities for offenders, parolees and probationers and victims of crime.

At the same it is clear that the efficacy of our parole system requires us to pay particular attention to how the system as whole links up. Overhauling the Correctional Services Act will help address issues of this nature.

In that vein, society has to engage if a person sentenced to less than two years should be incarcerated in our centers. Evidence is emerging that it is difficult to undergo rehabilitation in such a short space of time. Collaboration within the criminal justice system on the revision of legislation relating to mandatory minimum sentencing and duration of sentences, imposed bail protocols and provisions, eligibility for early release, and non-custodial sentencing as an appropriate sanction.

We remain committed to create a professional workforce that will contribute to the mandate of building a better South Africa. We want officials who will help us to change the negative perception of the DCS, we assure comrades that they will see innovation and efficiency in our approach towards service delivery. We will also contribute to the District Delivery Model and officials will expand further in this regard on the APP.

COVID-19 Parole Dispensation:

Honourable Members

We have taken the critical step of releasing on parole 19 000 low-risk offenders to prevent inmates with comorbidities from contracting this silent killer which has sadly claimed 4 lives in our centres already.

The current COVID-19 pandemic has highlighted requirements to reduce the number of people incarcerated in correctional centres to a level which does not pose serious health and safety risks to officials, inmates and ultimately the communities into which offenders are released.

Experience we learnt from the positive tests in EL and the WC have been instructive to us to reduce overcrowding as we need to ready our system to cope with the virus.

Although as we speak, this virus accounts for less than 1 per cent of our prison population - yet we know that overcrowding is a threat that would undermine our efforts to combat this virus.

This is certainly a short term, but critical, mechanism to curtail the catastrophic effects of overcrowding. We are also looking at mechanisms to address the issue of awaiting trial detainees who have been granted bail but who cannot afford to pay the amount set.

We are conscious of the fact that building new facilities is not a solution in and of itself. Our interventions need to be embedded in reforms. Despite this, we are committed to complete the various projects undertaken by the previous administration.

Honourable Chairperson

By strengthening our Information Communication Technology Systems, we can improve our security systems across the entire system.

Department of Justice and Constitutional Plans

Honourable Members

We have identified the need to address Colonial/Apartheid era justice-related legislation reviewed, repealed and replaced

As I stated in my first budget speech, this financial year, we will begin the process of reviewing the Criminal Procedure Act and the Correctional Services Act.

I am sure that, Honourable Members, will agree with me that the Criminal Procedure Act was promulgated with a different society in mind. The overcrowding in our remand detention facilities speaks to this. Moreover, the Criminal Justice system needs to place victims at the centre of justice. Through legislative reforms, we will attend to this.

Land Justice:

The quest for land justice is well documented and it is some-what an indictment to those of us who believe in justice, that we find ourselves with a paucity of land jurisprudence 26 years after achieving democracy particularly on the proper interpretation of just and equitable as provided in section 25 (3) of the Constitution.

In this year, the process to transfer the legal representation function (and related budget) currently undertaken by the Land Rights Management Facility in the Department of Agriculture, Land Reform and Rural Development will be transferred to Legal Aid SA. This development will fundamentally place Legal Aid SA at the centre of the efforts towards land justice in South Africa.

The transfer will ensure that Legal Aid SA has both the finances and capacity required to broaden its reach to the indigent especially those who seek land justice, further I hope to introduce the land court bill to parliament this year. The Land Court Bill will broaden the mandate of the Land Claims Court and create permanent judges to enable the court to effectively adjudicate in land disputes in this country.

Transformed State Attorney and Legal Services

I am pleased to inform the committee that progress is being made as we speak. Just over two months ago we operationalised the State Attorney Amendment Act of 2004. The act creates a central coordinating officer for state litigation in the form of a solicitor general. To this end I have appointed Mr Fhedizisani Phandelani in an acting capacity.

With more than 20 years in practice a, diverse practice and a practicing mediator and arbitrator. We thought it prudent to appoint him to assist us to, improve service delivery and coordination in the office of the State Attorney and policies relating to, litigation strategy, briefing of advocates and outsourcing of legal work.

We will also seek to broadly address judicial transformation. Section 175 (2) empowers the cabinet member responsible for the administration of justice to appointment acting judges. The organized legal profession have complained about the processes followed in the appointment of acting Judges hence we will soon begin process to consult all stakeholders on reforms that could enhance transparency in the process.

