



15

Justice and correctional services

The Department of Justice and Constitutional Development aims to uphold and protect the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and the rule of law. It also aims to render accessible, fair, speedy and cost-effective administration of justice in the interest of a safer and more secure South Africa.

The department's four national core branches are Court Services, Master of the High Court, Legal Advisory Services, and Legislation and Constitutional Development. Corporate Services provides support. The National Prosecuting Authority (NPA) forms a separate programme on the department's Vote.

To ensure the efficiency of its services and to enhance accessibility, the NPA, Court Services and the Master of the High Court have established provincial and local structures linked to courts to co-ordinate the implementation of national policy. Legal Advisory Services has also established state attorney offices in Pretoria, Johannesburg, Cape Town, Bloemfontein, Kimberley, Port Elizabeth, East London, Thohoyandou and Durban to provide services at a decentralised level.

The following constitutional institutions form part of the department:

- the South African Human Rights Commission (SAHRC), which promotes and monitors the observance of human rights in South Africa
- the Commission on Gender Equality (CGE), which aims to create a society free from gender discrimination and any other forms of oppression
- the Public Protector, which investigates any conduct in state affairs, or in public administration in any sphere of government, that is alleged to be improper, or which results in any impropriety or prejudice.

The department administers the following public entities:

- the Special Investigating Unit (SIU), which provides professional forensic investigating and litigation services to all state institutions at national, provincial and local level to combat maladministration, corruption and fraud, and to protect state assets and public money
- the Legal Aid Board, which provides legal aid and representation to as many indigent people as possible at the State's expense.

The department's budget for 2006/07 was R7,3 billion, of which R1,5 billion was for the NPA, R2,4 billion for the Court Services Programme, and R986 million for chapter nine institutions.



Judicial system

The Constitution is the supreme law of the country and binds all legislative, executive and judicial organs of the State at all levels of government.

In terms of section 165 of the Constitution, the judicial authority in South Africa is vested in the courts, which are independent and subject only to the Constitution and the law.

No person or organ of state may interfere with the functioning of the courts, and an order or decision of a court binds all organs of state and persons to whom it applies.

Chapter Eight of the Constitution makes provision for the following courts:

- Constitutional Court
- Supreme Court of Appeal
- high courts, including any high court of appeal that may be established by an Act of Parliament to hear appeals from high courts
- magistrates' courts
- any other court established or recognised in terms of an Act of Parliament, including any court of a status similar to either high courts or magistrates' courts.

In line with this, Parliament has also established special income tax courts, the Labour Court and the Labour Appeal Court, the Land Claims Court, the Competition Appeal Court, the Electoral Court, divorce courts, 'military courts' and equality courts.

The Minister of Justice and Constitutional Development, Ms Brigitte Mabandla, is leading a process to rationalise high courts. The Superior Courts Bill, which was introduced in Parliament in 2005, will abolish the last remnants of the homeland-based supreme courts, and will usher in new provincial divisions of the High Court in each province. Their jurisdiction and capacity will be determined in accordance with people's needs. This will result in the opening of high courts in Mpumalanga and Limpopo, which the Pretoria High Court currently services.

Constitutional Court

The Constitutional Court, situated in Johannesburg, is the highest court in all constitutional matters. It is the only court that may adjudicate disputes between organs of state in the national or provincial sphere concerning the constitutional status, powers or functions of any of those organs of state, or that may decide on the constitutionality of any amendment to the Constitution or any parliamentary or provincial Bill. The Constitutional Court makes the final decision on whether an Act of Parliament, a provincial Act or the conduct of the President is constitutional. It consists of the Chief Justice of South Africa, the Deputy Chief Justice and nine Constitutional Court judges.

Justice Pius Langa is Chief Justice of South Africa and Justice Dikgang Moseneke is Deputy Chief Justice.

Supreme Court of Appeal

The Supreme Court of Appeal, situated in Bloemfontein, in the Free State, is the highest court in respect of all other matters. It consists of the President and Deputy President of the Supreme Court of Appeal, and a number of judges of appeal determined by an Act of Parliament. The Supreme Court of Appeal has jurisdiction to hear and determine an appeal against any decision of a high court.

Decisions of the Supreme Court of Appeal are binding on all courts of a lower order, and the decisions of high courts are binding on magistrates' courts within the respective areas of jurisdiction of the divisions.

High courts

There are 10 high court divisions: Cape of Good Hope (with its seat in Cape Town), Eastern Cape (Grahamstown), Northern Cape (Kimberley), Orange Free State (Bloemfontein), Natal (Pietermaritzburg), Transvaal (Pretoria), Transkei (Mthatha), Ciskei (Bhisho), Venda (Sibasa), and Bophuthatswana (Mmabatho). Each of these divisions, with the exception of Venda, is composed of a judge president and, if the President so determines, one or more deputy judges president, and as many judges as the President may determine from time to time.

There are also three local divisions: the Witwatersrand Local Division (Johannesburg), Durban and Coast Local Division (Durban) and South-Eastern Cape Division (Port Elizabeth). These courts are presided over by judges in the provincial courts concerned.

 Chapter Nine institutions are organisations established by Chapter Nine of the South African Constitution. These independent organisations have as their general mandate the strengthening of constitutional democracy in South Africa.

They are subject only to the Constitution and the law. They must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.

Chapter Nine institutions are the Public Protector; South African Human Rights Commission; Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities; Commission on Gender Equality; Auditor-General; and the Electoral Commission.

A provincial or local division has jurisdiction in its own area over all persons residing or present in that area. These divisions hear matters that are of such a serious nature that the lower courts would not be competent to make an appropriate judgment or to impose a penalty. Except where minimum or maximum sentences are prescribed by law, their penal jurisdiction is unlimited and includes handing down a sentence of life imprisonment in certain specified cases.

Circuit local divisions

These are itinerant courts, each presided over by a judge of the provincial division. These courts periodically visit areas designated by the Judge President of the provincial division concerned.

Other high courts

The Land Claims Court and the Labour Court have the same status as the High Court. The Land Claims Court hears matters on the restitution of land rights that people lost after 1913 as a result of racially discriminatory land laws. The Labour Court adjudicates matters relating to labour disputes, and appeals are made to the Labour Appeal Court.

Decisions of the Constitutional Court, the Supreme Court of Appeal and the high courts are an important source of law. These courts are required to uphold and to enforce the Constitution, which has an extensive Bill of Rights binding all state organs and all persons. The courts are also required to declare any law or conduct that is inconsistent with the Constitution to be invalid, and to develop common law that is consistent with the values of the Constitution and the spirit and purpose of the Bill of Rights.

Regional courts

The Minister of Justice and Constitutional Development may divide the country into magisterial districts and create regional divisions consisting of districts. Regional courts are then established per province at one or more places in each regional division to hear matters within their jurisdiction. Unlike the High Court, the penal jurisdiction of regional courts is limited by legislation.

Magistrates' courts

Magisterial districts have been grouped into 13 clusters headed by chief magistrates. This system has streamlined, simplified and provided uniform

court-management systems applicable throughout South Africa, in terms of judicial provincial boundaries.

It facilitated the separation of functions pertaining to the judiciary, prosecution and administration; enhanced and developed the skills and training of judicial officers; optimised the use of the limited resources in an equitable manner; and addressed the imbalances in the former homeland regions.

In terms of the Magistrates' Act, 1993 (Act 90 of 1993), all magistrates in South Africa fall outside the ambit of the Public Service. The aim is to strengthen the independence of the judiciary. Although regional courts have a higher penal jurisdiction than magistrates' courts (district courts), an accused cannot appeal to the Regional Court against the decision of a district court, only to the High Court.

By March 2005, there were 366 magistrates' offices, 50 detached offices, 98 branch courts and 228 periodical courts in South Africa, with 1 833 magistrates.

The department created 40 new magistrates' posts in 2005/06 and filled 1 000 vacancies at courts in support of the judiciary and the prosecution.

Criminal jurisdiction

Apart from specific provisions of the Magistrates' Courts Act, 1944 (Act 32 of 1944), or any other Act, jurisdiction regarding sentences imposed by district courts is limited to a period of not more than three years' imprisonment, or a fine not exceeding R60 000. A regional court can impose a sentence of not more than 15 years' imprisonment or a fine not exceeding R300 000.

Any person charged with any offence committed within any district or regional division may be tried either by the court of that district or by the court of that regional division. Where it is uncertain in which of several jurisdictions an offence has been committed, it may be tried in any of such jurisdictions. Where, by any special provision of law, a magistrate's court has jurisdiction over an offence committed beyond the limits of the district or regional division, the court will not be deprived of such jurisdiction.

A magistrate's court has jurisdiction over all offences except treason, murder and rape. A

regional court has jurisdiction over all offences except treason. However, the High Court may try all offences. Depending on the gravity of the offence and the circumstances pertaining to the offender, the Directorate of Public Prosecutions (DPP) decides in which court a matter will be heard and may even decide on a summary trial in the High Court.

Prosecutions are usually summarily disposed of in magistrates' courts, and judgment and sentence passed. The following sentences may, where provided for by law, be passed upon a convicted person:

- imprisonment
- periodical imprisonment
- declaration as a habitual criminal (regional courts and high courts)
- committal to an institution established by law
- a fine with or without imprisonment as an alternative, correctional supervision or a suspended sentence
- declaration as a dangerous criminal (regional courts and high courts)
- a warning or caution
- discharge.

The sentencing of 'petty' offenders to do community service as a condition of suspension, correctional supervision or postponement in appropriate circumstances, has become part of an alternative sentence to imprisonment. Where a court convicts a person of any offence other than one for which any law prescribes a minimum punishment, the court may, at its discretion, postpone the passing of sentence for a period not exceeding five years, and release the person convicted on one or more conditions; or pass sentence, but suspend it on certain conditions.

If the conditions of suspension or postponement are violated, the offender may be arrested and made to serve the sentence. This is done provided that the court may grant an order further suspending the operation of the sentence if offenders prove that circumstances beyond their control, or that any other good and sufficient reason, prevented them from complying with the conditions of suspension.

Other criminal courts

In terms of statutory law, jurisdiction may be conferred upon a chief or headman or his deputy to punish an African person who has committed an offence under common law or indigenous law and

custom, with the exception of certain serious offences specified in the relevant legislation. The procedure at such trials is in accordance with indigenous law and custom. The jurisdiction conferred upon a chief and a magistrate does not affect the jurisdiction of other courts competent to try criminal cases.

Community courts

Unlike normal courts, community courts, like the Hatfield Community Court in Pretoria, have flexible hours.

The business community and other formations of civil society contribute significantly to the establishment and sustainability of these courts.

By September 2005, 13 community courts had been established. Four were fully operational and had been formally launched. These are Hatfield, Fezeka (Gugulethu), Mitchell's Plain and Cape Town. Another nine pilot sites commenced in Durban (Point), KwaMashu, Mthatha, Bloemfontein, Thohoyandou, Kimberley, Phuthaditjaba, Hillbrow and Protea (Lenasia).

By September 2005, 9 685 cases had been finalised since the start of the first Community Court in April 2004, with a 96% conviction rate.

Courts for income tax offenders

In October 1999, the South African Revenue Service (Sars) opened a criminal courtroom at the Johannesburg Magistrate's Office, dedicated to the prosecution of tax offenders. The court deals only with cases concerning failure to submit tax returns or to provide information requested by Sars officials. It does not deal with bigger cases such as tax fraud.

Another Sars court operates twice a week at the Magistrates' Office in Roodepoort. In 2005, a new tax court facility was opened in Megawatt Park, Sunninghill, Gauteng.

Family courts

A family court structure and extended family advocate services are priority areas for the department. The establishment of family courts in South Africa is motivated by three broad aims, namely to:

- provide integrated and specialised services to the family as the fundamental unit in society
- facilitate access to justice for all in family disputes

- improve the quality and effectiveness of service delivery to citizens who have family law disputes.
- To ensure the proper and efficient functioning of maintenance courts, government has introduced initiatives that include appointing and training 140 maintenance investigators and providing them with training, creating 427 maintenance clerk and 86 maintenance investigator clerk positions to improve service delivery, and facilitating the development of Magistrates' Guidelines for the Implementation of Maintenance and Operation Isondlo.

By September 2006, Operation Isondlo, which was launched in Limpopo in December 2005, had brought relief to thousands of women struggling to recoup outstanding maintenance payments. This initiative aims to guard against the risk of the family unit degenerating and children being driven to a life of crime, by encouraging more mediation and the involvement of all stakeholders in maintenance matters, and by inculcating a culture of respect for the law and its attendant processes.

