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PAPER 1/4

TOWARDS A MONITORING TOOL FOR SELECTIVE SITES IN THE CRIMINAL JUSTICE SYSTEM

BACKGROUND

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1. INTRODUCTION

This package of papers will be used to assist in the development of monitoring tools for selective sites in the criminal justice system. Four tools are proposed for development:

Department of Justice and Constitutional Development:

- A general court monitoring tool (for Magistrates and Superior courts)
- A monitoring tool for Sexual Offences Courts

Department of Correctional Services

- A monitoring tool for Mother and Baby Units within correctional centres

Department of Police

- A monitoring tool for Victim Friendly Services within police stations

This background paper (paper 1 of 4 papers) outlines:

- How a monitoring tool can improve parliamentary oversight
- Design and development issues for consideration in development of a monitoring tool.

2. PARLIAMENTARY OVERSIGHT

The key functions of parliamentary oversight can be described as follows:¹

¹Yamamoto H, Tools for parliamentary oversight (Accessed at <https://www.ipu.org/resources/publications/reference/2016-07/tools-parliamentary-oversight>)

- Monitor the delivery of services and implementation of legislation
- Detect and prevent abuse, arbitrary behaviour, or illegal and unconstitutional conduct on the part of the government and public agencies.
- Hold the government to account in respect of how the taxpayers' money is used.
- Improve the transparency of government operations and enhance public trust in democratic governance.

As part of this oversight mandate Parliamentary committees often visit government institutions and other sites, to examine the details of specific administrative programmes and their implementation. The information obtained from these engagements can be a valuable tool for monitoring and measuring not only the effectiveness of service delivery but also identifying gaps in achievement of targets set out in strategic and annual performance plans.

In practice, however, parliamentary oversight has often been constrained by the absence of structured, standardised, and comparable data on functionality and service delivery. Oversight visits, while valuable, may produce fragmented or anecdotal insights that are difficult to aggregate, compare, or track over time. This limits Parliament's ability to identify systemic issues, prioritise interventions, and measure the impact of reforms.

The development of a structured monitoring tool seeks to address this gap by enabling consistent, evidence-based oversight across selective sites in the criminal justice system.

3. OBJECTIVES OF A MONITORING TOOL

The monitoring tool is therefore primarily a diagnostic tool that can be used to achieve three interrelated objectives:

- **Oversight:** To strengthen Parliament's ability to conduct structured, evidence-based oversight of performance and service delivery.
- **Operational.** To enable standardised data collection across sites/facilities, support real-time or near real-time reporting, and facilitate comparative analysis across jurisdictions.
- **Strategic.** To support long-term monitoring of trends, identify systemic challenges, and enhance accountability within the criminal justice system through improved follow-up and reporting mechanisms.

The **primary users of the tool** are envisaged to include individual Members of Parliament (in their constituency work), relevant committees, committee support staff, and researchers. The tool may be utilised both during in-person oversight visits and for ongoing desktop monitoring and analysis, thereby supporting continuous oversight rather than episodic engagement.

4. DESIGN AND DEVELOPMENT ISSUES

4.1 Design Principles

The development of a monitoring tool should be guided by the following principles:

- *Standardisation:* Use of uniform indicators to enable comparison across sites over time
- *Simplicity:* Tools must be user-friendly for Members of Parliament and support staff
- *Evidence-based:* Monitoring must be supported by observable or verifiable evidence
- *Digital integration:* Data should be captured electronically and aggregated centrally

- *Accountability linkage*: Findings must feed directly into Parliamentary processes, including committee oversight, budget review, and departmental accountability

4.2 Digital System Design

A key aspect of the tool will be the development of a digital platform to enhance efficiency, improve data accuracy, and enable real-time oversight. Key features for such a platform should include:

- Mobile-based data collection (tablet or smartphone)
- Offline functionality for rural areas
- Photo and document upload capability
- Flagging of high-risk sites
- Centralised database and dashboard for Parliament
- Automated report generation for Committee use

4.3 Data Governance

A robust data governance framework will enhance the credibility, consistency and usability of monitoring data from the tool. Key considerations include:

- Standardised data collection templates
- Centralised data storage within Parliament
- Clear protocols for data validation and verification
- Defined ownership of data between Parliament, departments (and or any academic/civil society stakeholders)
- Maintenance of an auditable record of findings

In this regard it will be critical to determine who administers the system, who has access to which data, how disputes or denied access are handled, how confidentiality is protected and how Parliament ensures independence if external partners assist.