Honourable Chairperson,

Our fight against Crime, Corruption and Gender-Based Violence and Femicide must be dealt with systemically.

The fight against the scourge of gender-based violence and femicide continues to be a priority. In his State of the Nation Address this year, the President announced that we will amend the Domestic Violence Act to better protect victims in violent domestic relationships and that we will pass a law to tighten bail and sentencing condition in cases that involve gender-based violence. We are therefore preparing three amendment Bills proposing amendments to the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Domestic Violence Act, the Criminal Procedure Act and legislation regulating minimum sentencing. We shall continue to roll out sexual offences' courts and Thuthuzela Care Centres to provide much-needed support services to survivors of gender-based and sexual violence and continue our efforts in the establishment of a Femicide Watch.

Crime and Corruption:

Honourable Members, it is common cause that an efficient prosecuting authority is a deterrent for crime. As such an NPA which is attuned to be functional, effective and professional will ultimately, increase the credibility of the criminal justice system

The criminal justice system must function well across its entire value chain – investigations, arrests, prosecutions, finalisation of cases on time, as well as aspects relating to awaiting trial detainees and sentenced persons, including the rehabilitation of offenders.

If the chain is weakened or broken anywhere, it leads to justice not being served – that in turn leads to legitimacy concerns and the public losing faith in the Criminal Justice System.

Honourable Members,

The commitment to build and deepen Constitutionalism, respect for Human Rights and Rule of law continues. Next year marks 25 years since the adoption and final certification of our Constitution. This historic milestone presents our Nation an opportunity to reflect and take stock of how far we come as a Nation in implementing the priorities and objectives of our Constitution.

It is an opportunity to review how the resilience and strength of our Constitutional order have been tested. Since our Constitution is a living document and social contract between the state and the people, it was not meant to be static but dynamic, robust and evolving.

Programs will be put in place to observe this historic milestone and have the Nation engage in a conversation about the state of our Constitutional order. In the next five years, efforts will be made to increase and deepen the Constitutional and human rights awareness of the citizenry. South Africa has over the past 25 years become a signatory to many international and regional human rights instruments and has complied with obligations emanating from instruments.

The Department will towards finalisation of accession to outstanding international instruments including the Convention on the declaration of Apartheid as a crime against humanity, enforced disappearances and many relevant others. At the core of our, Constitution is the fight against impunity for violations of human rights. The Department will work reviewing, modernising and improving our Extradition regime and the Mutual legal assistance framework to ensure effectiveness and enhance collaboration with other States in the fight against crime in general.

In line with our objectives of building a human rights culture and giving effect to constitutional values, the department will continue to drive campaigns to increase constitutional awareness. We will focus our advocacy initiatives on changing societal attitudes in the areas of racism, xenophobia and related intolerance and towards LGBTI persons.

Honourable Chairperson we will also ensure that those who interact and use the court systems interact with Modernized, accessible courts and people-centered services

will looking at prioritising our ICT infrastructure so that it can be responsive to the digital transformation initiatives and improved service delivery. Digitising normal process such as filing by introducing and standardising E-filing is at an advance stage, and this type of digitization we envision.

Maintenance

Maintenance and other issues related to children are of major interest to the department. While major improvements have been done in the processes related to maintenance applications, the department plans to improve speed and efficiency in finalising maintenance orders. Targets over the MTSF period have been set. Similarly, finalisation of cases of children whose families are in distress are included in the Strategic Plan and the Annual Performance Plan.

Honourable Members:

Our Masters' office is showing rapid signs of digitisation, the administration of estates is much something that befalls our citizens when they least expect it. But moreover, it happens at a very difficult period, during mourning.

As a result, it needs to be efficient and seamless, the introduction of a Paperless Estates Administration System (PEAS), which computerises the administration process related to deceased estates, successfully rolled out and used by all 15 Masters' Offices countrywide is a step in the right direction. It is also pleasing that this system is integrated with the Home Affairs database from a click of a button the Masters' office can pull up the record of any person due for estate administration.

During 2019/20 Insolvency registration and appointments are also being automated. It is envisaged that Trust online services will be implemented in the next financial year.

Plans for Office of the Chief Justice

The Constitution mandates us to establish a single judicial system that is in line with the provisions of Section 166 of the Constitution. This is a continuous responsibility that requires the Executive branch of State to work together with the Judiciary in this regard. The Department of Justice and Constitutional Development will also continue with its efforts of supporting the OCJ as it plays a critical role that displays government's commitment to ensuring that all South Africans have the assurance that our constitutional democracy is guarded by an independent Judiciary.

