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*PROCEEDINGS OF VIRTUAL (OR HYBRID) NATIONAL COUNCIL OF  
PROVINCES*

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The Council met at 14:07.

The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

The Deputy Chairperson announced that the hybrid sitting constituted a Sitting of the National Council of Provinces.

**APPROPRIATION BILL**

(Policy debate)

Vote No 22 - Correctional Services:

And

Vote No 25 - Justice and Constitutional Development:

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: The Chairperson of the National Council of Provinces, the Deputy Minister of Correctional Services Nkosi Patekile Holomisa, the Deputy Minister of Justice and Constitutional Development, Mr John Jeffrey, hon members, the National Commissioner for the Department Correctional Services and the director general of the Department of Justice and Constitutional Development, the Inspecting Judge for Correctional Services, ladies, and gentlemen.

Hon members, on the 11th of February 1990, former President Mandela declared here in the city of Cape Town that negotiations on dismantling apartheid must address the need for democratic, non-racial, and unitary South Africa. Restructuring our political and economic system is necessary to address the inequalities of apartheid and ensure a thorough democratic society and build one nation.

This was the basis on which our country was founded through the Constitution to constitute a unitary state. Our Constitution has made significant strides since the days of apartheid. It now provides a provincial framework granting each province its legislature, and executive powers.

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The creation of the National Council of Provinces, as outlined in section 42(4) of the Constitution guarantees the consideration of provincial interest in the national sphere of government. The National Council of Provinces comprises a single delegation from each of the 9 provinces, as hon members are seated here.

Quite evidently from the DA's Bill in the Western Cape provincial legislature, the DA finds the concept of separate development irresistible. This bill is nothing more than euphemism for apartheid. On the face of it, this bill deeply offends the Constitution, it's a yen of the past to again balkanize South Africa into separate developments. The Constitution will not allow such kind of a separate development, South Africa is one country with one Constitution.

I start with the Department of Correctional Services regarding the Budget Vote. We table before this august House, the budget of the Department of Correctional Services Vote 22, amounting to R26,2 billion. A budget which firmly believes will enable us to constitute and to continue transforming the department and contribute towards creating a safer South Africa.

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House Chairperson, through our work in the Department of Correctional Services, transforming government in our quest of creating an entrepreneurial state, both work across all provinces by inmates, probationers, and parolees, which was in the past largely ignored, has been brought to the fore and revitalized. Through the implementation of the Self-Sufficiency and Sustainability Strategic Framework, our inmates are now at work in many of our workshops, farms and some of the facilities are used for skilling the inmates.

Across provinces, work geared towards reforming the offending character of inmates and providing them with the necessary skills that will enable them to live a life free of crime is visible, in line with our approach of implementing practical steps to reduce the repeat offending crackdown on crime and create a safer South Africa.

Hon Chairperson and esteemed members, as you might be aware, inmates are producing their own food through the Self-Sufficiency and Sustainability Strategic Framework and saving government millions of rands. This is visible in many of our facilities, that hon members here can visit, see, and touch this work.

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Over the last three financial years, through the Self-Sufficiency and Sustainability Strategic Framework, the Department of Correctional Service saved a total of R372 million. We will continue to save more money as our officials and inmates are hard at work to improve our performance in the current 2023/24 financial year.

Inmates also go beyond producing their own food. They implement various community empowerment projects in many parts of the country. To mention just a few, in Limpopo, Moletjie Polokwane Municipality, a victim of gender-based violence Ms Nembayea who was living with her four children in dire conditions in the makeshift shack which poses a great risk to the family had their dignity restored when parolees and inmates built her five-bedroom house. The house it was handed over to the Nembaye family in July 2022. There are many of such community projects that inmates embark on across the country.

Strategic stakeholders provide building material for the construction of some of these materials and inmates' labour is used and the various workshops that we have. It is evidently clear that ex-offenders, when given a chance and contribute positively to society.

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However, hon Chairperson and distinct members, we've observed worrying behaviour in our society of stigmatizing ex-offenders. Ex-offenders are often unfairly discriminated against, stigmatized, and denied job opportunities, even in areas where they are more suitable candidates. This regrettable results in their life chances and survival outside correctional centres significantly reduced.

As leaders from various parts of the country, we appeal to your continued support and partnership in creating awareness amongst members of the community, employers, and financiers, not to overlook inmates. Rather, they must utilize their skill and allow them to earn an honest living.

We always say corrections is a societal responsibility. We must join hands to assist those who wronged society to find their ways back to the right path, to contribute socially in a positive way and economically, where is practically possible.

The Department of Correctional Services officials have throughout the years showed that they are among the deeply committed public servants in the country. Even though, they work in dangerous environment putting their lives at risk by looking after the dangerous and lowly in society without any

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acknowledgment from the public. They have demonstrated their loyalty to the brown uniform and to the country.

It is through their dedication and hard work that the department constitute continues incarcerate inmates equally and inhumanely in line with the United Nations minimum standards for the treatment of prisoners popularly known as the Nelson Mandela Rules.

Following the embarrassing escape from lawful custody by the notorious inmate, Thabo Bester, I want to assure this House and South Africans at large that we do not have porous correctional centres synonymous with escapes. In the last financial year out of an inmate population of 157 056, a total number of 27 inmates only escaped, which represents 0,017% of the total population. We do acknowledge that one escape from lawful custody is one too many, and we continue to work towards strengthening our security adherence and standard operating procedures.

House Chairperson, the performance of the Department of Correctional Services under the current administration has significantly improved. Our progress is evident by the fact that performance of the department has improved by 19% since

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the 2020/21 financial year. We have progressed from 17% to 2020 financial year to 80% in the 2021/22 financial year to 89% in the 2022/23 financial year.