Equality courts

The role of equality courts is to enforce the provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000). The Act outlaws unfair discrimination and allows for the creation of equality courts within magistrates' and high courts, each to be presided over by trained magistrates or judges appointed as presiding officers. The Act further authorises the Minister of Justice and Constitutional Development to appoint the Equality Review Committee to monitor the implementation of the Act's provisions.

By the end of August 2005, 70 sexual offences courts were in session and 30 more were expected to be operational by March 2006. These specialised courts allow sexual offences cases to be handled with sensitivity to avoid secondary victimisation of traumatised victims.

By the end of 2005/06, 260 designated equality courts were expected to be functioning and dealing with matters of discrimination. Section 16(1)(a) of the Promotion of Equality and Prevention of Discrimination Act, 2000 provides that every high court is an equality court for its area of jurisdiction. Infrastructure is provided for this purpose as new courts are set up. Over 1 290 magistrates and 300 clerks of court have been

trained in equality matters. The equality court services were expected to be extended to another 100 courts in 2006/07.

Civil jurisdiction

Except when otherwise provided by law, the area of civil jurisdiction of a magistrate's court is the district, subdistrict or area for which the court has been established. South African law, as applied in the Western Cape, is in force on Prince Edward and Marion islands which, for the purpose of the administration of justice, are deemed to be part of the Cape Town magisterial district.

On 1 May 1995, the civil jurisdictional limits of magistrates' courts were increased for both liquid and illiquid claims, from R50 000 and R20 000 respectively, to R100 000. In addition to the considerable increase, the previous distinction between jurisdictional limits regarding the different causes of action was abolished. Unless all the parties in a case consent to higher jurisdiction, the jurisdiction of a magistrate's court is limited to cases in which the claim value does not exceed R100 000 where the action arises out of a liquid document or credit agreement, or R50 000 in all other cases.

Small claims courts

The limit of cases involving civil claims is R7 000. By June 2006, there were 154 small claims courts throughout the country. The Commissioner of Small Claims is usually a practising advocate or attorney, a legal academic or other competent person, who offers his/her services free of charge.

An average of 120 commissioners are appointed for small claims courts annually.

Neither the plaintiff nor the defendant may be represented or assisted by counsel at the hearing. The commissioner's decision is final and there is no appeal to a higher court.

A national programme aims to strengthen and roll out small claims courts to rural and peri-urban areas by pursuing the strategic objectives of:

- providing access for all, especially the poor and the vulnerable
- establishing systems and rules of court that are accessible and easy to understand
- providing trained administrative support staff
- attracting and retaining commissioners.

Other civil courts

An authorised African headman or his deputy may hear and determine civil claims arising from indigenous law and custom, brought before him by an African against another African within his area of jurisdiction.

Courts constituted in this way are commonly known as chiefs' courts. Litigants have the right to choose whether to institute an action in the chief's court or in a magistrate's court. Proceedings in a chief's court are informal. An appeal against a judgment of a chief's court is heard in a magistrate's court.

Towards transforming partnerships

A key aspect of the transformation of the justice system concerns the department's key strategic partners and stakeholders. The considerable effort put behind transforming prosecution and allied services into a prestigious professional force, in accordance with the Constitution, is paying off.

By February 2006, of the 218 judges, 53% (115) were white, 31% (68) were African, 3% (16) were coloured and 9% (19) were Indian. Overall, 16% were female and 84% male. In terms of the lower court judiciary, at the end of February 2006, of the 1 833 magistrates, 48% (893) were white, 37% (683)

During 2005, 983 407 cases were registered in district courts, of which 958 254 were cleared from the roll. In regional courts, 81 724 cases were registered and 80 168 cases were cleared from the roll.

The outstanding court roll at the end of December 2005 was 157 251 and 46 893 for the district and regional courts respectively. An average of four hours and 12 minutes per day were performed in district courts and four hours in regional courts. The district courts managed a conviction rate of 87,4%. The regional courts managed a conviction rate of 70,8%.

In the high courts, 1 348 new cases were registered during 2005. A further 1 067 cases were carried over/outstanding from 2004, resulting in a workload of 2 145. Of these, 1 492 were cleared from the roll, leaving an outstanding roll of 923, which were carried over to 2006. The high courts managed to perform an average of three hours and 32 minutes per day. The conviction rate in the high courts was 85%.

were African, 8% (121) were coloured and 7% (131) were Indian. Overall, 30% were female and 70% male.

A comprehensive human resource development (HRD) strategy to widen the pool of women and black legal practitioners was expected to be finalised during 2006/07.

The transformation of the judiciary is intimately linked with the transformation of the legal profession and of legal scholarship. The department has worked in partnership with law schools in transforming the curriculum of the basic law degree to bring it in line with modern best practices. In addition to encouraging law schools to widen access to students from previously disadvantaged communities, these institutions will further be encouraged to forge linkages with leading law firms, with prominent practitioners and with relevant international organisations. This will:

- ensure the relevance of the training they offer to the practical demands of the cutting edge of the profession
- expose students, especially those from previously disadvantaged communities, to the profession and vice versa to facilitate professional training prospects
- engage the legal profession in the evolution of a new legal system that fully expresses the constitutional and cultural aspirations of the new dispensation.

The department will play its part in assisting law graduates through its internship programme. The internship programme will also provide research training to give much-needed assistance to state legal officers, prosecutors, public defenders, the judiciary and the magistracy.

Transformation of the legal profession includes ensuring that judicial services are accessible to the poor, the uneducated and the vulnerable. This entails establishing a physical presence in rural areas and in townships, as well as offering affordable fees and providing speedy and empathetic services. It also entails facilitating access of all aspects and levels of the profession to aspirant lawyers, especially to those from previously marginalised backgrounds.

The provision of alternative dispute-resolution mechanisms is another key aspect of transforming justice services, thus making justice more accessible and more affordable.

The department gives prominence to integrating and modernising justice services through technology. It seeks to evolve simplified, cheaper and faster processes geared for the poor and vulnerable in townships and rural areas. It seeks to achieve this in partnership with its customers, with other government departments and with stakeholders.

Capacitating courts and restructuring the court system

In 2006, the department was in the third year of its five-year courts turnaround strategy, through the Re Aga Boswa *We Are Rebuilding* Project, which seeks to enhance court efficiency. It will complete the restructuring programme for courts. The project also institutionalises a new customer-focused court-management model that ensures that court managers are entrusted with managing courts, and that judges and magistrates invest more time in their judicial work. This will result in increased court hours and better-quality judgments.

The rationalisation of high courts and the redemarcation of magisterial districts is also part of the restructuring programme. This entails the rationalisation of service areas of the supreme courts in the former homelands and self-governing states to align them with the new constitutional order. In 2004, the Minister of Justice and Constitutional Development proclaimed new magisterial districts aligned to the new municipal boundaries.

Saturday courts and other additional courts were established to assist in decreasing the backlog of cases. Various new regional-court posts were created and filled, impacting positively on decreasing case backlogs.

Some 25 district courts were expected to be opened, and 15 regional court magistrates were appointed in 2006.

The department operates 46 integrated justice court centres throughout the country to improve co-operation between criminal justice role-players in case management. After leading to a reduced case cycle, this initiative was expected to be rolled out to another 40 courts in 2006/07.

Re Aga Boswa seeks to affirm the principle of separation of powers as enshrined in the Constitution to ensure that magistrates and judges who are also heads of courts are further relieved of administrative

functions to concentrate on their judicial work, as this is expected to lead to increased court productivity and to improved quality of judgments.

By June 2006, through Re Aga Boswa, 58 area-court manager and 217 court-manager positions had been created countrywide and were being filled.

The roll-out of Re Aga Boswa integrated the implementation plan of the justice, crime prevention and security service charter for victims of crime to ensure that there was sufficient capacity to implement the charter. A dedicated telephone line was launched in 2005/06 to provide victims of crime direct access to the courts.

The court process pilot project was initiated in 2000 to pilot business process re-engineering and electronic filing of documents and dockets. Lessons learned through the project about court scheduling, case management and general court administration processes were incorporated into the Re Aga Boswa Project.

National Prosecuting Authority of South Africa

Section 179(1) of the Constitution established a single NPA, which consists of the National Director of Public Prosecutions (NDPP), who is the head of the NPA, DPPs and prosecutors as determined by an Act of Parliament.

The NPA structure includes the National Prosecuting Services (NPS), the Directorate: Special Operations (DSO), the Witness-Protection Programme (WPP), the Asset Forfeiture Unit (AFU) and specialised units such as the Sexual Offences and Community Affairs (Soca) Unit, the Specialised Commercial Crime Unit, the Priority Crimes Litigation Unit and the Integrity Management Unit.

In terms of the NPA Act, 1998 (Act 32 of 1998), the DSO is a distinct and autonomous directorate.

In May 2005, President Thabo Mbeki appointed the Khampepe Commission of Inquiry into the Mandate and Location of the DSO.

By September 2006, the commission had completed its report after receiving written and oral submissions from various parties. Most of its hearings were held in public.

The commission recommended that the DSO be retained within the NPA, but that political oversight and responsibility for the law-enforcement component of the DSO be conferred on the Minister of Safety and Security. Prosecutors working for the DSO would continue to receive instructions from

the NDPP, which would remain accountable to the Minister of Justice and Constitutional Development.

Over the next three years, some 890 additional prosecutors' posts are expected to be created, which will allow for the deployment of at least two prosecutors per court.

In 2006/07, the NPA was expected to employ more personnel in addition to the 2 187 prosecutors and 196 senior public prosecutors who deal with criminal cases in the lower courts.

Office of the National Director of Public Prosecutions

The Office of the NDPP is the head office of the NPA. The prosecuting authority vests in the NDPP and the DPP. This authority has been delegated to other members of the NPA. They have the power to:

- institute and conduct criminal proceedings on behalf of the State
- carry out any necessary functions incidental to instituting and conducting such criminal proceedings
- discontinue criminal proceedings.

Directorate: Special Operations

The DSO pursues its objectives and complies with its legislative mandate through the application of numerous legislative tools. In addition to the NPA Act, 1998, other statutes include the Prevention of Organised Crime Act, 1998 (Act 121 of 1998), International Co-operation in Criminal Matters Amendment Act, 1996 (Act 75 of 1996), and the Extradition Amendment Act, 1996 (Act 77 of 1996).

The objective of the DSO is to prioritise, investigate and prosecute particular manifestations of serious and organised crime that threaten the South African democracy and economy.

Consequently, focus areas have been defined to include complex financial crime, syndicated organised crime and high-level corruption affecting business integrity and state administration. The core business of the DSO has been layered by a selection of investigations, where racketeering, money laundering and the forfeiture of the proceeds of crime form the main activities.

The primary client of the DSO is government, which has a fundamental interest in combating and suppressing insidious (and apparently victimless) organised crime. Equally, complainants from the private sector and regulatory bodies (for example

Sars, the Financial Services Board and the South African Reserve Bank) base their expectations on how the DSO deals with financial crimes.

Rare individual complainants form part of the DSO's client base, when they are affected by large-scale money rackets or organised violence.

The DSO renders services that include the determination, investigation and prosecution of crime to restore justice, to enhance public confidence in governance and to reduce crime through deterrence.

Products are realised through accurate assessments of crime threats, impact-driven and opportune investigations, successful prosecutions, confiscation of contraband, and forfeiture of ill-gotten gains and compensations, where warranted.

Asset Forfeiture Unit

The AFU was created in 1999 in terms of the Prevention of Organised Crime Act, 1998. The AFU can seize and forfeit property that was bought from the proceeds of crime, or property that has been used to commit a crime.

The AFU has two major strategic objectives, namely to:

- develop the law by taking test cases to court and creating the legal precedents necessary to allow for the effective use of the law

By September 2006, the National Prosecuting Authority had attained its target of finalising 5% more cases in a financial year. The number of cases that were diverted from the criminal justice system more than doubled in 2005/06 from an average of 1 208 cases diverted a month in 2004, to an average of 2 800 a month in 2005.

Implementing the diversion programme helped 89 425 children avoid the punitive justice system between 1999 and 2006. The lower courts attained an 85% conviction rate in 2005/06, and case cycle times rose from 17% to 19% of cases older than the target set by the Department of Justice and Constitutional Development.

During 2005/06, 935 commercial-crime trials were finalised with a conviction rate of 94,22% with some courts averaging over six hours a day.

- build capacity to ensure that asset forfeiture is used as widely as possible to make a real impact in the fight against crime.

The use of asset forfeiture to fight crime has been one of government's most important innovations.

Between 2000 and 2006, more than R1 billion in proceeds from crime was frozen and nearly R100 million was paid into the Criminal Assets Recovery Account.

