



Political Overview Of The Ministry Of Justice And Correctional Services Departments Annual Performance Plans By Minister Ronald Lamola Delivered To The Parliamentary Portfolio Committee On Justice And Correctional Services Delivered On 5 May 2021

Honourable Chairperson and Members of the Portfolio Committee, as we meet today, we are reminded that asiphelelanga, kushoda a dedicated member of this committee, uMama Jacqui Mofokeng.

This committee and parliament in general, will dearly miss her insightfulness and thought provoking contributions. She was a selfless servant leader who represented the portfolio committee, parliament and the people of South Africa with honesty and integrity.

She devoted many years of service to the course of creating a better South Africa. She gallantly fought for a non-sexist and safer South Africa for women and children. She shall be fondly remembered and may her soul rest in peace.

Honourable Chairperson and Members of the Portfolio Committee, you are well aware of the mandate of the Department of Correctional Services of contributing towards creating safer communities in South Africa. Through our efforts of rehabilitating offenders and enabling their successful reintegration into society, we want South Africans from all walks of life to be safe.

Various initiatives are spearheaded by Correctional Services to ensure that offenders are not just warehoused, but provided with programmes to skill them, address their criminal behaviour, shape their perspective on honest living, and abhorring behaviour which brought them into conflict with law.

We also have outreach programmes warning communities, more especially youth, on the consequences of crime. These programme warn young people about dangers of seeing delinquent peers as role models, leading to engaging in activities that result in serving sentences at our centres.

Young people must internalize hard work, prioritize education and work with law enforcement agencies to squeeze the space which criminal elements operate from.

Even ourselves, we prioritize creating opportunities for young people. When adversities of budget cuts confronted and prevented the department to absorb 2 000 learners who we trained, we intervened and instructed the department to reprioritize the budget so that these young people can be employed.

We can now announce and confirm that on the 1st of June, the first group of learners, totalling 932, will be absorbed throughout our regions. This honourable members, is in line with our plans of employing 20% of youth within the Department this current financial year. Over the Medium Term Expenditure Framework period, we target to employ 40% youth.

Honourable Chairperson, as you would be aware, the department develops inmates through skills to bolster their employment probabilities upon their release in an effort to reform their criminal character.

The DCS has illustrative examples of parolees and probationers who after undergoing various training programmes offered at our centres, went on to establish themselves in business and created economic opportunities for their communities. While this is commendable, efforts to empower victims should equally not lag behind. We have intervened in this regard to ensure that more efforts are channelled towards creating economic opportunities for victims.

In the MTEF period, you will see more victim focused programmes in DCS. Victim engagements will no longer be confined to participation in restorative justice.

The unique lifelong needs of victims who were robbed of bread winners through acts of crime will be factored into our programmes.

Consequences of lack of parental guidance, support and income for children who lose parents from crime have been laid bare to all of us. These are in no doubt contributing factors towards subsequent criminal behaviour of these children as they seek ways to make ends meet. Community Corrections has been instructed to identify such cases and intervene accordingly.

Chairperson and honourable members of the Portfolio Committee, offenders are not just sitting in their cells day and night. They are contributing meaningfully to society. We have seen various projects where offenders provided their labour in community empowerment projects.

To mention just a few, In the Western Cape, offenders have built a school and pharmacy, saving government lots of money.

In Mpumalanga, offenders developed a sporting field in Bushbuckridge and refurbished one thousand school desks for ten different schools. In Gauteng, offenders are developing a sporting field for Skeen Primary School in Alexandra to enable learners to participate in soccer and netball.

Production is also continuing at a large scale in farms across correctional centres. Vegetables, fruits, meat, milk, eggs and bread are produced. Production workshops are also producing uniform and textile material.

These initiatives are part of our self-sufficiency model that we want to see fully implemented. Work is advanced in this regard. We will this financial year pilot the business case mechanism for self sustainability, revenue generation and retention mechanism. This is a significant shift in our program.

One of the areas of concern in correctional services remains poor audit outcomes arising from lack of proper accountability, high irregular expenditure and inability to finalize cases and disciplinary processes.

We have set a target for an unqualified audit outcome with significantly reduced findings this financial year. This is in preparation for obtaining a clean audit outcome next financial year.

We will not hesitate to crack the whip for deviations from this target, we cannot continue operating outside government prescripts. We will also ensure that recommendations from institutions such as the Special Investigating Unit are implemented to the latter.

House Chairperson, we want to reiterate that corrections is a societal responsibility, let us work together to create safer communities in South Africa. COVID-19 might have disrupted some of our plans, but we must continue adapting to the new normal.

South Africans deserve a crime free society where they can go on with their lives without fearing to be attacked by criminal elements.

On the Department of Justice and Constitutional Development, we will this year be marking a significant milestone in our Constitutional democracy, our 25th year anniversary of the constitution, the supreme law of the country.