The steady improvement can be seen, it is visible and can be touched. The improved performance is further be substantiated by the unqualified audit opinions the department registered in the past financial years. The 2022/23 financial year, saw a further reduction in findings giving clear indication that the Department of Correctional Services is much closer to obtaining a clean audit. We will ensure that this is sustained during our term of office as governance structures and internal controls have been improving, which is progressive development for a capable state.

We will be recruiting 3 096 young people across the country through the learnership program to ensure that youth, innovation, energy, and talents finds expression in the Department of Correctional Services. We will also recruit some of those who have postgraduate qualifications to close the gap in our skills programs that we need in the facilities.

Hon members, for the Department of Justice and Constitutional Development, we are tabling a budget of R23,3 billion. We are

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pleased to report that the performance of the Department of Justice and Constitutional Development has significantly improved since 2019.

Like the Department of Correctional Services, when Deputy Minister Jean Jeffrey and I were appointed in 2019, the department's performance had the worrying 51%, but that has since significantly changed, the department is now performing at 80% which is a significant jump from the 51% of 2019.

This is a testament of our resolved to implement the turnaround plan and build a department which late President Mandela speaks about. This is a department which has policies and programs which can be measured by the extent to which they help improve the lives of our people, especially the most vulnerable and poor sections of our society and how they access the justice services, and we are not sitting in glory asking and not acknowledging that there are challenges.

The department still has challenges of long queues across the country, particularly in the master's offices and the maintenance offices, and we are working very hard in terms of the modernization program in the department and the

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digitization program to resolve these challenges so that queues can be a thing of the past.

We can report to this august House that work continues to be done to ensure that the service delivery is improved and access to justice is enhanced. It is common cause that several South African citizens were found guilty with criminal offenses for violating COVID-19 regulations under the Disaster Management Act of 2002.

However, the government is proposing an amendment that will offer relief to those who were charged with lesser crimes or certain offenses related to the Disaster Management Act. we are therefore putting a bill which is currently in process in the National Assembly that will help with the expungement of the criminal record related to the offenses of the Disaster Management Act.

We also want to emphasize that having a criminal record should not be a deterrent to employers employing South Africans who qualify for certain jobs unless it is related to certain jobs, and they have been registered in the National Sexual Offences Register. We hope that these amendments will help those who

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have been charged with minor crimes to move forward with their lives.

With regards to the rationalization of courts, hon members, the committee on the rationalization of the high courts under the former Chief Justice Moseneke has now completed the first phase of determining the areas over which the main and local seats of every division of the high court must exercise jurisdiction. I will be receiving the final report in this regard.

I'm aware that the people of Makanda in the Eastern Cape have raised concerns during the consultation phase regarding the preliminary recommendations made by the committee about the possible moving of the main seat from the from Makanda to Bisho. I have been advised that those who raised their concerns in Makanda were afforded a hearing by the committee prior to the finalization phase of the report.

And we have also been made aware that there is a belief in Makanda that we intend to close the court in Makanda and move it to Bisho. This is not the case. The intention and that is the recommendation of the report, is to move the main seat into Bisho, but the court will remain as a second court still

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operating in Makanda. So, the court will still operate. These are issues that will continue to engage with, with relevant stakeholders in Makanda, which we intend to continue the discussion with them to clear the concerns that the communities have raised.

The challenges of water supply in some of our courts across the country particularly in KwaZulu-Natal, we are closely working with the Department of Public Works and Infrastructure to ensure that there is uninterrupted water supply to all our courts and justice service points.

A total of 47 courts have been identified for installation of water tanks thus far. Installation of a water tanks has been completed in 31 courts while 16 are in progress. The same is being implemented in the Eastern Cape and Mpumalanga to resolve these challenges of water supply as well as in the Northern Cape.

We're also putting in place a system to resolve or mitigate the challenges of load shedding in our courts through solar system and generators. A total of 120 court across the country have since been installed with generators so that the wills of

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justice can continue to roll even during difficult times of load shedding.

We are in the process of building new courts that will be started in Mkhuhlu enforcement areas in Mpumalanga, we are working with the Department of Public Works to do so.

To ensure that our courts are safe and secure place for all court users an amount of R10 million has been allocated towards the procurement of the x-ray scanners across the country to protect the courts. The same is being done in the Northern Cape with regards to refurbishment and building of new courts as well as in KwaZulu-Natal. We continue to do so also in the Eastern Cape. There are several projects that have been registered responding to the challenges of court infrastructure.

There is currently one virtual court in KwaZulu-Natal in each district, plus 16 in the eThekweni district. Work is in progress to keep an additional 12 courts with the virtual technology. Five courts in the Eastern Cape province will be provided with solar power supply systems, while five others will be provided with generators.

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In the Mpumalanga province, the department is in the process of procuring backup generators for Sabie, Oogies, Piet Retief Acornhoek, Witbank, Secunda, Bushbuckridge, Amsterdam, Lydenburg and Carolina.

The department will continue to spend in dealing with these issues of load shedding in the various courts of our country because it has affected the smooth operations of our courts as well as access to justice, and this has led to challenges of the courts' roll being affected and leading to huge backlogs in our court.

We continue to work together with various stakeholders to ensure that the wills of justice continue to function even during these difficult times and to ensure that the courts and the people of our country have access to the courts.

House Chairperson, we know that more work lies ahead.

We're committed to redouble our efforts to reach our desired destination and ensure that South Africans from all walks of life have access to a justice system that is fairer and more equitable. I thank you.

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Ms S SHAIKH: Deputy Chairperson, greetings to your good self; greetings to the Minister of Justice and Correctional Services, hon Ronald Lamola; greetings to the Deputy Minister, Jeffery; the Deputy Minister, Inkosi Holomisa; members of the executive council on the platform; hon members of this House; members on the platform; the Inspecting Judge for the Correctional Services and fellow South Africans, as we commemorate the Youth Month, we remember the longest serving President of the ANC and founding member of the militant ANC Youth League, Oliver Reginald Tambo.