Special Investigating Unit

The broad legislative mandate of the DSO has been reduced to four crime focus areas to enable the DSO to carry out its mandate successfully. These are:

- organised crime
- organised corruption
- serious and complex financial crime
- racketeering and money laundering.

By July 2006, the investigation of the SIU into irregular social grant payments in the Department of Social Development, at the request of the Minister of Social Development, Dr Zola Skweyiya, and paid for by that department, had removed some R1,5 billion in irregular grants from the system.

The joint efforts of the department and the SIU resulted in 110 000 grants being cancelled, saving taxpayers over R400 million a year.

The investigation focused on civil servants registered on the Social Pension System who received social grants.

Between July 2005 and July 2006, some 44 000 government employees receiving grants were investigated. The 21 588 found to be on the system irregularly were to face disciplinary action.

The SIU aimed to cancel another 125 000 grants worth R500 million in 2006.

The SIU investigation also tried to recover money from those able to repay the irregular grants they had received, whether being government employees or not.

The next phase of the investigation would focus on private individuals receiving social grants irregularly.

With almost a quarter of South Africa's population of over 40 million people receiving social assistance grants, the SIU expects to investigate up to five million cases over the next few years to clean up the system.

The corruption probe at the Department of Correctional Services' facilities led to a saving of R3,4 billion for the medical aid scheme of the department, and to 90 officials being criminally prosecuted and charged internally.

Other important fraud cases being tackled aggressively by the SIU are at driver's licence-issuing centres. By March 2006, more than 1 000 licence centres had been found to be non-compliant, with 1 294 criminal investigations pending, and 359 private individuals and 31 civil servants arrested, mostly on charges of selling fraudulent driver's licences.

Among other key corruption cases probed by the SIU were fraud cases in the WPP in KwaZulu-Natal.

The SIU also targeted local government, with 24 municipalities in five provinces being investigated.

Sexual Offences and Community Affairs Unit

The Soca Unit was established in September 1999 through a Presidential proclamation and with a specific mandate that includes:

- formulating policy regarding capacity-building, sensitising and scientific functional training in respect of the prosecution of sexual offences and gender-based violence
- co-ordinating the establishment of special courts for the adjudication of sexual offences and gender-based violence
- facilitating and/or formulating research techniques for the prosecution of sexual offences, gender-based violence, maintenance and child justice
- developing and implementing community-awareness programmes and plans for the participation of non-governmental organisations (NGOs) in the processes and procedures aimed at preventing or containing sexual offences
- developing training, plans and mechanisms regarding the prosecution of sexual offences, gender-based violence, maintenance and child justice.

The Department of Justice and Constitutional Development, in conjunction with the South African Police Service (SAPS) and the departments of social development and of health, have established several Thuthuzela care centres for victims of sexual offences.

The Thuthuzela care centres are 24-hour one-stop service centres where victims have access to all services that include police, counselling,

doctors, court preparation and prosecutors. The main objectives of these centres are to eliminate secondary victimisation, to reduce case-cycle time and to increase convictions.

Specially trained police investigators, medical personnel, community volunteers, social workers and prosecutors work together. They ensure that the victim is not further traumatised in the process of reporting the incident, and that the information needed to secure a prosecution and conviction is passed seamlessly from one person to another.

These multipurpose centres render the services of these departments to communities where these services either do not exist, or do exist but are not easily accessible (especially in rural areas).

Sexual offences courts

The fight against sexual offences is a national priority. The department is providing facilities at courts where child witnesses, especially in child-abuse cases, can testify in a friendly and secure environment without the risk of being intimidated.

New child-witness rooms are fitted with one-way glass partitions adjacent to the courtrooms. Where it is impossible to provide such rooms in

In 2006, the Department of Justice and Constitutional Development announced the members of the Steering Committee for the Legal Services Charter. The draft charter seeks to address:

- access to justice by poor, uneducated communities
- quality and affordable delivery of legal services to citizens
- accessibility of legal services to communities
- entry requirements to the legal profession
- equal opportunities of legal services among legal practitioners
- access to legal work, including state and parastatal contracts by black practitioners
- the role of the legal profession in promoting equality in the judiciary
- transforming governance structures of the legal profession
- a unified regulatory framework for the legal profession
- empowering historically disadvantaged black legal practitioners
- skills development, employment equity, ownership and management within the legal profession.

existing buildings, other rooms away from the courts are used by providing a closed-circuit television (CCTV) link.

Intermediaries act as buffers against hostile and potentially protracted cross-examinations of child witnesses in an open court, particularly necessary in cases of sexual victimisation. Most intermediaries are social workers by profession, and fulfil their intermediary functions part-time or as volunteers. Given the specialised nature of the work and the scarcity of this resource, the department has decided to appoint about 34 intermediaries on contract.

The Draft Criminal Law (Sexual Offences) Amendment Bill, 2003 aims to provide intermediaries to all vulnerable witnesses in sexual-offence cases, where appropriate.

By 2005, 54 sexual offences courts, with an average conviction rate of 62%, had been established. Many of those cases dealt with protecting the rights of children. Of the 54 courts, 26 were blue-print compliant. Infrastructure is to be provided to make the remainder compliant. Permanent positions will also be created with the Magistrates' Commission to capacitate sexual offences courts.

By May 2006, more than 50 000 victims had been prepared for court by 66 court-preparation officials employed by the NPA.

National Prosecuting Services

The mission of the NPS is to raise the levels of productivity in the NPA and to make it efficient and credible.

It has to ensure proper planning of court rolls, prioritisation, and proper preparation and arrangement for all cases to be heard, as well as the avoidance of unreasonable delays.

Specialised Commercial Crime Unit

The Pretoria-based Specialised Commercial Crime Unit was established in 1999 as a pilot project to bring specialisation to the investigation and prosecution of commercial crimes emanating from the commercial branches of the SAPS in Pretoria and Johannesburg.

Three new courts and offices were established in the Johannesburg and Pretoria central business districts for specialised commercial-crime cases. Similar courts were established during 2004/05 in Durban and Port Elizabeth.

The Specialised Commercial Crimes Unit continues to achieve an above-average conviction rate.

In 2005/06, 935 commercial-crime trials were finalised with a conviction rate of 94,22%, with some courts operating for an average of over six hours a day.

Witness-Protection Programme

The Office for Witness Protection falls under the auspices of the NPA. The office is responsible for the protection of witnesses in terms of the Witness Protection Act, 1998 (Act 112 of 1998), and its regulations.

The office aims to:

- combat and reduce crime
- create a culture of civil morality
- enhance public confidence in the office and in the criminal justice system (CJS)
- enhance prosecutions through the evidence of vulnerable and intimidated witnesses.

It also provides for placing a person related to the witness under protection at the request of the witness, prospective witness or a person who has given evidence or is required to give evidence in criminal proceedings or before a commission of inquiry.

The programme does not offer incentives such as those offered by the SAPS to witnesses of serious crimes.

Instead, the programme offers sustenance in the form of a food allowance; replacement of salary if employment has been lost; free accommodation, including all municipal services; a clothing allowance; transport; a housing allowance for school-going children; medical expenses; etc.

Legal practitioners

The legal profession is divided into two branches – advocates and attorneys – who are subject to strict ethical codes.

Advocates are organised into Bar associations or societies, one each at the seat of the various divisions of the High Court. The General Council of the Bar of South Africa is the co-ordinating body of the various Bar associations. There is a law society for attorneys in each of the provinces. A practising attorney is *ipso jure* a member of at least one of these societies, which seek to promote the interests of the profession.

The Law Society of South Africa is the co-ordinating body of the various independent law societies.

In terms of the Right of Appearance in Courts Act, 1995 (Act 62 of 1995), advocates can appear in any court, while attorneys may be heard in all of the country's lower courts and can also acquire the right of appearance in the superior courts. Attorneys who wish to represent their clients in the High Court are required to apply to the registrar of a provincial division of the High Court. Such an attorney may also appear in the Constitutional Court. All attorneys who hold an LLB or equivalent degree, or who have at least three years' experience, may acquire the right of audience in the High Court.

The Attorneys Amendment Act, 1993 (Act 115 of 1993), provides for alternative routes for admission as an attorney. One of these routes is that persons who intend to be admitted as attorneys and who have satisfied certain degree requirements prescribed in the Act, are exempted from service under articles or clerkship. However, such persons must satisfy the society concerned that they have at least five years' appropriate legal experience.

State law advisers give legal advice to ministers, government departments and provincial administrations, as well as to a number of statutory bodies. In addition, they draft Bills and assist the minister concerned with the passage of Bills through Parliament. They also assist in criminal and constitutional matters.

Other legal practitioners

In terms of the NPA Act, 1998, state advocates and prosecutors are separated from the Public Service in certain respects, notably by the determination of salaries.

State attorneys derive their power from the State Attorney Act, 1957 (Act 56 of 1957), and protect the interests of the State in the most cost-effective manner possible. They do this by acting on behalf of the State in legal matters covering a wide spectrum of the law.

State attorneys are involved in the drafting of contracts where the State is a party, and also act on behalf of elected and appointed officials in the performance of their duties, e.g. civil and criminal actions instituted against ministers and government officials in their official capacities.

Human rights

Human rights, in terms of Chapter Two (Bill of Rights) of the Constitution, bind all legislative and executive bodies of state at all levels of government.

They apply to all laws, administrative decisions taken and acts performed during the period in which the Constitution is in force. In terms of the Constitution, every person has basic human rights such as:

- freedom from unfair discrimination
- the right to life.

Since 1994, and in keeping with the cultivation of a human-rights culture, the focus is gradually shifting from an adversarial and retributive CJS to that of a restorative justice system. The Service Charter for Victims of Crime seeks to consolidate the present legal framework in South Africa relating to the rights of and services provided to victims of crime, and to eliminate secondary victimisation in the criminal justice process.

The ultimate goal is victim empowerment by meeting victims' needs, whether material or emotional.

Crime prevention

The Department of Justice and Constitutional Development is one of the five core departments in the Justice, Crime Prevention and Security (JCPS) Cluster that has been tasked with the implementation of the National Crime Prevention Strategy (NCPS). This is government's official strategy to combat, control and prevent crime. (See Chapter 17: *Safety, security and defence*.)

The main responsibilities of the department in the implementation of the NCPS are to:

- promote legislation to create an effective CJS
- create an effective prosecution system
- create an effective court system for the adjudication of cases
- co-ordinate and integrate the departmental activities of all role-players involved in crime prevention.

Integrated justice system (IJS)

Following government's approval of the NCPS in 1996, the IJS Board was formed in 1997 to integrate the activities of departments in the cluster in a co-ordinated manner.

The IJS, approved in 2002, aims to increase the efficiency and effectiveness of the entire criminal

justice process by increasing the probability of successful investigation, prosecution, punishment for priority crimes and ultimately rehabilitation of offenders.

A second version of the IJS was published in May 2003.

Issues that are receiving specific attention include the overcrowding in prisons and awaiting-trial prisoner problems (currently being dealt with by the Department of Correctional Services), as well as bail, sentencing and plea-bargaining (currently being dealt with by the Department of Justice and Constitutional Development).

Government at all levels wants to eliminate duplication of services and programmes. The need for strategic alignment of cluster activities has also been raised at a series of other governmental meetings and fora.

Benefits of proper alignment include:

- less duplication of services
- effective use of scarce and limited resources and skills
- joint strategic planning and a planned approach instead of reacting to problems.

During the latter half of 2002, the IJS Board responded to the challenge and initiated a process to co-ordinate and align activities beyond the IJS. In response to this, a development committee was established in 2003 and mandated to align the shared objectives of cluster departments.

The JCPS has structured itself to focus on two main areas of responsibility, namely operational and developmental issues relating to the justice system, and the improved safety and security of citizens.

Modernisation of the justice system

This includes the establishment of proper governance structures, effective monitoring mechanisms based on proper review findings, as well as the integration and automation of the justice system.

Key projects already receiving attention are:

Criminal Justice Review Commission

By September 2005, the Cabinet had endorsed proposals by the JCPS Cluster to review the CJS.

Integration and automation of the criminal justice system

While each department within the JCPS Cluster must have its own information technology (IT)

plan to achieve the vision, mission and department's specific objectives, the IJS Board co-ordinates the broader and shared duty to integrate the information flow throughout the CJS.

Effective and efficient management of cases and persons through the justice chain

This goal focuses specifically on women, children and vulnerable groups, as well as on improved court and case administration.

Child justice

The department continues to prioritise access to justice for vulnerable groups, including:

- Implementing relevant legislation and enabling policy, for example, accelerating the finalisation of the Child Justice Bill. By mid-2006, Cabinet had approved the Sexual Offences Bill.
- Ensuring assistance from prosecutors and public defenders for child maintenance.
- Enforcing the right of children to receive support from earning parents.
- Prioritising child justice and all cases involving children, especially those in prison awaiting trial.