Access to courts as well as the optimal functioning of our courts are both imperative in the transformation of our judicial system. Over and above this, the introduction of Bills to replace the Magistrates Act, 1993, and the Magistrates' Courts Act, 1944, remains an absolute priority for 2020/21. We will intensify our support to the Magistrates Commission in the filling of vacant offices of magistrates to further enhance and strengthen capacity at our lower courts.

We are looking forward to the finalisation of the major review by the Independent Commission on the Remuneration of Public Office-Bearers into the remuneration of the judiciary – for both magistrates and judges.

We ensure that the e-filing is meant to fully exploit ICT advancements to minimise not just the physical movement of people and paper-based court documents from parties to the courts, but also to leverage the benefits of electronic storage within the courts (i.e. faster document filing and retrieval, eradication of the misplacement of case files, concurrent access to view the same case filed by different parties).

Integrated Case Backlog Management Plan to address backlogs accumulated during national state of disaster and lockdown

- (a) The Department, must as soon as is practically possible convene a meeting of stakeholders representing the National Prosecuting Authority (NPA) and Legal Aid South Africa (Legal Aid SA) to discuss the development of a proposed national case backlog management plan (case backlog plan) to address case backlog that has continues to accumulate since the declaration of the national state of disaster;

- (b) The proposed case backlog plan to be discussed with the Lower Court Judiciary at a meeting to be initiated by the Minister for consideration as part of case flow management managed by the Judiciary;
- (c) The implementation of the case backlog plan, upon its approval, to be coordinated through the established case flow management structures; and
- (d) Clerks of the court and registrars in the Lower Courts to, on a weekly basis, retrieve all criminal cases that were supposed to be placed on the roll during the period of national state of disaster and Lockdown and for consideration for purposes of case backlog management plan’.

Budget Cuts as result of COVID-19

The Covid-19 pandemic has brought challenges to all sectors of society and has affected every aspect of life. Vulnerable and disadvantaged groups are impacted more severely, and we expect this to continue in the long term. This has the potential to increase the demand for court services. It is, therefore, of critical importance that the courts continue to ensure access to justice, while still complying with the measures that have been put in place to curb the spread of the virus.

Equally, as the commission of crime remains a daily occurrence, our Corrections system must remain adept, capacitated and responsive, to incarcerate and rehabilitate offenders. This must now be done, cognisant of the new norm, the new realities that compel us to ensure we provide safe, hygienic Correctional Centres, in line with Covid-19 protocols and regulations.

Honourable members,

Whilst the country has been put under lockdown, which is now being gradually lifted, to combat the spread of COVID-19, the courts have continued to provide essential justice services, focusing on urgent matters at specified times that as communicated. This has obvious implications on the matters that were already enrolled at the courts like most of them will have to be rescheduled, thereby impacting the targets as set out in the Strategic Plans and Annual Performance Plans. The effect of COVID19 on our budget, on the whole, will be determined in due course and as a result, reprioritisation will be on the cards. At that point it would be prudent that that we revert to this Committee and indicate which amongst the outputs and priorities we have presented to this august Committee today would be sustained and which would be shelved for future sunny days.’

As part of the continuity plan of the justice system, we will ensure that we assess the following and come up with medium-term solutions and action plans:

- What are the implications (short- and medium-term) of the COVID-19 pandemic for the needs of the people as it relates to justice services?

- How are we going to ramp up the delivery of services after the pandemic?
- What are the main challenges for ensuring the accessibility of justice services during the National Disaster period and the period thereafter?
- What adaptations should take place at the courts to ensure that court services can still be delivered in the current period while ensuring the safety of judicial officers, court users and court officials?
- How best do we address the increasing threat of COVID-19 pandemic in our Correctional Centres that have impacted

Chairperson and Honourable Members,

To conclude, President Thabo Mbeki once eloquently said:

"As South Africans, we are all partners in the great enterprise of ensuring that the promise of our Constitution is fully realised, making a positive impact on the lives of all our citizens."

At a challenging time such as the one we are currently facing as a nation, we are heartened in the knowledge that we are all partners in making our country work and partners in making a positive impact on peoples' lives.

That said, let me thank the Committee for its leadership and meticulousness in carrying out its oversight responsibility of this enormous portfolio and we greatly value your insights and guidance.

I thank you.