A man who was always passionate about the empowerment of the youth. He insisted that it is the youth that inherits the future of a country. He is fondly remembered by his caution that a nation that does not value its youth does not deserve its future. In the same breath, we remember the selflessness, courage and resilience of the youth of 1976. Central to their fight was the restoration of human dignity and justice. We pay tribute to their endless heroism.

The Department of Correctional Services' strategic priorities for the 2023-2024 financial year are: providing adequate security and security equipment at correctional facilities; improving facilities including provision of 1 000 additional

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bed spaces over the Medium-Term Expenditure Framework, MTEF; offering effective rehabilitation programmes, which includes implementing the self-sufficiency and sustainability framework; successful reintegration of offenders into society through increasing effective victim participation in parole decisions.

Furthermore, over the Medium-Term Expenditure Framework, the department aims: to keep the percentage of escapees at or below 0,031%; the percentage of injuries at less than 4,6% and increase the number of victims participating in dialogues and other restorative justice programmes. With its foundations on the Freedom Charter, the policy position of the ANC on prisons has been consistent. In articulating its vision for the country, the ANC's Ready to Govern states that a prison service for the country must play its part, not simply in restraining convicts but in rehabilitating them.

The ANC asserted that adequate resources should be made available for the humane accommodation, education, training and job placement of convicts. The ANC warned that the failure to do so would lead to expenditure on an ever-widening number of new jails. The ANC remains committed against any inhumane and cruel punishment. Budget Vote 22 contributes to a just,

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peaceful and safer South Africa through the effective and humane detention of offenders and remand detainees. It contributes to the rehabilitation and social reintegration of offenders back into the community. The core mandate of the Department of Correctional Services is to correct offending behaviour and rehabilitate inmates. This vote is in line with the call of the Freedom Charter and contributes to the rehabilitation and social reintegration of offenders back into the community.

The Department of Correctional Services effectively contributes to a capable, ethical and developmental state; to social cohesion and safe communities as envisioned by the National Development Plan. The objectives of the rehabilitation process as summarised in the White Paper on Corrections are: to focus on correcting offending behaviour, enhancing human development, promoting social responsibility and positive social values amongst offenders. Equipping inmates with appropriate and relevant skills and training through the rehabilitation programmes is important. After inmates have served their time and upon reintegration into society, they are able to utilise the skills they have acquired and contribute meaningfully to the economy AS THE

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Minister has also pointed out in this House. This plays a pivotal role in the reduction of recidivism in the country.

We appreciate that the department will implement rehabilitation programmes that addresses the underlying causes of offending behaviour including those contributing to gender-based violence. This also aligns to the state of the nation address 2023 priority. Corruption within the Correctional Services facilities and protection of whistle-blowers is a matter of concern. The Department of Correctional Services has an anticorruption strategy in place which also includes protection of whistle-blowers, amongst both officials and offenders. There are also security plans in place to ensure that whistle-blowers are transferred to centres where they will be safe. In addition, they have a call centre line where members of the public report incidents of corruption.

Another matter of concern is with regard to escapes from prisons. The department indicated that there has been a decrease in escapes in the past 3 years and is implementing strategies to reduce escapes and tracing those who have escaped. Figures indicate that more than 80% have been brought back into custody. The department indicated that in terms of protocol, immediately when an escape occurs, they inform

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victims and families of the offender and they issue a media alert. A report is also sent to SA Police Service as it is a crime and the department then works with law enforcement agencies. In addition, with regard to the Thabo Bester matter, the department will provide the committee with a full report. Chairperson, the Department of Justice and Constitutional Development is critical in ensuring that justice is dispensed accordingly to all people that everyone gets what is right, just and fair.

The department and the National Prosecuting Authority, Legal Aid SA, the Special Investigating Unit, the SA African Human Rights Commission, and the Public Protector SA, receive their budget allocations under the Justice and Constitutional Development Budget Vote. Our courts are critical for enforcing and defending of rights of people and dispensing justice. They have played and continue to play a pivotal role in protecting the rights of women. The backbone of the fight against gender-based violence are the sexual offences courts and Thuthuzela Care Centres which were introduced to focus on the speedy adjudication of cases. While this is the case, Courts alone cannot alleviate let alone eliminate the scourge of gender-based violence and femicide. T

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The concerted effort of all South Africans, government, private sector, faith-based organisations, traditional leaders and the community at large is needed in this fight. The ANC is committed to fighting crime and corruption and implementing the recommendations of the State Capture Commission. We welcome the efforts made by the Department of Justice and the entire Justice, Crime Prevention and Security Cluster in the fight against fraud and corruption. According to the 2023 estimates of national expenditure, the projected performance and expenditure for Vote 25, for the 2023-2024 financial year and over the medium term, is shaped by a focus on among others: implementing the recommendations of the State Capture Commission and implementing the recommendations of the Financial Action Task Force.

It was reported that R1,3 billion is provided to the National Prosecuting Authority, NPA, over the next three years to support the implementation of the State Capture Commission and Financial Action Task Force recommendations. These funds will be used to: increasing capacity in the National Prosecution service and Investigating Directorate through the appointment of 26 and 94 personnel, respectively; procuring specialist prosecution services for complex matters, especially financial crimes; commissioning contracted forensic auditors and

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accountants to deal with high priority asset forfeiture matters; establishing a digital forensic data centre; providing close protection services and integrated security systems and financing increased operational costs for witness protection.

Furthermore, R100 million is provided to the Special Investigating Unit, SIU, for implementing the recommendations of the Financial Action Task Force. The NPA co-ordinates activities to address the Financial Action Task Force concerns and has entered into a Memorandum of understanding, MOU, with SIU to ensure that these matters receive priority. The taskforce co-ordinates the work of law enforcement agencies on state capture cases and they are working effectively together to pool resources and identify cases to prioritise matters for enrolment.