Victim-Empowerment Programme (VEP)

The VEP aims to improve services rendered to crime victims.

The NPA has court-preparation officials on contract who provide support to crime victims, especially abused children, in preparing them for court proceedings.

The Service Charter for Victims of Crime, approved by Cabinet, is expected to go a long way towards assisting crime victims.

By February 2006, some important elements of the charter were in place, including:

- toll-free lines in all provinces
- training of victim assistance staff who will assume duty at service-delivery points by 2007/08
- a set of complaints mechanisms.

Integrated justice case-flow management centres

Case-flow management centres provide an integrated solution to managing cases through the court system, facilitated by IT that allows the monitoring of aspects such as case-cycle time and court rolls.

Contributing to interdepartmental and cluster co-ordination and co-operation

The Development Committee is mandated to align and co-ordinate cluster activities across the various departments, with the ultimate aim of improving service delivery, policy co-ordination and planning.

It consists of senior representatives from each of the partner departments participating in the IJS, and is chaired by the Department of Justice and Constitutional Development. National Treasury, the judiciary and the Department of Home Affairs are also represented on the committee.

Children awaiting trial

National and provincial action plans to fast-track all children awaiting trial in prisons and police cells, have led to a reduction in children awaiting trial from over 1 775 in January 2005 to 1 243 in January 2006.

Specific interventions to address the backlog of cases pending trial include moving away from placing children who are in trouble with the law in correctional detention centres. Children awaiting trial will be placed under home-based supervision, in places of safety or in the care of parents or caregivers. Three child-justice centres have been established in Port Elizabeth, Bloemfontein and Port Nolloth.

The National Inter-Sectoral Committee on Child Justice monitors and evaluates all child-justice issues and reports to the JCPS Cluster. This forum has also been established at regional level.

e-Justice Programme

The e-Justice Programme supports the fundamental reforms necessary to establish a more fair, accessible and efficient justice system in South Africa.

The purpose of this programme is to reform and modernise the administration and delivery of justice through re-engineering work processes by using technologies, strengthening strategic planning and management capacity, organisational development and human resource (HR) interventions.

The e-Justice Programme has evolved into the Information and Systems Management Programme, which has 25 projects in addition to the three main ones, i.e. Court Process Project (CPP), Digital Nervous System (DNS) Project and Financial Administration System (FAS) Project. The

e-Justice Programme is funded mainly by the Justice Vote, but is supplemented with donor funding from the European Union Commission, the Royal Netherlands Embassy and the Irish Embassy.

With the completion of the DNS I project in March 2005, the department embarked on DNS II to establish a virtual private network, the first time in government, for the department to improve response times and the transfer of e-mail traffic over the network, and to enhance service delivery. In this regard:

- 221 sites were migrated
- eight sites were deployed
- bridging training was conducted in 190 sites and 5 796 users were trained
- full training was offered to six offices and 52 users were trained.

By May 2006, the Department of Justice and Constitutional Development was rolling out information and communications technology to all departmental sites with 15 users and less, thus connecting the smaller, mostly rural sites to the department's infrastructure and networks.

Court Process Project

The CPP, which was initiated in 2000, seeks to re-engineer the way in which court services are delivered. It is aimed at providing courts with the necessary tools to deal with caseloads and general management more effectively.

This project also links, for the first time, the police, prosecutors, courts, prisons and social-welfare facilities at selected pilot sites. It incorporates the flow of processes that affect departments in the IJS, namely the departments of safety and security, of correctional services, of social development, of justice and constitutional development and the NPA.

The system is live at the Durban Centre of Excellence (CoE).

Financial Administration System

The FAS is tasked with automating and administering trust accounts in the magistrates' courts, the State Attorneys' offices and the Guardian's Fund in the master's offices.

The Justice Deposit Account System was enhanced and rewritten to accommodate functionality, allowing the system to seamlessly interface with private banking institutions. The enhanced system was successfully piloted at Bafokeng Magistrate's Court in North West.

Legislative and constitutional development

The Legislative and Constitutional Development Branch of the Department of Justice and Constitutional Development is responsible for promoting, maintaining and developing the Constitution and its values by researching, developing and advancing appropriate legislation.

It includes research activities of the South African Law Reform Commission (SALRC), which involve extensive reviews of wide areas of law and legal practice.

The legislative development component of the branch is responsible for researching, developing and promoting appropriate legislation affecting the department's line functions.

The constitutional development component of the branch is also responsible for promoting the independence and effectiveness of Chapter Nine institutions, and for administering the Constitution, which includes monitoring the implementation of the Constitution and the Bill of Rights.

Between 1994 and 2005, the department promoted more than 113 Bills. The department's legislative programme was dominated by three main themes:

- legislation to give effect to the spirit of the constitutional dispensation
- legislation to address crime issues in South Africa
- legal reform.

Regulation of Interception of Communication and Provision of Communication-Related Act, 2002 (Act 70 of 2002)

This Act aims to regulate the interception and monitoring of certain communications and prohibits such interception and monitoring, except in cases where such interception or monitoring has been authorised by a judge of the High Court in the case of suspected serious offences. This Act, while protecting the rights of law-abiding individuals, is expected to contribute to the fight against serious organised crime.

Citation of Constitutional Laws Act, 2005 (Act 5 of 2005)

Since the Constitution of the Republic of South Africa is the supreme law of the country, it should be treated differently from other Acts of Parliament. This Act is intended to change the reference to the

Constitution by providing that no Act number will be allocated to it in future.

It is also intended to substitute the short titles of all Constitution Amendment Acts that have been enacted since the commencement of the Constitution, so as to provide for the consecutive numbering of those Acts.

Constitutional Matters Amendment Act, 2005 (Act 15 of 2005)

This Act amended the Public Funding of Represented Political Parties Act, 1997 (Act 103 of 1997), to further regulate the allocation of monies from the Represented Political Parties Fund to political parties participating in the national and provincial legislatures, where a member of a legislature becomes a member of another party while retaining membership of that legislature, or where an existing party merges with another party, or subdivides into more than one party, or subdivides and any one subdivision merges with another party.

The Act also amended the Determination of Delegates (National Council of Provinces) Act, 1998 (Act 69 of 1998), to provide for the determination of certain delegates of a provincial legislature, which has been reconstituted on account of changes of party membership and mergers or subdivisions.

Judicial Matters Amendment Act, 2005 (Act 22 of 2005)

This Act amended a number of different Acts of Parliament, which are administered by the Department of Justice and Constitutional Development. The amendments are technical in nature and address identified practical problems.

Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act 28 of 2005)

This Act repeals the Black Administration Act, 1927, which contains many provisions regulating the lives of black persons in a manner in conflict with the Constitution.

Other legislation

Some important legislation that is being promoted by the department includes the Judicial Service Commission (JSC) Amendment Bill and the Child Justice Bill. The proposed Child Justice Bill will

create a new system for dealing with children in trouble with the law.

Superior Courts Bill

The Bill is intended to rationalise the structure and functioning of South Africa's superior courts.

Compulsory HIV-Testing of Alleged Sexual Offenders Bill

The purpose of the Bill is to provide a speedy and uncomplicated mechanism whereby a victim of a sexual offence can apply to have the alleged offender tested for HIV and have the test results disclosed to the victim.

Criminal Law (Sexual Offences) Amendment Bill

The Criminal Law (Sexual Offences) Bill emanates from an investigation by the SALRC and proposes a comprehensive review of existing legislation dealing with sexual offences. It aims to bring this area of law into line with the new constitutional dispensation and to provide greater protection against the sexual abuse of women and children, especially girls.

State Legal Services

State Legal Services provides government with legal services and facilitates constitutional amendments through three subprogrammes.

State Legal Services provides for the work of the State Attorney and state law advisers. The former acts as attorney, notary and conveyancer for government.

State law advisers provide legal opinions for all organs of state, scrutinise and amend international agreements, draft legislation and subordinate legislation and attend relevant parliamentary portfolio committees as legal advisers for all national departments. The component hosts the National Forum Against Racism and facilitates South Africa's participation in the International Court for Criminal Justice.

International affairs

The main functions of the Directorate: International Affairs in the Department of Justice and Constitutional Development are to identify and research legal questions that relate to matters pertaining to the administration of justice between South Africa and other states.

The directorate is involved in direct liaison and negotiations at administrative and technical level with foreign states to promote international legal co-operation, and for the possible conclusion of extradition and mutual legal-assistance agreements.

The directorate also aims to establish greater uniformity between the legal systems of southern African states, especially the Southern African Development Community (SADC).

The directorate co-ordinates human-rights issues at international level under the auspices of the United Nations (UN) and the African Union (AU).

The functions of the directorate are divided into six broad categories:

- regular liaison with SADC states
- co-ordinating all Commonwealth matters pertaining to the administration of justice
- interacting with other international bodies, such as the United Nations (UN), the Hague Conference and the International Institute for the Unification of Private Law
- interacting with foreign states outside the SADC region
- negotiating extradition and mutual legal-assistance agreements with other countries
- preparing Cabinet and Parliament documentation for the ratification of human-rights treaties, including report writing.

International Criminal Court (ICC)

As required by the Rome Statute of the ICC, South Africa has promulgated the Implementation of the Rome Statute of the ICC Act, 2002 (Act 27 of 2002).

This Act provides for a framework to:

- ensure the effective implementation of the Rome Statute of the ICC in South Africa
- ensure that South Africa conforms with the obligations set out in the statute
- address the crime of genocide, crimes against humanity, and war crimes
- address the prosecution in South African courts of persons accused of having committed said crimes in South Africa and beyond the borders of the country in certain circumstances
- deal with the arrest of certain persons accused of having committed said crimes and their surrender to the ICC in certain circumstances
- enhance co-operation by South Africa with the ICC.

Legal structures

Masters of the High Court

The Masters of the High Court are involved with the administration of justice in estates of deceased persons and those declared insolvent, the liquidation of companies and close corporations, and the registration of trusts.

Each year, the value of estates under the supervision of the masters' offices amounts to about R18 billion. This includes about R2,5 billion in the Guardians' Fund.

The key statutory functions of the masters' offices are to:

- control the administration of deceased and curatorship estates
- control the administration of insolvent estates and the liquidation of companies and close corporations
- control the registration and administration of both testamentary and inter vivos trusts
- manage the Guardian's Fund, which is entrusted with the funds of minors, mentally challenged persons, unknown and/or absent heirs, and creditors for administration on their behalf
- assess estate duty and certain functions with regard thereto
- accept and take custodianship of wills in deceased estates
- act as an office of record.

Deceased estates

On 15 October 2004, the Constitutional Court declared section 23 and regulations of the Black Administration Act, 1927 unconstitutional. In 2005, legislation to repeal the Black Administration Act, 1927 was finalised.

This decision implied that the Master of the High Court takes over the powers of supervision in all deceased estates, and that all estates have to be administered in terms of the Administration of Estates Act, 1965 (Act 66 of 1965), as amended. All intestate estates must be administered in terms of the Intestate Succession Act, 1987 (Act 81 of 1987), as amended.

This will ensure that all South Africans are treated equally, and that the dignity of each person is respected.

The institutional structures are the following:

- The Chief Master heads the national office and is responsible for co-ordinating all the activities of the masters' offices.
- There are masters' offices in Bhisho, Bloemfontein, Cape Town, Durban, Grahamstown,

Johannesburg, Kimberley, Mafikeng, Polokwane, Port Elizabeth, Pietermaritzburg, Pretoria, Thohoyandou and Mthatha.

- Suboffices are located in places where the High Court does not have a seat, but where workloads require the presence of at least one assistant master.
- At service points, officials attached to the Branch: Court Services deliver services on behalf of, and under the direction of, the master. Each magistrate's court is a service point. Each service point has at least one designated official who is the office manager or a person of equal rank. They only appoint masters' representatives in intestate estates of R50 000 or less, in terms of section 18(3) of the Administration of Estates Amendment Act, 2002 (Act 47 of 2002).

Curatorships

On 26 December 2004, the Mental Healthcare Act, 2002 (Act 17 of 2002), came into operation, recalling the Mental Health Act, 1973 (Act 18 of 1973).

The new Act provides that where a person falls within the ambit of this Act, the master can appoint an administrator to handle the affairs of the person. The administrator, in this instance, replaces the appointment of a curator, as done in the past.

In terms of the Prevention of Organised Crime Act, 1998, the master also appoints curators in these estates to administer the assets of persons and legal entities attached by the AFU, in terms of a court order.