4.4 Stakeholder Engagement

Parliament must decide whether to develop its own tool(s) or work with stakeholders such as:

- Universities (for example University of the Western Cape – Dullah Omar Institute on the general court monitoring tool or the University of Cape Town on the sexual offences court monitoring tool)
- Non-Government Organisations (for example Rape Crisis) or a civil society organisation (for example Judges Matter)

The nature of such collaboration would need to be clearly defined depending on the objectives, resources, and desired level of institutional involvement. Various options to be considered include:

Collaborative Partnership	• Jointly designed and implemented initiatives • Shared ownership of outputs (e.g. reports, tools, research) • Ongoing engagement with mutual accountability
Consultative Engagement	• Institutions provide input, advice, or expert opinion. • Engagement typically ad hoc or issue-specific • Parliament retains full control over outputs and decisions
Advisory / Technical Support	• Experts provide specialised knowledge (e.g. legal analysis, data systems, infrastructure assessments)

	May include participation in advisory panels or technical working groups
Capacity-Building Partnership	- Training programmes, workshops, or knowledge transfer initiatives - Focus on strengthening internal parliamentary or departmental capabilities
Data-Sharing / Information Partnership	- Exchange or access to datasets, monitoring tools, or research repositories - May support evidence-based oversight and decision-making
Pilot / Innovation Partnership	- Testing new tools, methodologies, or systems (e.g. digital court monitoring platforms) - Time-bound, with evaluation for potential scale-up
Strategic Partnership (Long-term)	- Formalised relationship through MOUs or agreements - Alignment on broader goals (e.g. justice system reform, access to justice) - Multi-year collaboration with structured governance

Each engagement model presents distinct advantages and risks, requiring careful alignment with the Committees' objectives, capacity, and the desired balance between control, independence, and sustainability.

4.5 Risks and Mitigation

The implementation of a monitoring tool introduces a range of operational, institutional, and technical risks. However, these risks can be effectively mitigated through careful design, standardisation, and integration into existing Parliamentary processes. The table below links key implementation risks directly to mitigation measures and the corresponding digital tool features that address them.

Risk Category	Risk	Impact	Mitigation Measures	Digital Tool Feature / Design Response
Access and Institutional Cooperation	Denial of access to sites or facilities/ Limited cooperation from officials	High	Formalise access through Parliamentary mandate; pre-engagement with relevant departments; escalation protocols for non-cooperation	Pre-loaded authorisation letters; log denied access; auto-flag to dashboard
	Institutional resistance/ Failure to obtain buy-in for usage of the tool by MP's	High	Involve MPs (across parties) in early design workshops. Pilot the tool with a small group of Committee members. Incorporate direct feedback. Ensure the tool supports: Oversight efficiency (quick access to facility performance data) and	Mobile-friendly, intuitive interface Minimal training required "At-a-glance" dashboards (traffic-light indicators, alerts) Avoid overloading with technical detail