In respect of grey listing, the NPA works closely with National Treasury who assists with co-ordination and this is where progress is monitored. Law enforcement agencies developed an action plan in terms of the Financial Action Task Force which determines how they will approach money laundering investigations and prosecutions. Since the the Protection of Constitutional Democracy against Terrorist and Related

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Activities, POCDATARA, legislation has been passed, they will also embark on joint training and work closely with financial authorities to identify risks for investigation and prosecution.

Hon Chair, the ANC is committed in the fight against gender-based violence. Reprioritised funds have been made available to reduce gender-based violence and femicide. To strengthen capacity at the Thuthuzela Care Centres, R27,5 million over the medium term is reprioritised in the National Prosecuting Authority programme to appoint 15 additional personnel, which includes site co-ordinators, victim assistant officers and state advocates. This reprioritisation is from the National Prosecutions Service sub-programme's compensation of employee's budget.

In addition, the number of Thuthuzela Care Centres is to increase to 68 by 2025-2026 at an estimated cost of R15 million in the NPA programme. This will increase the footprint of these care centres to provide optimal pretrial services to victims of domestic violence. Furthermore, the NPA is working with the private sector to increase the number of

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centres and to increase the awareness of the services offered by these centres to those who are in need.

In addressing the implementation of gender-based violence and femicide legislation, the department indicated that they are working hard to address systemic challenges and humanising service delivery. They have developed a safety plan for survivors of domestic violence and have an online portal for submission of reports of domestic violence. The department is in the process of appointing more intermediaries to assist in noncriminal proceedings. Further, they are establishing more sexual offences courts and developing Pillar 3 of the femicide watch for continuous monitoring to develop appropriate interventions.

The department is also fast tracking the vetting process for the register of sexual offenders. Further, in terms of legislation they are working on the finalisation of the Hate Crimes Bill, reviewing the Criminal Procedure Act and working on the Bill towards the decriminalisation of sex work. The department is working with communities and stakeholders to increase awareness and understanding of the gender-based violence legislation.

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Amongst the strategic priorities of the department for 2023-2024 is the implementation of the National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance in order to advance constitutionalism, human rights and the rule of law. In this regard, additional funding of R1,5 million is provided to the State Legal Services programme. Further priority of the department is the review of justice-related colonial and apartheid era legislation with the aim of aligning this legislation with the Constitution of the Republic of South Africa. This was raised as a concern by the committee and the department has assured the committee that several pieces of apartheid legislation were currently under review and they are attending to repeal many of these pieces of legislation as soon as possible.

On the legislative side, the department will be bringing forth a number of Bills including: the Decriminalisation of Sex Work Bill, known as Criminal Law Sexual Offences and Related Matters Amendment Bill, which aims to decriminalise sex work. This piece of legislation is intended to provide greater protection to women. The National Prosecuting Authority Amendment Bill, which will aim to establish the Investigating Directorate as a permanent unit within the National Prosecuting Authority.

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Hon Chair, the committee recommendations with regard to Justice and Constitutional Development Budget Vote are as follows: that the department should ensure that it prioritises the upgrading of courts and works hand in hand with the Department of Public Works and Infrastructure to resolve any challenges and ensure that courts are fully functional and operational; work towards increasing the number of Thuthuzela Care Centres across all provinces to provide the necessary services to victims of gender-based violence, the expansion of the footprint of these services as well as good marketing, will go a long way in assisting victims of gender-based violence; continue to educate the public on gender-based violence and femicide and ensure that all stakeholders are capable of implementing the gender-based violence Bills effectively to improve access to justice for all victims and survivors; ensure that it rolls out generators and solar panels to all court buildings and that it addresses the challenges of load shedding with the Department of Public Works and Infrastructure in all provinces so that court services are not interrupted and to prevent further backlogs; focus on reducing the backlogs at the Master's Office and focus on rolling out the online service to all provinces as quickly and efficiently as possible; the modernisation and

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digitisation of all services should be prioritised to address backlogs.

The NPA and SIU should continue to prioritise high profile state capture cases and continue with its important work in addressing money laundering and terrorism. The implementation of the POCDATARA legislation should be prioritised. The department, the NPA and the SIU should focus its attention on the protection of whistle-blowers and work collaboratively with other stakeholders to strengthen such protection. Hon Chair, the ANC supports the Budget Vote 22 of the Correctional Services and Budget Vote 25 of Justice and Constitutional Development. I thank you.

Mr F J BADENHORST: Hon Deputy Chair, fellow South Africans, there is an inconvenient truth that the ANC of 2023 does not want to hear. That is, for a society to be free, majority rule in itself is not enough. It is the first principle of democracy, but for a society to be truly free, a country must also have a deep love for liberty and an abiding respect for the rule of law.

All our individual freedoms are based on the foundation of the rule of law which guarantees that no matter the size of the

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majority in parliament, no party and no individual is above the law – every individual counts. It is this, the rule of law, which the Department of Justice is meant to protect. Its core function is that the rule of law is upheld and administered in a manner that is fair and effective. Yet, over the years we have seen perhaps too many incidents where the department has failed dismally at this important task.

For this to happen, justice must be seen to be done. Yet, we are still waiting for the prosecution of those implicated in state capture and other high profile corruption cases. We are still waiting for the President's promise following the Zondo Commission report to ensure that through legislation the Investigative Directorate of the National Prosecuting Authority, NPA, will become an established and permanent body. We are waiting for the proper capacitation and support for the NPA in terms of both human and financial resources to deal effectively with these cases, as well as the backlog in cases related, especially to gender-based violence and violence against children. In the process the public is losing faith every day with our criminal justice system.

Where is the reform and the investment in this institution that we all know is needed to recover it from the damage done

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by the ANC during the Zuma years? Where is the protection for those who blow the whistle against individuals guilty of such corruption when the department itself knows that the current legislative framework is not adequate for protecting whistleblowers?

If we are serious about having a real democracy, which is not only built on the principle of one man one vote but is also built on the principle of individual liberty and the rule of law, the rule of law must be applied equally to everyone and must be seen to be applied. This government must do everything within its powers to enable our criminal justice system to be the first line of defence for a robust criminal justice system.