Guardian's Fund

The fund holds and administers funds, which are paid to the master on behalf of various persons known or unknown. These include minors, persons incapable of managing their own affairs, unborn heirs, missing or absent persons, or persons having an interest in the money of an usufructuary, fiduciary or fideicommissary nature.

The money in the Guardian's Fund is invested with the Public Investment Commission and is audited annually. Interest is calculated monthly at a rate per year determined from time to time by the Minister of Finance. The interest is compounded annually at 31 March. Interest is paid for a period from a month after receipt up to five years after it has become claimable, unless it is legally claimed before such expiration.

Five years after the money has become claimable, the master pays the unclaimed money to the Receiver of Revenue Payment Register. This does not mean that the owner of the money cannot claim the money from the Guardian's Fund. However, 30 years after the money has become claimable, the money is forfeited to the State. Every September, the master advertises unclaimed amounts in the *Government Gazette*.

Rules Board for Courts of Law

The rules board is a statutory body empowered to make or amend rules for high courts, the Supreme Court of Appeal and the lower courts.

It also develops rules and court procedures to ensure a speedy, inexpensive civil justice system that is in harmony with the Constitution and technological developments, and is accessible to all South Africans.

Justice College

The Justice College provides vocational training to all officials of the Department of Justice and Constitutional Development. It also presents training to autonomous professions such as magistrates and prosecutors.

Training is integral to the department's efforts to widen and improve citizens' access to justice. The Justice College is being transformed by reviewing governance structures, processes and systems, and revamping the curriculum to ensure that the college serves the training and development needs of all its stakeholders.

The transformed college will extend training to all professionals and officials of the department, including state attorneys, masters, family advocates, registrars, court managers and interpreters.

Training interpreters is also a departmental priority. The college continues presenting courses that focus on complex concepts and has launched management-training courses for senior interpreters to facilitate and develop their leadership skills.

Office of the Family Advocate

The Office of the Family Advocate functions in terms of the Mediation in Certain Divorce Matters Act, 1987 (Act 24 of 1987).

The Family Advocate, assisted by family counsellors, reports to the court and makes recommendations. These serve the best interest of children in cases where there is litigation relating to

children in divorce actions, or applications for the variation of existing divorce orders. The functions of the Family Advocate have been extended to include maintenance and domestic-violence matters.

Inquiries take place at the request of the court, one or both parties to the litigation, or at the initiative of the Family Advocate, in which case authorisation of the court must be obtained.

Family advocates operate in the provincial and local divisions of the High Court as well as in lower courts.

The Hague Convention on the Civil Aspects of International Child Abduction Act, 1996 (Act 72 of 1996), came into effect in October 1997 and the Natural Fathers of Children Born out of Wedlock Act, 1997 (Act 86 of 1997), in September 1998. The promulgation of these Acts extended the service delivery of the Office of the Family Advocate countrywide.

The Office of the Family Advocate provides support services for the family court pilot project. Most offices are involved in mediation training for a large contingent of social workers and other mental-health professionals.

The Office of the Family Advocate co-ordinates community-outreach programmes to assist children involved in family disputes.

The Children's Act, 2005 (Act 38 of 2005), provides for the extension of the role of the Family Advocate to areas such as mediation and the facilitation of family-group conferences.

Legal Aid Board

The Legal Aid Board has completed the roll-out of a national infrastructure of four regional offices, 57 justice centres and 35 satellite offices. It employs more than 1 500 staff of whom more than 1 000 are legal professionals.

The board continues to provide legal assistance to the indigent, in accordance with the Constitution and other legislative requirements. This is carried out through a system of in-house outsourcing to private lawyers (a system of *judicare*) and co-operation partners.

With its national infrastructure in place, the board focuses on improving access to clients and communities, and on improving the quality of delivery of legal services.

The Legal Aid Board has increased the number of state-funded criminal and civil cases from 115 000 in 2001 to 340 244 in 2005.

In 2005, the board spent about R100 million of its R561-million budget on 42 000 cases that were referred to private legal practitioners.

Public Protector

The Public Protector investigates complaints from the public or on own its initiative against government at any level, its officials, persons performing public functions, corporations or companies where the State is involved, and statutory councils.

The Public Protector's services are free and available to everyone.

Complainants' names are kept confidential as far as possible.

The President appoints the Public Protector on recommendation of the National Assembly and in terms of the Constitution, for a non-renewable period of seven years.

The Public Protector is subject only to the Constitution and the law, and functions independently from government and any political party.

No person or organ of state may interfere with the functioning of the Public Protector.

The Public Protector has the power to report a matter to Parliament, which will debate on it and ensure that the Public Protector's recommendations are followed.

Magistrates' Commission

The Magistrates' Commission ensures that the appointment, promotion, transfer or discharge of, or disciplinary steps against judicial officers in the lower courts take place without favour or prejudice, and that the applicable laws and administrative directions in connection with such actions are applied uniformly and correctly.

The commission also attends to grievances, complaints and misconduct investigations against magistrates. It advises the Minister of Justice and Constitutional Development on matters such as the appointment of magistrates, promotions, salaries and legislation.

The commission has established committees to deal with appointments and promotions; misconduct, disciplinary inquiries and incapacity; grievances; salary and service conditions; and the training of magistrates.

South African Law Reform Commission

The SALRC is an independent statutory body, established by the SALRC Act, 1973 (Act 19 of

1973). The SALRC and its secretariat are responsible for research in respect of the law of South Africa with a view to advising government on the development, improvement, modernisation and reform of the law of South Africa in all its facets, by performing, among others, the following functions:

- executing the law-reform programme of the SALRC by conducting legal research, including legal comparative research, by developing proposals for law reform and, where appropriate, by promoting uniformity in the law
- preparing legislative proposals
- establishing a permanent, simplified, coherent and generally accessible statute book, complying with the principles of the Constitution
- consolidating or codifying any branch of the law
- assisting parliamentary committees during the deliberation of draft legislation emanating from the SALRC
- advising ministers and state departments on proposed legislation and recommendations of the SALRC.

Judicial Service Commission

In terms of the Constitution, the President, in consultation with the JSC, appoints the Chief Justice and the Deputy Chief Justice, and the President and Deputy President of the Supreme Court of Appeal. Other judges are appointed by the President on the advice of the JSC.

In the case of the Chief Justice and the Deputy Chief Justice, the leaders of parties represented in the National Assembly are also consulted.

The JSC was established in terms of section 178 of the Constitution to perform this function.

It also advises government on any matters relating to the judiciary or to the administration of justice.

When appointments have to be made, the commission gives public notice of the vacancies that exist and calls for nominations.

The JSC shortlists suitable candidates and invites them for interviews. Professional bodies and members of the public are afforded the opportunity to comment before the interviews or to make representations concerning the candidates to the commission.

The JSC has determined criteria and guidelines for appointments, which have been made public.

The interviews are conducted as public hearings and may be attended by anyone who wishes to do so. Following the interviews, the JSC deliberates

and makes its decisions in private. Its recommendations are communicated to the President, who then makes the appointments.

South African Human Rights Commission

In terms of section 184(1) of the Constitution, the SAHRC must:

- promote respect for human rights and a culture of human rights
- promote the protection, development and attainment of human rights
- monitor and assess the observance of human rights in South Africa.

The work of the commission is divided into the following programmes:

- Strategic Management and Support Services
- Commissioners
- Legal Services
- Research and Documentation
- Education and Training

Strategic Management and Support Services ensures that the operations of the commission comply with constitutional and legislative imperatives, guides the functioning of the commission to align with its strategic objectives and national priorities, and positions the commission favourably within the human-rights field regionally, nationally and internationally.

Commissioners raise the profile of the SAHRC, make strategic interventions, provide leadership in relation to human-rights issues and contribute to the development of human-rights-related and organisational policy.

The commission plays a special role in the development of human rights in Africa through work with the relevant organs of the SADC, AU and the African Commission on Human and People's Rights. It is a member of the International Coordinating Committee of African National Human Rights Institutions and has been instrumental in setting up other national human-rights institutions in Africa.

Legal Services investigates individual and systemic human-rights violations and provides appropriate redress. Mediations, decisions, findings and opinions of the commission and litigation are used to secure redress for individuals and communities.

An important mechanism through which the commission addresses systemic violations of

human rights is through the convening of public inquiries and hearings.

Research and Documentation monitors and assesses the observance of human rights, in particular economic and social rights, the right to equality and the right of access to information. In addition, the programme monitors and intervenes in the legislative process and liaises with Parliament. It maintains a leading human-rights library and documentation centre.

The commission is mandated by the South African Constitution to request annual reports from government on progress made in the realisation of economic and social rights. This function is carried out by the Economic and Social Rights Unit.

The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 gives the commission specific responsibilities in addition to its overall mandate to secure the right to equality. The Equality Unit functions as the focal point for the commission's activities in this area. The unit monitors equality courts and contributes to legislative developments and reform. Once the promotional aspect of the Act comes into place, the programme will receive and analyse equality plans, request regular reports relating to the number of cases adjudicated by the equality courts, and submit an annual report to Parliament.

The Promotion of Access to Information Act, 2000 places specific obligations on the commission. It co-ordinates implementation in this arena, including monitoring and research, making recommendations for the improvement and development of the Act, and providing an annual report to Parliament.

Education and Training conducts educational interventions on human rights and the commission's focus areas, conducts community outreach and awareness programmes, develops human-rights education and training material, and ensures the institutionalisation of human-rights education.

Public outreach activities within the commission focus on poverty-stricken communities in rural and peri-urban areas. The commission has developed the Omnibus Outreach Programme. This is a multifaceted tool for engaging with communities, encompassing a large range of educational interventions ranging from workshops, seminars, presentations, site visits and walkabouts to widespread campaigns, events and advocacy initiatives.

National Centre for Human-Rights Education and Training (NACHRET)

The NACHRET was established in April 2000. The centre provides a platform for debate on human-rights issues aimed at enhancing an understanding of these issues and practices. It also provides training and builds capacity both in South Africa and on the African continent regarding human-rights themes, challenges and issues.

Commission on Gender Equality

Chapter Nine of the Constitution provides for the establishment of the CGE. Section 187 of the Constitution specifically grants the CGE powers to promote respect for, and to protect, develop and attain gender equality. The composition, functions and objectives of the CGE are outlined in the CGE Act, 1996 (Act 39 of 1996).

The CGE has the following powers and functions:

- developing, conducting or managing information and education programmes to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the commission
- monitoring and evaluating the policies and practices of state organs, statutory and public bodies, as well as the private sector, to promote gender equality
- investigating any gender-related complaints received or on its own initiative
- liaising with institutions, bodies or authorities with similar objectives
- conducting research to further the objectives of the CGE.

Complaints are received from the public at large and dealt with either through personal consultations, telephonically or in writing, including electronically.

In cases where the complaint does not fall within the CGE's mandate, it may be referred to a relevant institution or forum.

During 2004/05, the CGE attended to 1 132 complaints.

Truth and Reconciliation Commission (TRC)

The TRC was established in terms of the Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995), to help deal with human-rights abuses that were perpetrated under South Africa's apartheid government.

Some 22 000 individuals or their surviving family members appeared before the commission. Of these, 19 000 required urgent reparations, and virtually all of them, where the necessary information was available, were attended to as proposed by the TRC with regard to interim reparations.

By July 2006, work was continuing to preserve the TRC's material and research. An allocation of R5 million for victims who testified before the TRC and who requested educational support was transferred to the National Student Financial Aid Scheme.

Correctional services

The Department of Correctional Services contributes towards maintaining and protecting a just, peaceful and safe society by enforcing court-imposed sentences and detaining inmates in safe custody while maintaining their human dignity.

It is also responsible for facilitating the correction of offending behaviour and the general development of all offenders as part of their rehabilitation, including those subject to community corrections.

In pursuing these objectives, the department has developed the *White Paper on Corrections* that embodies its long-term strategic policy and operational framework. These recognise corrections as a societal responsibility and put rehabilitation at the centre of all the department's activities.

In transforming the CJS in general, and the delivery of correctional services in particular, several milestones were attained in 2005/06, which included:

- Thirty-six CoEs were launched in all six correctional services regions. Where possible, such centres will be launched at all 241 correctional centres. The centres were prioritised for other interventions, including training in the new rehabilitation model Offender Rehabilitation Path. The CoEs, in which practical rehabilitation programmes have begun to yield fruitful results, are producing rehabilitated graduates and professionals in plumbing, carpentry, electrical engineering and teaching.
- The national curriculum programme was expected to see the department implementing the National Curriculum Statement for Grade 10 in its CoEs in 2006/07, as part of its commitment to ensuring that education is a key tenet of rehabilitation. The Durban Westville correctional centre achieved a 100% matriculation pass rate in 2004 and 2005, producing inmates who are

prospective teachers, communication specialists, public relations officers and artists.