This anniversary comes at a very critical time in our new nation. COVID-19 has been a pandemic that has impacted all aspects of our lives and has really put section 36 of our Constitution to test.

In our quest to contain this pandemic, and preserve as many lives as possible, we have had to ensure that the important decisions and actions we implement do not subvert human rights in a manner that cannot be justified.

Honourable Members:

As we mark 25 years of the Constitution, we are confronted with the reality that we cannot legislate consciousness. For the Constitution to live up to its promise, all of us are required to

embody its principles. We are required to live to its expectations. Every citizen must be an active citizen.

Every citizen must reaffirm in their consciousness that ***We the people, recognise the injustices of the past.*** This affirmation should trigger citizens of all races to take up the fight against systemic racism, homophobia and xenophobia.

We will announce a series of programmes that will take place throughout the year to mark this significant milestone.

Honourable Chairperson:

At our last gathering, I made it clear that the performance of the Department of Justice and Constitutional Development, suggested to me and Deputy Minister, Mr John Jeffery, that it was a department that required renewal.

Today I can assert that the renewal of the department has started. Critical vacancies at the highest level of the department have been filled and will continue to be filled with the best personnel we can find.

As a result, we have begun the process to reassert the justice college as a centre to enhance the capacity of our own officials but also to position the college as a service provider for justice related services to other departments and the continent as a whole. One of the milestones we will be pursuing in this financial year, is both the development and implementation of the Justice College's turnaround.

Integrating and modernising systems of the Criminal Justice System through the use technology

The Department is making substantial investment on the modernisation programme to support these initiatives. Similarly, we are putting more efforts in the Integrated Justice System (IJS) as part of accelerating the digitisation and modernisation of the justice system.

There are a variety of Information and Communications Technology (ICT) projects which are being implemented as part of the Integrated Justice System (IJS) which are geared towards the modernisation of the criminal justice system. These projects are implemented across the various departments in the security cluster. IT infrastructure is key to the success of these projects. Progress has been made with regard to the following projects in particular:

(a) Case integration

To date, case management business applications have been developed and implemented for SAPS, NPA, DOJ&CD, DSD and Legal-Aid. System development processes are nearing completion for the Department of Correctional Services (DCS) Integrated Inmate Management System (IIMS), as well as the Court-Online solution for the Office of the Chief Justice (OCJ). It should be noted that significant progress has been made in the roll out of the IIMS Remand Module to a number of DCS sites.

A number of cases have been electronically processed via the IJS Transversal Hub using system integrations between the SAPS, NPA and the DOJ&CD. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets, and electronic case outcome (postponement date & reasons) integrations. The solution is in operation nationally across all 9 provinces.

Currently, eight (8) government departments / entities are connected to the IJS hub and are able to electronically exchange information. The integrated departments include: The SAPS, the NPA, the DOJ&CD, Legal Aid SA, DHA, DCS (in pilot) and DSD.

In addition, SASSA is also connected for the purposes of the Person Identity verification against the DHA database. Establishing connectivity to the Office of the Chief Justice (OCJ) has progressed significantly and is set for implementation in March 2021. The procurement of data line for the Road Traffic Management Corporation (RTMC) is already in progress.

The development of the Court-Online case management engine is complete. System demos were conducted to various stakeholders. The digital case bundle pilot at Johannesburg High Court and Pretoria High Court was completed successfully and the digital case bundle has been operationalised at both these two sites. The project has also established a centralised Court-Online helpdesk to provide support to both internal stakeholders (judges and court officials) and external stakeholders (legal practitioners).

Successfully developed and implemented of the electronic Legal Aid Application (eLAA) solution that overhauls the management of providing Legal Aid services to citizens is another key milestone for the IJS.

(b) The use of the Person Identification and Verification Application (PIVA)

PIVA provides a critical person-related function at SAPS stations, enabling the identity of an arrested individual to be verified using their fingerprints and checked against DHA records. In addition, the SAPS is provided with immediate feedback as to whether the accused is wanted for other matters or is a first time offender. As mentioned earlier, these are some of the factors that delay cases and increase the remands detention of the accused. PIVA is now available in 746 police stations across the country.

Honourable Members, the Masters office is earmarked for significant change this year. We will be introducing an online deceased estates system. By the end of this financial year, we shall have piloted both the trust and online deceased systems. This inevitably brings the Masters Office into the digital age. We are also looking forward to the report of the SIU in this part of the justice family. Rest assured honourable members, not a single aspect of the report will go to the dustbins of history. Citizens bear the brunt of poor service when recommendations from reports are not implemented.

Honourable Chairperson:

We can proudly say that the State Attorney Amendment act has been operationalised both in words and deeds. As we sit here today, all the seats of the high court also have regional heads

in the office of the state attorney. This effectively will create an environment for better management of state litigation.