Furthermore, Deputy Chairperson, we are faced with other serious challenges within the day to day functioning of this department and our courtrooms. In this case, the Department of Justice has, like so many other state departments, been let down by the Department of Public Works and other bodies.

Courtrooms are falling apart, in many instances to such an extent that it has a direct effect on the administration of justice and in too many instances the effects of loadshedding, which is another ANC failure, is bringing the administration

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of justice to a complete stand still for hours and days at a time.

We have learnt of instances where court officials had to use their private phones to ensure that the work gets done because their land lines were off for months. Staplers, paper and basic stationary have to be bought because the procurement process takes too long, and in many instances the offices are simply not conducive for a productive work environment. On this point, we must thank and compliment the Deputy Minister for always being willing to assist when we take up such issues, even those that technically are the responsibility of Public Works. The same, unfortunately, cannot be said for the Minister.

The members of the DA on the select committee were not shocked when we learnt recently that during a portfolio committee meeting in the other House, where both the Minister of Justice and the Minister of Public Works were invited, the Minister of Justice simply ignored the invitation as if the question of court buildings does not concern him.

We, on this side, are used to the Minister not attending. In fact, in the past four years since the start of this

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Parliament in 2019, we cannot recall a single time that this Minister has bothered to appear before us. I can't wait for him to reply by saying that this is a lie, he did appear actually, he is going to say, once or twice in the last four years.

Minister, the failure of Public Works to do their job in ensuring that our courts can do their job is your business, and if you are not having serious discussions with your counterpart in that portfolio within Cabinet and outside, then you are seriously failing in your duty to safeguard the rule of law in this country.

A third concern that I want to mention is the long overdue modernisation and digitisation of court processes that was discussed to some extent in our briefing in the select committee. We are still waiting for the integrated justice system. Service at the Masters' offices went from bad to worse after their systems were hacked during lockdown, and basic technology such as recording systems at the courts are all issues affecting the administration of justice.

This department should have no faith in State Information Technology Agency, SITA, tasked with providing your computer

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systems and security, yet we do not hear that the department is more vocal in holding them to account. Investing in reliable technology is not only a promise that the department has been postponing for the longest time but is also now becoming vital in ensuring an effective criminal justice system and preventing court records and court files from getting lost - an everyday occurrence in almost all our courts. It is indicative of the department's inability to move quickly on anything administrative, where it takes one step forward and three steps back. It sounds like most other departments in the ANC-led government.

Deputy Chairperson, whether these issues affect the administration of our criminal courts to hold murderers and rapists to account, or affects the conditions under which mothers and children need to approach the maintenance courts, or even the fact that grieving families have to face endless queues at the Masters Offices to finally receive funds desperately needed to put food on the table, the failure of this department to perform as it should has far reaching consequences.

It is time that this Minister steps up, shows up and takes control. If we are serious about the rule of law and the very

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fibre of our democracy, no one can honestly say that they find the current performance of this Minister acceptable. Your objection to the Western Cape Provincial Powers Bill, declared unconstitutional by yourself before even tested this morning, Minister, is indicative of your usual bluster.

Minister, consult the same Constitution you so liberally quote. South African citizens have rights entrenched in that Constitution. Seeing as this ANC-led government is failing on almost all services contained in those rights, you will have very little choice at the end of the day when citizens demand that those rights are respected and take them from the Constitution. They don't need your permission. I thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J Jeffrey): Deputy Chairperson of the NCOP, Minister Ronald Lamola, Deputy Minister, Inkosi Phathekile Holomisa, who is joining virtually, Chairperson and members of the select committee and hon members, as we stand at the beginning of Youth Month, I want to honour the class of 1976 and also to remind the youth today of the enormous sacrifices that we made in order for us live in a free and democratic South Africa. May we always live up to those ideals which the class of 76 would have expected from us.

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Deputy Chairperson, as the NCOP represent provincial interest in the national sphere of government, I will highlight our department input from a provincial point of view. Our Small Claims Courts have been one of our justice success stories. When the Small Claims Courts Act commenced in 1985, the value of the monetary jurisdiction was R1 000. Today, as from 1 April 2019, its now R20 000. In 1985, there were only seven courts in the East Rand in Durban, Bloemfontein. Pietermaritzburg, Pretoria, Port Elizabeth, Rustenburg and Springs.

By 1994, there were 120 Small Claims Courts in South Africa but these were mostly in white and urban areas. Today, we have 415 Small Claims Courts around the country. Each magisterial district now has its own Small Claims Court, and this is to give you the provincial breakdown. In the Eastern Cape they are 79, Free State 62, Gauteng 35, KwaZulu-Natal 57, Limpopo 39, Mpumalanga 33, Northern Cape 34, North West 31 and the Western Cape 45.

So, what makes Small Claims Courts so successful, the most positive aspect of them is, I believe, in fact, the levels of the play fields.

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If there is one court where the parties are truly equal before the law, it's the Small Claim Court. It doesn't matter if one party to disputes unable to afford a lawyer because the parties represents themselves and if a person does know how to go about the process, the Clerk of the Court is there to assist.

Countrywide, we have 2 063 commissioners and 2 080 advisory board members. And I want to thank these commissioners and advisory board members because without them our Small Claims Courts would not exist. And just the stress that their work is done on a voluntary basis. They don't get paid.

Although the name of this court refers to small, this, in fact, nothing small about the matters that they hear. And the value of the claims people takes to this court have a significant impact on their lives. By way of example, from April to December last year, a total of 22 682 cases were disposed within the Small Claims Courts with the value claimed of a R153,6 million. And if you look at the value of claims according to provinces, it ranges from Eastern Cape R30 million, Free Sate R5,29 million and Gauteng R40,8 million, Limpopo R20,8 million, Northern Cape R2,28 million.