- By mid-2006, the department was registering all its youth centres as full-time schools to ensure the transformation of CoEs into rehabilitation centres of education, knowledge and information. By mid-2006, the department was developing a new policy framework and restructuring the system to centralise the principled participation of various role-players, including family, communities, NGOs, faith-based organisations (FBOs), community-based organisations (CBOs) and the CJS.

This programme seeks to improve confidence in the system, to optimise stakeholder participation and to strengthen family relations, while improving the management of rehabilitation programmes outside correctional centres.

The new programme was expected to improve the implementation of diversion programmes, non-custodial sanctions for offenders who pose limited danger to society, and the role of society in preventing crime and in correcting offending behaviour.

The budget allocation for social reintegration increased by 9,15% (from R313,3 million in 2005) to R342 million in 2006.

Offender accommodation

The department strives to provide adequate prison accommodation that complies with accepted standards. By March 2006, offenders were housed in 237 active correctional centres countrywide, including:

- eight correctional centres for female offenders only
- 13 youth correctional facilities
- 129 correctional centres for male offenders only
- 87 correctional centres for both male and female offenders.

Three correctional centres were closed down for renovations.

In centres where male, female and juvenile offenders are accommodated, female and juvenile offenders are housed in separate designated sections.

Overcrowding in prisons

By 31 December 2005, South Africa's correctional centres collectively housed 160 213 inmates, while accommodation was available for only 114 354. This

means that general overcrowding was in the region of 137,64%. Of the total population, 113 820 inmates were unsentenced.

The average cost of incarceration was estimated at R123,37 a day.

By June 2006, South African correctional centres accommodated an offender population of 158 032 people and were overpopulated by more than 50 000 people.

Government assigned the Department of Correctional Services to lead an intercluster task team to develop a comprehensive strategy for reducing overcrowding, for consideration by Cabinet during 2006/07. The strategy is expected to raise proposals regarding the location of the function, dedication of appropriate resources and programmes for effective management of inmates who, in terms of the Constitution, are considered innocent until proven guilty.

Regional and area commissioners countrywide were expected to identify alternative facilities for incarcerating awaiting-trial detainees (ATDs) in correctional centres in the interim to reduce overcrowding in police holding cells. The ATD population decreased from 52 313 in January 2005 to 46 393 in March 2006.

Managing the special remission of sentences reduced overcrowding in correctional centres between June and August 2005 by over 31 000 sentenced offenders, from 187 000 to just over 156 000, thus saving over R70 million in running costs.

Four new-generation prisons in Kimberley, Klerksdorp, Leeuwkop and Nigel are expected to be completed in 2007. Similar facilities are expected to be built in the Eastern Cape, Western Cape, KwaZulu-Natal and Limpopo. All eight prisons will have 3 000 beds each.

Construction of another four new-generation correctional centres in Paarl, East London, Port Shepstone and Polokwane, announced in 2006,

To improve its capacity for delivery, the Department of Correctional Services employed over 3 000 entry-level personnel members in 2005/06 to enable it to phase in a seven-day working week. Over 8 000 officials were promoted and social workers' working conditions improved.

was expected to start in 2008. By June 2006, the environmental-impact assessment, the feasibility study and the identification of public land for the Limpopo centre were under way.

Safety and security

One of the core objectives of the department is to ensure that every correctional centre has a secure environment with a correcting influence. This refers not only to the prevention of escapes from custody, but also to the creation and maintenance of an environment in which there is a significantly low prevalence or absence of inmate abuse, violence, corruption and negligence.

The department has put in place various measures aimed at combating escapes. These include the optimal utilisation of existing security aids and equipment, continued evaluation of security directives, upgrading personnel training, disciplinary action against negligent personnel, rewarding offenders who report or warn of planned escapes, and the installation of electronic fences and X-ray scanners in high-risk prisons.

Through the implementation of national and regional escape-prevention strategies, the department succeeded in reducing the number of escapes from 171 in 2004/05 to 120 in 2005.

The number of escapes decreased by 90,3% between 1996 and 2005.

The department is upgrading and intensifying the use of equipment to increase the level of security in prisons. This will ensure the protection of offenders, officials and the public. The department has created a culture of security awareness among its staff. All managers are involved in monitoring and ensuring adherence to security policies and procedures, through strict supervision, control mechanisms and disciplinary action against negligent officials.

The department is rolling out a biometric security system and state-of-the-art fencing with CCTV. By August 2006, the system had been launched in 62 of the targeted 66 correctional-service sites. The system includes a biometric fingerprinting system to manage inmate visitations.

Classification

Offenders undergo safe-custody classification upon admission to determine the level of security required to detain them.

Offenders are classified into minimum, medium or maximum custodial categories. Variables taken

into account include the type of crime committed, the length of the sentence, and previous convictions. The safe-custody classification of all offenders is reviewed regularly, and if their behaviour, or any other aspect affecting their security risk, justifies it, reclassification takes place.

Categories

There are five categories of offenders in South African prisons, namely:

- unsentenced offenders (mainly offenders standing trial on a charge and detained in prison pending the conclusion of the judicial process)
- short-term offenders (offenders serving a sentence of less than two years)
- long-term offenders (offenders serving sentences of two years and longer)
- unsentenced children/juveniles and youths between the ages of 14 and 25
- sentenced children/juveniles and youths between the ages of 14 and 25.

Young offenders

In terms of the Constitution, a child is a person under the age of 18 years. The Department of Correctional Services regards a person between the ages of 14 and 25 years as a youth. The department is responsible for the detention, treatment and development of sentenced juveniles.

Section 7(2)(c) of the Correctional Services Act, 1998 (Act 111 of 1998), stipulates that children must be kept separate from adult offenders and in accommodation appropriate to their age, as young offenders are predisposed to negative influence.

The aim of this separation is the provision of distinctive custodial, development and treatment programmes, as well as spiritual care, in an environment conducive to the care, development and motivation of youths to participate and to develop their potential.

The nature of serious offences committed or allegedly committed by children under the age of 18 who were awaiting trial or sentenced is alarming. A breakdown of the nature of the crimes of those in custody on 31 March 2006 revealed that there were 745 economic-related offences, 1 184 aggressive offences and 308 sexual offences. A further 107 juveniles were detained for drug-related and other offences.

Of the crimes committed by 36 929 sentenced youths between the ages of 18 and 25, 20 492

were aggressive, 9 434 economical, 8 606 sexual, and 3 245 drug-related and other types of offences.

There are 13 youth correctional facilities in the country, namely Hawequa, Brandvlei, Drakenstein Medium B and Pollsmoor Medium A (Western Cape); Leeuwkop, Emthonjeni and Boksburg (Gauteng); Rustenburg (North West); Durban and Ekuseni (KwaZulu-Natal); Groenpunt and Kroonstad (Free State); and Barberton Prison (Mpumalanga).

The development and support of youth offenders form an essential part of their incarceration. The aim of rendering professional services (education, reskilling, learning a trade, moral and spiritual enlightenment, and personal development) is to rehabilitate youth offenders, contribute towards their behavioural change, and prepare them for reintegration into the community.

The focus is on the promotion and development of leadership qualities. A holistic approach is followed in which:

- young offenders are motivated to actively participate in their own development and the realisation of their potential
- a culture and atmosphere of development prevails
- sound discipline and co-operation between personnel and offenders, and among offenders, is fostered and maintained.

Mother-and-child units

Mother-and-child units have been established in eight female correctional centres countrywide. By 31 March 2005, there were 173 infants under the age of five in correctional centres with their mothers. Policy on such infants clearly stipulates that mothers and children are kept in a separate unit within the correctional centre, where the surroundings and facilities are complementary to the sound physical, social and mental care, and development of children.

The policy also stipulates that the admission of an infant with a mother is permitted only if no other suitable accommodation and care are available at that stage, and that it should be regarded as a temporary measure.

The right of the mother to have her child with her during admission promotes a positive relationship between mother and child. The policy emphasises that the mother should be taught good childcare practices to build her own self-esteem and self-confidence, and for the benefit of the child.

The privilege system

The main objectives of the privilege system are to encourage offenders to display good behaviour, to engender a sense of responsibility in them, and to ensure their interest and co-operation in treatment programmes.

The system consists of primary and secondary privileges. Primary privileges are aimed at the retention, maintenance or furthering of family ties to, among other things, facilitate reintegration into the community. These privileges are divided into A, B and C groups. The entry level for all new admissions is the B group and, depending on behaviour, an offender may be promoted or demoted to either the A or the C privilege group.

Secondary privileges are aimed at leisure-time activities such as participation in sport and watching television. No sentenced offenders are allowed to receive food from outside prison or to use private electrical appliances.

Healthcare services

The healthcare of offenders is regarded as an important responsibility of the department. It includes nutrition, personal care, environmental hygiene and pharmaceutical services. The department endorses the fundamental rights and privileges of all offenders.

In accordance with the Correctional Services Act, 1998, an independent judicial inspectorate regularly inspects all prisons and reports on their conditions and the treatment of offenders.

The policy and administrative framework for the maintenance of an adequate, affordable and comprehensive healthcare service is based on the principles of primary healthcare (PHC). The service includes mental, dental and reproductive health, supplementary healthcare, health-promotion,

On 12 May 2006, the Minister of Correctional Services, Mr Ngconde Balfour, and the Zambian high commissioner to South Africa, Mr Lesley Mbula, signed a historic co-operation agreement aimed at improving correctional service delivery within the two countries and the Southern African Development Community. The agreement is set to promote and institutionalise co-operation in various aspects of prison management.

Inmates per security category as at 31 March 2006

Sentence categories	Women	Men	Total
Maximum security	261	37 341	37 602
Medium security	1 412	57 947	59 359
Minimum security	20	1 251	1 271
Total	1 693	96 539	98 232

Source: Department of Correctional Services

management of communicable diseases (including HIV, AIDS and sexually transmitted infections [STIs]) and referrals where necessary, through the acknowledgement of national and international norms and standards, within the limited available resources.

The approach to healthcare in South Africa's correctional facilities focuses on:

- strict pursuance of ethical codes by health professionals
- regular health-quality inspections
- strict compliance with rules of confidentiality and privacy regarding the medical records of patients
- the continuous evaluation and upgrading of medical emergency services.

The Department of Correctional Services provides a system in which offenders are treated in the same way as other patients in the State sector through PHC principles.

Sentence length breakdown as at 31 March 2006

Sentence length	Number
<6 months	5 088
>6 – 12 months	4 188
>12 – 24 months	3 815
2 – 3 years	10 423
3 – 5 years	10 642
5 – 7 years	8 831
7 – 10 years	18 060
10 – 15 years	23 901
15 – 20 years	11 287
>20 years	9 537
Life	6 803
Death	13
Other sentenced	1 232
Total sentenced	113 820

Source: Department of Correctional Services

Offenders in need of further healthcare are, as far as possible, treated in state hospitals. The use of private hospitals for offenders is permitted in cases where public hospitals are unable to provide access to healthcare and only after approval by the Provincial Commissioner of Correctional Services.

The department's objective is to maintain a high standard of personal hygiene by ensuring that the following are provided to offenders:

- toilet and bathing amenities with warm water
- suitable clothing and comfortable shoes
- adequate bedding
- a clean and healthy environment
- safe water-supply
- the promotion of a smoke-free prison environment.

The Minister of Correctional Services approved the department's HIV and AIDS Policy in October 2002. In 2006, the department conducted a health-needs assessment based on government priority areas, as well as a survey of HIV and AIDS prevalence among inmates and staff.

The department is implementing the Comprehensive Plan on Prevention and Care of HIV and AIDS of the Department of Health, which includes providing antiretroviral (ARV) therapy to offenders who qualify for this treatment by referring them to the nearest accredited public healthcare facility to start treatment.

The department is also collaborating with the Department of Health to assess identified correctional centres for accreditation as ARV-therapy providers.

The first correctional centre to be accredited by the Department of Health for providing ARV therapy was Grootvlei in the Free State. The Qalakabusha, Pietermaritzburg and Durban Westville centres were expected to be accredited next.

The department's HIV and AIDS Policy caters for:

- prevention, which involves the promotion of safe sexual practices, management and control of STIs, provision of condoms and access to voluntary counselling and testing
- treatment, care and support
- respect for human rights
- awareness campaigns and the commemoration of HIV and AIDS calendar events
- partnerships with other government departments, the private sector, NGOs and educational institutions
- peer-led education programmes to introduce behavioural changes among peers

- the appointment of employee-assistance practitioners to implement employee-wellness programmes
- principles of universal precautions, which provide personnel and offenders with guidelines and procedures regarding the handling of all body fluids.