Risk Category	Risk	Impact	Mitigation Measures	Digital Tool Feature / Design Response
			Constituency responsiveness. Require periodic reporting using tool-generated data	
Data Quality/ Integrity	Inconsistent data collection by MP's	High	Standardised tools; training; guidance materials	Structured forms with drop-downs and predefined options
	Subjective or biased observations	Medium	Evidence requirements (photos, documentation)	Photo and document upload capability
	Incomplete or missing data	High	Validation rules; mandatory completion	Required fields; submission validation checks
Capacity	Insufficient training of users	High	Training sessions; manuals; support	Simplified interface; User friendly design; In-app help prompts; tooltips; instructional videos
Digital and technical risks	Poor connectivity in rural areas	Medium	Offline functionality	Offline data capture with automatic sync
	System failure or data loss	Medium	-	Secure cloud storage; regular backups; IT support
Operational Constraints	Tool too time-consuming to use	Medium	Smart forms	Streamlined checklist; prioritised indicators; auto-fill features
	Implementation issues	Medium	Phased rollout	Leverage existing platforms (e.g. Kobo/Toolbox)
Sustainability	Tool not consistently applied across provinces and monitoring becomes ad hoc rather than systematic	High	Integration into Committee programmes; annual monitoring schedules	Development of an easy-to-use app; potential for roll-out for other parliament oversight functions
Use of findings	Data not used	High	Formal linkage to Committee resolutions, BRRR processes, and follow-up visits	Automated reports; red-flag alerts;
	Data overload without meaningful analysis	Medium	Dashboard summaries	Develop dashboards
Collaboration	Potential conflicts over roles or outputs	High	Develop clear Terms of Reference (TORs)	-

Risk Category	Risk	Impact	Mitigation Measures	Digital Tool Feature / Design Response
	May create over-reliance on external experts		Use MOUs outlining roles, decision rights, and deliverables Assign a lead coordinating entity	
	Data privacy/security and data ownership risks Public reporting and open data	High	Develop data-sharing agreements Ensure POPIA compliance Use secure systems and access controls	-
Governance	Unclear authority	High	Formal adoption by Parliament	User authentication; role-based access control

5. PRACTICAL DEVELOPMENT ISSUES

The design of the tool should prioritise both functionality and usability. Core features may include structured questionnaires aligned to key performance areas, real-time data capture capabilities, and integrated dashboard visualisations to support analysis and reporting.

Particular emphasis should be placed on user experience, ensuring that the tool is intuitive, accessible, and time-efficient. This may include mobile compatibility, simplified data entry interfaces, and the use of visual indicators such as traffic-light systems to provide “at-a-glance” insights for Members of Parliament

Areas for further consideration in respect of the Tool’s development include the following:

- **Design/Structure of the indicator framework**, including the identification of standard indicators cutting across sectors and sector specific indicators in line with critical issues identified for each category of sector site.
- **Format of the assessment methodology**: Will the tool use:
 - Yes/no questions,
 - A rating scale, red/amber/green flags, narrative fields, or
 - A weighted score.
 - Inclusion of qualitative observation (for example a voice note option and/or capability for uploading of visuals).
- **Resource allocation**:
 - Staff time required,
 - Technical support/ ICT involvement (a pilot option to be considered before broader roll-out),
 - Training needs (for staff and MP’s),
 - Data hosting and maintenance,
 - Dashboard development and data analysis,
 - Device or connectivity needs,
 - Scalability (potential for development of an oversight app for wider Parliamentary use).

6. CONCLUSION

The development of a monitoring tool represents a shift towards structured, standardised, and evidence-based oversight of the justice system. The effectiveness of the monitoring tool will depend on how the data generated is utilised within Parliamentary processes. Key applications include:

- *Committee Oversight*: Informing targeted questioning during engagements with the Departments
- *Budget Review*: Linking identified infrastructure and staffing gaps to resource allocation decisions
- *Follow-up Oversight*: Tracking whether previously identified issues have been addressed
- *Performance Analysis*: Comparing facility functionality across provinces and identifying systemic trends
- *Public Accountability*: Enhancing transparency by providing credible, evidence-based insights into the functioning of sites.

Over time, the aggregation of monitoring data may support the development of Parliamentary dashboards and scorecards, enabling a shift from reactive oversight to proactive, data-driven governance. **In doing so, this has the potential to strengthen Parliament's ability not only to observe the functioning of facilities, but to actively drive improvements in service delivery, resource allocation, and access to justice.** This positions the Tool not only as a diagnostic instrument, but as a mechanism to strengthen:

- Accountability
- Resource allocation, and
- Systemic reform

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