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The Soweto Small Claims Courts disposed of the highest number in cases followed by Wynberg in the Western Cape, Hillbrow in Gauteng, Khanyisa in the North West and Randburg in Gauteng.

The average time spent on Small Claims Court matters reflects a compliance of the regions which is measured against the number of matters finalised.

Out of the 22 682 cases disposed of, 84% were finalised within 120 days as per stipulation of the department norms and standards. The Western Cape and KwaZulu-Natal regions achieve 88,4% and 88% of the compliance rate respectively.

It is also vital that our Small Claims Courts keep up with the times and with modern developments and the needs of society. Therefore, new rules for the Small Claims Courts came into operation on 1 April this year.

In addition, the codified instruction for clerks for the Small Claims Courts were reminded. The appointment details were for the first time included in the code. This provides the contact details of clerks of the court and commissioners in case a magisterial district needs to use the commissioner from a neighbouring district.

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We have also developed a guide intended to highlight those changes made by the new Small Claims Courts rules which provides for new procedures or require new forms to be used of new responsibilities been placed on the clerks and function in the Small Claims Courts.

It's of utmost important that the provincial offices and court staff provides the necessary support to these courts as many them sit on after normal hours. The department is undertaking a review of the Small Claims Courts system to determine how they are improving access to justice where the grater monetary jurisdiction will assist in improving access as well as to overhaul legislative and procedure provision to reflect the current needs of the system. The review of report is to be submitted to the Minister by March next year.

Deputy Chairperson, as you are aware, Parliament passed three gender-based violence, GBV, Acts which are all in effect and new interventions have been in place to support GBV survivors. We are prioritising development of the online where portal of applications for domestic violence protection orders.

Recently, our senior managers attended an online meeting where the online domestic violence applications will be

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demonstrated. The meeting was attended by different stakeholders such as private attorneys, prosecutors, sheriffs, members of nongovernmental organisations and departmental staff. Its envisage that more of these presentations will most likely be held as system perfected.

Once these protection orders can be done online and it will make an enormous difference to the lives of those who are facing domestic violence and abuse. They will be able to apply for a protection order without having to leave their homes and without having to travel. And in the judiciary matters Amendment Bill currently before the National Assembly, which the Minister referred to, there is also a provision which will able people to make applications effectively enabling people to make applications without having to make affidavit.

We leave no stone unturned to ensure that all provinces will be ready to roll out the online portal sides. This week is also a Child Protection Week and as many would know last year we raised the minimum age of criminal capacity from 10 to 12 years. In order to ensure that child justice proceedings against children and conflict with the law is prioritised and finalised without unreasonable delay, the department has set a quarterly target of 92% of the child justice preliminary

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enquiries finalise within 90 days after the first appearance. Last year, the target was 90% and 94% was in fact achieved.

Hon member, American abolitionist William Lloyd Garrison once said, and I quote: "Enslave the liberty of but one human being and the liberties of the world are in peril". These words are still relevant today as we fight the crime of trafficking in persons and our anti-trafficking in persons' initiatives so indeed bearing fruits. South Africa was investigating, we are prosecuting and our courts are not hesitating to impose heavy sentences for trafficking cases.

We often heard that South Africa is a source transit and destination country for trafficking. And I want to share with you some of the findings in this regard. According to the US annual top report last year, firstly, with regard to South Africa being a country of destination country reported last year to have nationals either exploited in South Africa or have rescued victims of trafficking on road to South Africa. In most cases, victims were lured with false promises of employment and of sexual or labour exploitation.

With regard to South Africa being a country of origin, only two countries both in our Southern African Development

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Community, SADC, region reported to have rescued South African nationals who were exploited in their country, and that's Angola and Namibia.

And with regard to South Africa as a country of transit, only one country reported had a national rescued that was in transit in South Africa. And that was a Cambodian victim of trafficking who escaped in fishing vessels in South Africa.

Human trafficking is a transnational crime which is closely linked to other crimes. Therefore, to strengthen our ant-against trafficking in persons' efforts were in the process of revising the National Policy Development Framework against trafficking in persons in terms of section 42(c) of the Act. Once we have Cabinet approval the revised policy framework, will be tabled in Parliament. And this policy framework will ensure that all government departments and other stakeholders from civil society are collectively guided in the implementation of ant-trafficking responses.

Just before I conclude, I mean, to the hon Badenhorst, with your deep love of liberty and democracy, I am hopefully sure that I and wonder what you did in 1980s and 70s. But that just to say that well, what were you doing in the 80s?

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The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Order!

Order!

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J Jeffreys): What were you doing in the 80s? But anyway ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Order!

Order! You may sit down. Order!

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J Jeffrey): Just to say that in terms of the meeting you spoke about, the Minister did give apologies. He didn't just ignore it. I mean, is really unfair. The Minister was in Riena leading the South Africa delegation to the United Nations Office of Drugs and crime. No, okay, I have concluded. Okay, thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon members, in this House if you say something and someone respond to you, that does not mean that two of you are fighting. This is not the boxing ring. And you will never make it a boxing ring. Hon Ndongeni, you will be the next one. And then the House Chair, will take over. Thank you. Yes, hon Dlamini, what are you rising on?

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Ms M DLAMINI: Yes, we would like to welcome, hon Ndongeni, to the revolutionary economic freedom ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Order! Can you please have order in this revolutionary House.

Ms N NDONGENI: Chairperson of the session, members of the Executive, members of the legislature, compatriots, comrades and friends, the preamble of the Constitution clearly articulates its aim:

Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

As we celebrate the 26th anniversary of the final Constitution and the Bill of Rights, it is important to remind ourselves that the struggle for liberation was for restoration of the human dignity. It was for justice, freedom and equality. The ANC 1943 National Conference endorsed the Bill of Rights. From the moment, it became an official policy, informing the new vision called the New South Africa, the drafters of the Constitution did not draft from a position of ignorance. They were guided by the African Claims documents of 1943. This

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document weathered the storm of colonialism and apartheid and still finds expression in the final Constitution.