In 2005/06, the department facilitated 35 400 awareness sessions on HIV and AIDS and other health-related aspects.

Nutrition

The department is committed to maintaining the health and strength of those entrusted to its care by satisfying their nutritional needs according to the Recommended Daily Allowance for food intake.

The objective is to provide all offenders with three nutritious meals per day and to provide for therapeutic and special diets when prescribed by a medical doctor. The system also allows for religious and cultural diets.

In its efforts to ensure compliance in this regard, a contract was negotiated with an external service-provider to render catering services to the offenders and to train staff and offenders who work in the kitchens.

Because of budgetary constraints, the department decided on phased implementation. The first phase has seen implementation at seven large management areas, which benefit about one-third of the inmate population. An added advantage is that on their release, trained offenders will be able to participate effectively in the catering arena.

Rehabilitation

Rehabilitation aims to provide treatment and development programmes to offenders in partnership with the community. This will enhance personal and social functioning, and will prepare them for reintegration into the community as productive, well-adapted and law-abiding citizens.

A multidisciplinary team, consisting of social workers, psychologists, chaplains, educators, correctional officers and others (the external community), addresses the basic needs of offenders by means of comprehensive assessments and various needs-based programmes.

The development and rehabilitation processes, which enable offenders to improve their mental health, social functioning, competencies, know-

The Department of Correctional Services has introduced compulsory rehabilitation programmes for all offenders. Penalties for refusing to participate include the removal of certain privileges.

ledge, skills and spiritual well-being, are focused on the following key strategies, namely to:

- positively combat illiteracy within the prison environment
- actively engage the community to assist with development programmes for the people entrusted to the department's care
- develop and implement a needs-based development programme
- establish training centres at large prisons as well as capacity-building in small prisons
- market rehabilitation programmes to offenders and the community
- promote and implement restorative justice principles to ensure the involvement of offenders, victims and the community in the rehabilitation process.

In March 2005, the Department of Correctional Services, in conjunction with the Department of Arts and Culture, launched the Arts Against Crime Project. The project involves artists visiting correctional centres and engaging with offenders to impart their love of the various art forms. It also aims to assist offenders in discovering and honing their own artistic skills. The Department of Correctional Services believes that exposure to, and participation in, the various art forms by offenders is of therapeutic value to them.

In 2006/07, Samuel Beckett's play *Waiting for Godot* was staged at Pollsmoor by a cast drawn from inmates, as part of the Arts in Prison Project run by the department in collaboration with the Department of Arts and Culture.

Institutional committees

Institutional committees at each prison are responsible for ensuring a professional and co-ordinated approach towards the incarceration, treatment, training and development of all offenders.

This is implemented by means of a multidisciplinary approach in which all role-players are

involved, i.e. those concerned with custodial, training, educational, psychological, religious-care and social-work functions, recreational sport and library projects, as well as self-sufficiency and life skills programmes.

Institutional committees have statutory decision-making competency regarding the safe custody of offenders, individual participation, subgroup and group programmes, as well as prompt rewarding of positive behaviour.

Education and training of offenders

All offenders have a right to basic education and training. The aim is to enhance the education level and to improve the skills of offenders to facilitate their reintegration into society.

Services are provided to sentenced and unsentenced offenders in collaboration with external partners (government institutions, training boards, NGOs, etc.) and are in line with the provisions of the South African Qualifications Authority and the National Qualifications Framework.

Education and training programmes include:

- Adult Basic Education and Training
- mainstream education (grades 10 – 12)
- business and engineering
- correspondence studies
- technical studies
- vocational training
- occupational skills training
- instruction in recreation and sport
- arts and culture programmes
- life-skills training and development
- entrepreneurial skills training
- computer-based training.

The main emphasis is on the provision of literacy and numeracy programmes, which include training in occupational, life and entrepreneurial skills. This should enhance the chances of the successful reintegration of the offender into the community and labour market.

Inmates are encouraged to take part in sport, recreation, and arts and culture activities as far as possible.

Inmates are trained in 14 of the department's training centres throughout the country in various fields such as IT, brick-laying, woodwork, welding, etc. In 2004, about 11 government departments purchased a range of items produced in the

department's workshops, generating revenue of about R3 million.

These training facilities are also available to members of the neighbouring communities to empower themselves. The Vukukhanye Youth Development Project in the Western Cape is a prime example where trainees from Paarl and Franschhoek graduated with technical skills in garment-making, cabinet-making, upholstery and other fields early in 2005.

Psychological services

Psychological services are provided for sentenced offenders and persons subject to community corrections, to maintain or enhance their mental health and emotional well-being.

In areas where there are no departmental psychologists, the department uses the following procedures to address the emotional needs of offenders:

- external registered psychologists can be contracted in if a medical practitioner has referred the offender for psychological treatment
- offenders can see a private psychologist at their own expense
- final-year students who are completing their MA degrees in Clinical or Counselling Psychology provide services without remuneration under the supervision of their respective universities.

By July 2006, there were 55 psychologists available in the department, which is the highest number ever. This gave 73,14% more people (up from 10 292 to 17 820) access to their services between 2004/05 and 2005/06.

Social work services

Social Work Services aims to provide professional services to help offenders cope more effectively with problems relating to social functioning, and to prepare them for reintegration into the society.

Social Work Services provides structured treatment programmes on issues such as life skills, family care and marriage, alcohol and drug abuse, orientation, sexual offences, trauma, pre-release, and HIV and AIDS.

Spiritual care of offenders

Spiritual-care services are rendered through needs-based programmes within a multi-disciplinary context to persons who are in the care of the

department. This is done in partnership with churches or FBOs and other role-players to rehabilitate offenders and reintegrate them into the community.

It also aims to contribute to changing the offenders' behaviour, based on a lifestyle which is in accordance with the acceptable values and norms of their faith.

Spiritual-care services are rendered to sentenced and unsentenced offenders, probationers, parolees and personnel on an ad hoc basis.

The department employs full-time chaplains and part-time spiritual workers from various religious backgrounds.

Quarterly meetings are held with the chaplains of the South African National Defence Force and the SAPS to discuss issues of common concern.

The department is a member of the International Prison Chaplaincy Association (IPCA). A working relationship also exists with FBOs like Prison Fellowship International, Alpha, New Life Behaviour Ministries and Kairos.

Provision is made for offenders to observe the main religious festivals and holy days such as Ramadan, Passover, Good Friday and Christmas. Religious and spiritual literature, such as the *Bible* and the *Qur'an*, is supplied to offenders.

Release of offenders

The Correctional Services Act, 1998 provides for the creation of independent regional correctional supervision and parole boards throughout the country, with greater powers to consider and approve which offenders, serving sentences exceeding 12 months, should be granted parole.

The Parole Review Board (PRB) was launched on 4 May 2006 to review decisions regarding the parole of sentenced inmates, signalling the department's intent to consider or review parole more holistically, by taking into account issues of fairness and objectivity as expected by citizens, and to ensure that there is recourse and alternative structure of appeal where rehabilitated offenders or members of the public representing offender interests can make representation on their parole.

The PRB does not replace correctional supervision and parole boards.

The PRB has to ensure that it can oversee the many parole matters that the 52 parole boards deal with, and handles parole applications from 240 correctional centres.

The PRB's work would be in vain if offender profiling and interventions regarding assessment and comprehensive rehabilitation programmes for offenders did not create conditions conducive to their rehabilitation, parole and social integration. Involving communities in this regard, as outlined in the *White Paper on Corrections*, is important in helping to break the cycle of crime.

The PRB will have to consider various issues in reviewing parole decisions, including existing programmes for offender rehabilitation based on risk-profile management output, sentence planning and needs-based interventions and professional treatment, where necessary.

As at 31 March 2006, there were 22 695 parolees.

The implementation of the Correctional Services Act, 1998 changed the department's policy concerning releasing offenders. The most significant changes included increasing the role of the community in decision-making and opportunities granted to victims of crime to express their views for consideration before a decision was made.

There are 52 correctional supervision boards countrywide tasked with deciding on the placement of offenders before the expiration of their sentences on either correctional supervision or parole. They are chaired by people appointed from the community where the board sits. Representatives from the Department of Justice and Constitutional Development, the SAPS and two additional community members serve on each board.

The PRB comprises members of the National Council on Correctional Services and is chaired by a

The Department of Correctional Services is implementing a skills-retention policy to attract and retain scarce specialist and professional skills, and is ensuring that its correctional officers' and relevant professional employees' salaries are improved.

A recruitment drive resulted in 50 new recruits being appointed in the Eastern Cape, particularly King William's Town and Middledrift, as from September 2006. Many of them are specialists and professionals such as teachers, social workers and nurses, appointed to alleviate the shortage of such skills in the province.

Judge of the Supreme Court. Other members that serve on the board are a member of the NPA, two community members and a representative from the Department of Correctional Services.

Also significant to the new concept of parole placement is that the victim now has a say in the placement of the offender. A victim may ask to be present during the hearing or to make a presentation at the time when the offender is considered for parole.

Reintegration into the community

The department aims to equip offenders with the skills required for effective reintegration into society after release. Offenders sentenced to longer than six months' imprisonment undergo a basic pre-release programme before release. Aspects receiving attention include how to secure employment, personal-finance management and street law.

Specialists from the community are also involved in the presentation of the programme. Care and support for an offender are prerequisites for placement in the community. Before offenders are placed, they are assisted with obtaining employment and accommodation, or at least care and support. Community involvement in supporting offenders after release is encouraged.

Offenders are provided with financial and material assistance before they are released from prison.

Four corrections programmes have been developed and accredited, marking a real focus on root causes of crime in society, namely anger management, a sexual offenders programme, HIV and AIDS awareness and pre-release programmes. Participation in rehabilitation programmes will soon be compulsory.

The *White Paper on Corrections* is founded on the belief that the Department of Correctional Services should be an institution for rehabilitation, and that rehabilitation and social integration of offenders should be a responsibility of society. The department has entered into partnerships with NGOs, FBOs and CBOs in rendering reconciliation and moral renewal programmes for offenders and communities, so that rehabilitated offenders may be released into a receptive environment, thus ensuring that both offenders and their victims, or affected families and communities, achieve closure.

Engaging with the faith community aims to encourage them to play an important role in

reintegrating offenders in society, by assisting with job creation, for example.

The department intends including the accreditation of skills-development institutions or facilities in line with the call for offenders to enjoy appropriate and effective training during their rehabilitation. The department intends launching intensive community-outreach programmes such as Operation Masibambisane, to create platforms and avenues of interaction with provincial government structures, local government councils, as well as civic and traditional structures to enhance community involvement in the rehabilitation and social integration of offenders.

Community corrections

Plans are being implemented to make community correction offices more accessible to the majority of offenders and the community, especially in rural areas. The final location and decentralisation of the offices was envisaged by the end of 2006/07. On 31 March 2005, there were 172 fully functional offices and 21 suboffices.

Supervision of parolees

Parolees are subject to certain conditions as well as supervisory measures aimed at gradually re-integrating them into the community.

To achieve these goals, parolees are allocated to a supervision official of the department, who ensures that they are regularly monitored. Contravention of parole conditions leads to stricter conditions and increased supervision or reimprisonment for a part of or the entire remainder of the parole period.

Volunteers from the community are encouraged to assist the department in monitoring parolees.

Based on their risk profile, parolees are placed in minimum, medium or maximum supervision categories. The conditions for parole may include periods of house-arrest, restriction to a specific magisterial district, compulsory attendance of treatment programmes and rendering compulsory community service.

Persons awaiting trial may also be placed under correctional supervision. Because little is known about their criminal record prior to conviction, they are classified under the maximum supervision category.

Monitoring includes visits to the parolee's home and workplace, telephonic liaison and reports to the Community Corrections Office.

The department aims to increase the number of personnel responsible for managing and controlling persons sentenced to community corrections.

Correctional supervision

Correctional supervision, an alternative sentencing option available to law courts, entails that upon conviction, offenders are sentenced to a period of correctional supervision. Correctional supervision provides the opportunity to deal with some offenders outside the walls of correctional centres. Offenders who pose a real threat to the community and who have chosen crime as a career, however, do not qualify for correctional supervision.

A person sentenced to correctional supervision is placed under the control of a correctional supervision official. This official ensures that the probationer complies with whichever of the following conditions he or she may be subject to:

- house arrest
 - community service, rendered free of charge
 - victim's compensation
 - restriction to a magisterial district
 - prohibition on alcohol usage or abuse
 - participation in certain correctional programmes.
- If the set conditions are violated, probationers can be referred to the court of first hearing for consideration of an alternative sentence or, in certain cases, be admitted directly to correctional centres to serve the remainder of their sentences.