Honourable Members as I have said on previous occasions, the transformation of the legal sector, cannot be achieved by government alone. Transformation is a societal function. It is within this context that we will publish the legal sector code for comment through the DTI in the coming weeks. The legal sector code will go a long way in creating an accountability mechanism.

This annual performance plan presented before you today, has ten outcomes, which we believe will not only entrench our constitution in a meaningful way in the lives of our fellow citizens, but it will also assist the department to be at the centre of the nation's developments.

By the end of this financial year, this department must be able to account for the following outcomes:

1. Modernized and digitized justice services platforms;
2. Improved organizational capabilities and good governance;
3. Improved awareness of justice services and constitutionalism;
4. Increased access to justice services ;
5. Improved Masters Services;
6. Transformed Colonial/Apartheid era justice-related legislation;
7. Transformed State litigation services;
8. Transformed the legal profession;
9. Advanced constitutionalism, human rights, and the rule of law; and
10. Reduction of Crime and corruption through effective prosecution.

The Director General and his team as well as the National Director of Public Prosecutions, will certainly embellish each of these outcomes in more detail.

The fight against fraud and corruption will continue to be on the departmental radar over the medium-term period:

1. In enhancing the fight against corruption, the Department has an indicator dealing with the establishment of specialised commercial crimes courts.
2. The department targets to establish 2 specialised commercial crime courts during the 2021/22 financial year.
3. In addition, the department will develop a position paper on the review of existing anti-corruption legislation and institutional arrangements.

Aspirant Prosecutor Programme

The NPA will continue with the programme of aspirant prosecutors where young graduates are recruited into the rank of the NPA. This will strengthen our work to capacitate the NPA. The Aspirant Prosecutor Programme enables lives and prospects of around 425 young South Africans to be radically changed.

Institutionalizing the NPA's commitment to ethics and accountability by drawing on international good practice is critical. As a result an office of complaints and ethics will be established during this financial year.

Over and above this, we will ensure that the State Capture Commission is assisted to complete its work. The work of the commission helps us understand how corruption has hallowed our institutions. The recommendations will help us renew our democracy, it has also come at the important time when we review our 25 years of democracy.

We are also pleased to announce that with effect from the 1st April 2021, the process to transfer the Land Rights management facility from Department of Rural Development and agriculture to Legal Aid SA commenced. Legal Aid SA's presence countrywide will enable easy access to those who seek land justice and for those who seek to protect their rights against arbitrary evictions.

Honourable Members, as we assess the plans of the Office of the Chief Justice, I would like to invoke the wise counsel of retired Justice of the Constitutional Court in the matter of Chief Lesapo v North West Agricultural Bank and Another 2000 (1) SA 409 (CC); 1999 (12) BCLR 1420 (CC) which is as follows: ***“[our courts are a] .. bulwark against vigilantism, and the chaos and anarchy which it causes. Construed in this context of the rule of law and the principle against self-help in particular, access to court is indeed of cardinal importance”***

These are the wise words of retired Justice Yvonne Mokgoro. It is becoming alarmingly easy for people to make sensational allegations about members of the judiciary.

It is almost as if people forget that the judiciary does not invite itself into our affairs, rather it is our failure of consciousness or at times our inability to manage our own conflicts that does so. Our ability to debate the outcomes of court decisions as a nation should not descend into conspiracy theories and personal attacks against judicial officers.

In this final year, the Office of the Chief Justice as a national department will be evaluated in the main on three strategic outcomes:

1. Effective and efficient administrative support
2. Improved court efficiency; and
3. Enhanced judicial performance

To achieve the above outcomes, OCJ will expand and evaluate initiatives such as rolling out more court online systems. As the country continues to fight the COVID-19 pandemic, it is important to ensure that access to justice is not compromised and the courts remain operational in line with the Directives of the Chief Justice.

All of us know and have experienced the impact of budget constraints. Baseline reductions will impact on service delivery and therefore, we simply have to continue to do more, with less. It is a reality that we all face.

The APP for the 2021/22 financial year therefore takes into account this important factor and introduces measures to keep our courts open whilst also ensuring the safety of court users and officials.

The capacitation of the South African Judicial Education Institute (SAJEI) remains one of the key priorities for the OCJ. An adequately capacitated SAJEI is important for the training of serving and aspirant Judicial Officers and, ultimately, the delivery of quality justice.

During this period of the COVID-19 pandemic, SAJEI will leverage on virtual platforms to continue providing training to Judicial Officers.

Honourable Members these are the plans that we present to you for your input and assessment. I personally look forward to your feedback and on behalf of departments under the ministry of Justice and Correctional Services, I would like to conclude by acknowledging that it is not the ideas that make a difference, rather, it is implementation and hard work that counts.

I thank You