Unlike in the present day constitutional democracy, courts during apartheid did not have the power of judiciary review by which they could determine the legality of Acts of Parliament. Instead, courts were confined to interpreting the legislation. The Bill of Rights would be meaningless if our courts could not endorse it. One of the landmark cases decided by the Constitutional Court is that of *S VS Baloyi and Others* in this case the court heard that the state has prosecutorial duties to provide for effective remedies against domestic violence.

Cleaning down the judgement, Justice Sachs indicated that read with section 7(2) of the Constitution which oblige the state:

To protect, respect, promote and fulfil the Bill of Rights.

Section 12(1) of the Constitution oblige the state:

to protector everyone, to be free from private or domestic violence, the right to bodily and psychological integrity, the right to dignity, the right not to be tortured in any way and the right not to be treated or punished in a cruel,

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inhuman or degrading way or oblige the state to deal with the domestic violence.

One of the Department of Justice's primary aim is to ensure accessible justice system that promotes constitutional value and to provide transparency, responsive and accountable justice services. Access to justice is a constitutional imperative. It is a fundamental right that unlocks to all the other rights enshrined in our Constitution. Giving due regard to the triple challenge of poverty, inequality and unemployment, this right has the power to transform our society into a just and equitable one by improving social and economic conditions. Our transformative Constitution forms the bedrock of our quest to improve the quality of life for all in South Africa.

The National Development Plan, NDP states that:

Safety should be measured by the extent to which the most vulnerable in society feel and are safe from crime and violence and the conditions that breed it. Safety refers principally to the state of an area and is determined based on the real and perceived risk of victimisation. Unsafety

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therefore refers to areas characterised by the significant prevalence of violence and crime.

While there has been immense progress in the emancipation of women in South Africa through legislative and other means since the advent of democracy, women remain disproportionately represented among the country's poorest. Women are still in the lower rungs of the economic ladder. The gender divide is wide. This makes the ground fertile for patriarchy and the subjugation of women to thrive.

Economic empowerment is a critical factor which contributes to achieving gender equality. Unleashing the entrepreneurial potential of women which drives growth through innovation, education, training and job creation are some of the most effective ways to ensure lasting empowerment. Capitalism and patriarchy are twins which are breeding ground for gender-based violence.

The backbone of the fight against gender-based violence is the Sexual Offences Courts and Thuthuzela Care Centres, which are catered for in this budget. These were introduced to focus on the speedy adjudication of cases involving crimes and sexual offences in specialized courts which are equipped to deal with

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this unique yet heinous crime. In communities across South Africa, Thuthuzela Care Centres offer comfort, medical care, access to the legal system and counselling for survivors of sexual violence. The centres are a partnership between donors and government departments under the leadership of the National Prosecuting Authority's Sexual Offences and Community Affairs Unit, Soca. Thuthuzela centres are a critical tool in government's integrated strategy to combat sexual violence. The centres link police stations with clinics and hospitals and the re-established sexual offences courts.

The Thuthuzela centres' most important role is to support victims. The philosophy is respect, comfort, restoring dignity and ensuring justice for children and women who are victims of sexual violence. The responsibility of ensuring that those responsible for committing gender-based crimes are brought to account rests on the entire criminal justice system. Courts are the final arbiters in matters involving gender-based violence. They have the power to protect abused women and children and to effectively punish the offenders, and in so doing send a clear message to perpetrators that such conduct will not be condoned. Access to courts is therefore paramount.

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While strides have been made to curb gender-based violence and violence in general, women, crime statistics are still alarmingly high. Courts alone cannot alleviate let alone eliminate the scourge. The concerted effort of all South Africans, government, private sector, faith-based organisations, traditional leaders and the community at large is needed in this fight.

As the Sixth Administration nears the end and we reflect on the work done, we will remember that President Ramaphosa expressed the country's commitment to addressing the scourge of gender-based violence and femicide and announced the Emergency Response Plan to address gender-based violence and femicide, which includes strengthening...

*IsiXhosa:*

... ndicela undilinde, ndilinde.

*English:*

...the applicable legislative framework. As the legislative arm of the state, we were seized with the duty to create laws to this effect. Parliament considered and passed what is commonly referred to as The Three Bills on Gender-Based Violence. Making good of his commitment, the President

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assented to laws that strengthen fight against Gender- Based Violence in January last year. These pieces of legislation are the: Criminal and Related Matters Act, Domestic Violence Amendment Act, and the Criminal Law Sexual Offences and Related Matters Amendment.

We welcome the new directives in terms of the Domestic Violence Amendment Act, 2021, which commenced on 4 April 2023. The Directives impose stricter duties...

*IsiXhosa:*

... enkosi tishala omkhulu...

*English:*

...on office managers, supervisors and clerks of the court when dealing with cases of domestic violence. If an official does not comply with the new directives, disciplinary action will take place against them. We note that the NPA reports that it exceeded its target for the conviction of sexual offences and, in another positive development, the number of TCCs increased from 55 to 62. The NPA is working with the private sector to set up new TCCs. Further, much work is being done on the DNA Backlog project, despite the many challenges, and appears to be paying dividends. This is welcomed.

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Making South Africa a better and safer place requires effort from all of us. Together we can.

Hon Badenhorst...

*IsiXhosa:*

... andiyazi ukuba wawenze ntoni wena kodwa ngoku indlela othetha ngayo ingathi inkulu into owasenzela yona. Asizange sibone nto thina kodwa esikwaziyo kukuba abantu bakuthi babenyamalala singayazi ukuba bagqitywa yintoni na. Ngoko ke, sicela ungenzi ngokubaxa xa wenzayo, wenze nje kakuhle.

*English:*

The ANC supports the budget vote.

*IsiXhosa:*

Enkosi Sihlalo.