According to section 117(e) of the Correctional Services Act, 1998, it is an offence for a probationer or parolee to abscond from the system of community corrections. If found guilty, they may receive an additional sentence of up to 10 years' imprisonment.

As at 31 March 2006, there were 14 184 probationers.

Day parole

A small number of offenders are placed on day parole either because they are institutionalised or they have a doubtful prognosis and pose a high security risk to the community. These offenders are gradually resettled into the community as a bridging measure, instead of being released upon termination of sentence. Day parolees have to comply with certain conditions. Contravention leads to withdrawal of privileges, stricter conditions or suspension of day parole.

Offenders whose parole has already been approved may under certain circumstances be allowed to spend weekends at home for the consolidation of family ties, preparation for release, or for reasons that involve the reintegration of the offender into society. Offenders may also be granted compassionate leave under certain circumstances, such as attending burials of close family members.

The offender has to observe strict conditions, which include abstaining from drugs and alcohol, being in the care of a specific person and at a specific address, personally accepting liability for any event that might result in expenses for the State, and not being found guilty of any misconduct.

Employee organisations

Employees of the Department of Correctional Services subscribe to the Labour Relations Act, 1995 (Act 66 of 1995). Two labour unions are active in the department, namely the Police and Prisons' Civil Rights Union and the Public Servants' Association.

Because the department renders an essential service, its members are not allowed to embark on strike action.

Anti-corruption

Cabinet approved a three-pronged anti-corruption strategy in 2002, which focuses on:

- corruption prevention
- investigation of corruption, fraud and serious maladministration
- disciplinary sanction of members found to be involved in corruption, fraud or serious mismanagement.

The department's efforts at building an ethical and secure correctional system are ongoing. It launched a special three-month training programme in July 2006 for over 880 managers to equip them with the required skills to improve ethical behaviour and to fight corruption. The R4-million training programme comprises nine modules that include:

- ethos in correctional services
- evolution of corruption and factors contributing to corruption
- understanding corruption and factors contributing to it
- understanding anti-corruption strategies
- risk management

- conflict, diversity and change management
- ethical reasoning and decision-making
- professional ethics for the Public Service.

To combat fraud and corruption in correctional services, the department is collaborating with the SIU. The results of this partnership include:

- over 27 medical practitioners being investigated and 16 appearing in court, resulting in one conviction, a suicide case and over R300 million in recoveries and savings in medical aid claims of more than half a billion rand
- the approval of a new code of conduct that closed gaps in the disciplinary system that led to losses worth millions due to, among other things, the completion of cases being delayed and suspensions being prolonged
- the signing of an MoU with the South African Management Development Institute and the Tshwane University of Technology to close gaps in the department's integrated anti-corruption strategy
- analysing the final report of the Jali Commission to ensure that the entire report is handled without duplication of actions or omitting cases
- establishing a departmental task team to develop a plan of action in response to the recommendations of the Jali Commission
- the department's in-house anti-corruption campaign to create a secure and ethical correctional system.

International co-operation

The Department of Correctional Services has established relations with organisations such as the American Correctional Association, the IPCA and the International Corrections and Prisons Association (ICPA).

The department endorsed the Charter of Fundamental Rights for Prisoners at the 11th UN Congress on Crime Prevention and Criminal Justice in April 2005. It will continue to participate in

multilateral fora such as the ICPA, the Conference of Commissioners for East and Southern Africa, and the UN.

In conjunction with other African states, the department is developing a programme that will result in full compliance with the UN minimum standards on the treatment of offenders. Participation in binational commissions and joint commissions of co-operation has resulted in the department hosting several delegations from various countries, as well as the Commission on Human and Peoples' Rights under the AU.

Ministers responsible for prison management and correctional services in SADC countries are continuing efforts to implement the July 2003 Johannesburg Declaration on Corrections. The declaration seeks to include the field of corrections in the work of regional and continental multilateral structures.

In August 2006, the inaugural SADC Games of Prisons and Correctional Services Officials were held in Durban, KwaZulu-Natal.

Over 600 correctional officials from six SADC countries competed in soccer, netball, athletics and volleyball.

The games coincided with an extraordinary three-day Conference on Eastern, Southern and Central African Heads of Correctional Services (Cesca) and a one-day workshop of Cesca member states where an integrated strategy for HRD on corrections in Africa was discussed. The conference aimed to strengthen correctional services on the continent and to pave the way for the creation of an all-African correctional services body that will play a more critical role in post-conflict reconstruction and development, in countries such as Somalia, Rwanda and the Democratic Republic of Congo.

About 100 commissioners and senior officials of correctional and prisons services from 13 countries, attended.

Acknowledgements

Beeld

BuaNews

Commission on Gender Equality

Department of Correctional Services

Department of Justice and Constitutional Development

Estimates of National Expenditure 2006, published by National Treasury

South African Law Reform Commission

www.dcs.gov.za

www.financialmail.co.za

www.gov.za

www.idasa.org.za

www.southafrica.info

Suggested reading

Ajibola, B and Van Zyl, D. *The Judiciary in South Africa*. Cape Town: Juta, 1998.

Albertyn, C. et al. eds. *Introduction to the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000)*. Johannesburg: Witwatersrand University Press, 2001.

Altbeker, A. *The Dirty Work of Democracy: A Year on the Streets with the SAPS*. Johannesburg: Jonathan Ball, 2005.

Andrews, P and Ellman, S. eds. *The Post-Apartheid Constitution: Perspectives on South Africa's Basic Law*. Johannesburg: Witwatersrand University Press, 2001.

Asmal, K, Asmal, L and Roberts, RS. *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*. 2nd ed. Cape Town: David Philip, 1997.

Asmal, K, Chidester, D and Lubisi C. eds. *Legacy of Freedom: The ANC's Human Rights Tradition: Africans' Claims in South Africa, the Freedom Charter, the Women's Charter and Other Human Rights Landmarks of the African National Congress*. Johannesburg: Jonathan Ball, 2005.

Bell, T. *Unfinished Business: South Africa, Apartheid and Truth*. Observatory: Redworks, 2001.

Bennett, TW. *Customary Law in South Africa*. Cape Town: Juta, 2004.

Bezuidenhout, C, and Joubert, S. eds. *Child and Youth Misbehaviour in South Africa: A Holistic View*. Pretoria: Van Schaik, 2003.

Burchell, J and Erasmus, A. *Criminal Justice in a New Society: Essays in Honour of Solly Leeman*. Cape Town: Juta, 2004.

Chanock, M. *The Making of South African Legal Culture, 1902 – 1936: Fear, Favour and Prejudice*. Cambridge: University Press, 2001.

Chubb, K and Van Dijk, L. *Between Anger and Hope: South Africa's Youth and the Truth and Reconciliation Commission*. Johannesburg: Witwatersrand University Press, 2001.

Coleman, M. ed. *Crime Against Humanity: Analysing the Repression of the Apartheid State*. Johannesburg: South African Human Rights Commission, Cape Town: David Philip, 1998.

Cries Without Tears: An Anthology of Writings from Rehabilitating Offenders. Johannesburg: Corrective Action Holdings and Sandton: Sizwe, 1999.

Doxater, E and Villa-Vicenco, C. eds. *Repairing the Unforgivable: Reparations, Restoration and Renewal*. Cape Town: David Philip, 2003.

Doxater, E and Villa-Vicenco, C. eds. *Provocation of Amnesty: Memory, Justice and Impunity*. Cape Town: David Philip, 2003.

Edelstein, J. *Truth and Lies: Stories from the Truth and Reconciliation Commission in South Africa*. Johannesburg: M&G Books, 2001.

Gibson, JL. *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* Cape Town: Human Sciences Research Council (HSRC) Press, 2004.

Glauber, I. *The Death Penalty as a Deterrent*. Johannesburg: The Author, 2004.

- Goldstone, R. *For Humanity: Reflections of a War Crimes Investigator*. Johannesburg: Witwatersrand University Press, 2000.
- Grogan, J. *Dismissal, Discrimination and Unfair Labour Practices*. Cape Town: Juta, 2005.
- Gutto, S. *Equality and Non-Discrimination in South Africa: The Political Economy of Law and Law-Making*. Cape Town: New Africa Books, 2001.
- Hund, J. *Witchcraft, Violence and the Law in South Africa*. Pretoria: Protea, 2003.
- James, WG and Van de Vijver, L. eds. *After the TRC: Reflections on Truth and Reconciliation*. Cape Town: David Philip, 2000.
- Jeffrey, A. *The Truth About the Truth Commission*. Johannesburg: South African Institute of Race Relations, 1999.
- Krog, A. *Country of My Skull*. Johannesburg: Random House, 1998.
- Landis, H and Grossett L. *Employment and the Law: A Practical Guide for the Workplace*. Cape Town: Juta, 2005. 2nd ed.
- Lange, C and Wessels, J. *The Right to Know: South Africa's Promotion of Administrative Justice and Access to Information Acts*. Cape Town: Siberink, 2004.
- Leggett, T. *The Market for Drugs and Sex in South Africa*. Cape Town: New David Philip Publishers, 2001.
- Lewis, D. *Parliamentary Support Programme: A Review, 1996 – 2001*. Cape Town: Parliamentary Support Programme, 2002.
- Lewis, S. *Dealing with Rape*. Johannesburg: Sached, 1997.
- Lobban, M. *White Man's Justice: South African Political Trials in the Black Consciousness Era*. Oxford: Clarendon Press, 1996.
- Mamdani, M. ed. *Beyond Rights Talk and Culture Talk: Comparative Essays on the Politics of Rights and Culture*. Cape Town: David Philip, 2000.
- McQuoid-Mason, D. ed. *Street Law South Africa: Practical Law for South Africans*. Cape Town: Juta, 2004.
- Murray, C and Nijzinky, L. *Building Representative Democracy: South Africa's Legislatures and the Constitution*. Cape Town: Parliamentary Support Programme, 2002.
- Murray, J. *The Law in South Africa: A Practical Guide*. 5th ed. Gardenview: Legal and General Publishers, 2002.
- Ncube, W., ed. *Law, Culture and Tradition: Children's Rights in Eastern and Southern Africa*. London: Ashgate, 1998.
- Ndima, D. *The Law of Commoners and Kings: Narratives of a Rural Transkei Magistrate*. Pretoria: Unisa Press, 2004.
- Ndung'u, S. *The Right to Dissent: Freedom of Expression, Assembly and Demonstration in South Africa*. Johannesburg: Freedom of Expression Institute, 2003.
- Oomen, B. *Chiefs in South Africa: Law, Power and Culture in the Post-Apartheid Era*. Pietermaritzburg: University of KwaZulu-Natal Press, 2005.
- Orr, W. *From Biko to Basson: Wendy Orr's Search for the Soul of South Africa as a Commissioner of the Truth and Reconciliation Commission*. Johannesburg: Contra, 2000.
- Pistorius, M. *Catch Me a Killer: Serial Murders: A Profiler's True Story*. Sandton: Penguin, 2000.
- Pistorius, M. *Strangers on the Street: Serial Homicide in South Africa*. Sandton: Penguin, 2002.
- Rautenbach, F. *Liberating South African Labour from the Law*. Cape Town: Tafelberg, 1999.
- Richter, L., et al. eds. *Sexual Abuse of Young Children in Southern Africa*. Pretoria: HSRC, 2004.
- Shaw, M. *Crime and Policing in Post-Apartheid South Africa: Transforming Under Fire*. Cape Town: David Philip, 2002.
- Sibanyoni, C., comp. *Directory of Human Rights Organisations*. Pretoria: HSRC, 1999.
- Steinberg, J. *Farm Murders, Crime*. Johannesburg: Jonathan Ball, 2002.
- Truth and Reconciliation Commission. Report. Cape Town: Juta, 1998. 3 vols.
- Truth and Reconciliation Commission of South Africa Report, vols 6 and 7. Cape Town: Juta, 2003. 2 vols.
- Tshiwula, L. *Crime and Delinquency*. Pretoria: Kagiso Publishers, 1998.
- Turrell, R. *White Mercy: A Study of the Death Penalty in South Africa*. Westport. Cape Town: Praeger, 2004.
- Vale, P. *Security and Politics in South Africa: The Regional Dimension*. Cape Town: University of Cape Town Press, 2003.

Van der Walt, J. *Law and Sacrifice: Towards a Post-Apartheid Theory of Law*. Johannesburg: Witwatersrand University Press, 2006.

Villa-Vicencio, C and Verwoerd, W. *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*. Cape Town: University of Cape Town Press, 2000.