Ms M DLAMINI: Chairperson the EFF turns 10 years this year. This year we celebrate the 10th anniversary of a revolutionary social mass organisation that was founded by revolutionary activists from all parts of South Africa for 10 years. It has been 10 years of being a voice of sanity and superior logic, and it's been 10 years of unbroken struggle for economic

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freedom. Unfortunately, Minister, it has also been 10 years since a domestic worker was violently raped by an employer in Mkhondo Municipality, and the case has been on the court roll for the past decade.

The Minister speaks of Piet Retief, but we want to say that we no longer identify with the name, Piet Retief, we are rightfully called, Mkhondo Local Municipality. Chairperson, the EFF rejects the proposed budget on Correctional Services and Justice and Constitutional Development. We reject the budget of a department which is responsible for the shocking condition of our prisons. The very conception of correctional services in this country is at the coalface of justice. The prison system faces many challenges, several of which are associated with a lack of available resources to meet the increasing demand for correctional services. One of the key challenges are overcrowding and funding.

There is little doubt that the most serious problem facing those responsible for South Africa's prison system is overcrowding. At present, the prison inmate population is just over 152 000, which is 40% more than available bed spaces at these prisons. The increase in prison population is mostly attributed to higher numbers of prisoners awaiting trial, and

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delays in the processing of cases by the judicial system. You can open a case if you want to. Our correctional facilities are simply warehouses for criminals for a specific period of time, and there has been little to no attempt, to transform individuals in its care into respectable, law-abiding citizens.

Overcrowding simply worsens the problems which face prison administrators, gangs, violence, sexual assault, public health problems and escape attempts. Under these conditions, gangsterism is rife and is actually encouraged by the system. Prison warders are forced to work in a system that is corrupt, to an extent that those against corruption are frowned upon. The crime rate in South Africa is increasing, as is the prison population. As such, it makes managing a prison difficult, and reducing the chances of reoffending almost impossible. To make matters worse, South Africa's prisons are also understaffed, badly designed and structurally crumbling.

The department is mandated by the Constitution to offer and implement rehabilitation programs to offenders imprisoned by the courts of law. Yet, it falls short of its mandate to fulfil its responsibilities due to a number of reasons including corruption, poor management and lack of resources.

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When we adopted our constitutional order, we wanted to have our correctional centres as rehabilitation centres, because punishment for crime had to be corrective, not punitive.

There also exists a massive backlog of parole considerations for prisoners with long sentences. Parole backlog is piling up on the Minister's desk, forcing prisoners to spend years in prison, beyond their minimum detention period. Waiting for parole prisoners serving life sentences and who have served out their minimum detention periods are facing lengthy delays for parole consideration, and for years, prisoners sentenced to life imprisonment have complained about the long delays in accessing considerations for parole.

The unjustifiable delays result in many lifers spending more years in prison than is appropriate. We also reject the budget of a department that has turned to the private sector, outsourcing services of public prisons. Chairperson, for years, the EFF has asked the Minister about the rationale for outsourcing the management of prisons to private entities, as was the case in Mangaung Maximum Security Prison in Bloemfontein, from which Thabo Bester escaped.

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When we asked, we were fully conscious of the prison industrial complex that has turned the lives of poor black men, in particular, into commodities that could be dispensed with at will, to make money for capital. A life was lost in Mangaung, and his body was criminally used to let a rapist and a murder out of jail. This was facilitated by the private entity that the Minister had defended for years. Bester's escape is telling of the corrupt collusion between the Department of Correctional Services, G4S and the SA Police Service, SAPS. It confirmed the level of deceit and incompetence of the Correctional Services of South Africa.

We must learn lessons from more advanced countries that have privatised prisons and see how deeply corrupt and inhumane the system of private prisons is. Corruption in correctional facilities, fatally undermines the character of these institutions as places that should ensure that those who break the law are subjected to consequences and are rehabilitated. The outsourcing system is also grossly costly. The two private prisons in South Africa, Mangaung in Bloemfontein and Kutama-Sinthumule in Louis Trichardt, Limpopo, cost the South African taxpayers an eye watering R1 billion a year.

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One is tempted to ask, whether this money could not have been spent in a better way to allow people to live healthier, more constructive lives, instead. Chairperson, we also reject the budget of a department which has turned access to justice into an elusive dream for millions of our people, for whom courts remain out of reach because of the exorbitant costs it takes for one to access justice. The Legal Aid Board, which is meant to enable the poor to access justice is poorly managed, and there has been nothing done to ensure that the board is properly staffed to guarantee quality legal representation to our people.

We need justice to be accessible to our people. Minister, the National Prosecuting Authority, NPA, has not prosecuted any of the high-profile criminal cases that should be low hanging fruit for them in this country. They have told us that they do not possess the capacity to prosecute racist criminals such as Marcus Jooste, and you have also shown us your incompetence by bungling up the so-called repatriation of the Gupta family. The Investigative Directorate, ID, is as toothless as the NPA itself. To date, that directorate has not done any of the things that we were expecting them to do.

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Many high-profile criminals are walking around unbothered, and many of them, including their enablers, are walking around with blue lights as Cabinet Ministers in this country. The former liberation movement in office will never be a sustainable solution to South Africa's developmental problems in the foreseeable future. We reject the budget of a department which fails to provide inmates with conditions which lack human dignity. We reject the budget of a justice system that is not able to investigate and prosecute criminals without fear of favour.

We reject the budget of a department which hounds the Public Protector like a wild animal, merely because she dared investigate the powerful. We want a Human Rights Commission that is deeply rooted in the idea of justice, particularly for the dispossessed. We want our courts to be left independent to interpret the law without undue influence of the rich and the powerful. We want the NPA to be free of corruption and prosecute without fear or favour because that is the only way they would regain their tattered dignity.

Chairperson, as our organisation will be celebrating 10 years of unbroken struggle, 10 years of anticorruption, 10 years of fighting racism, 10 years of being in the forefront of the

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land, 10 years of making sure that the African people are represented without fear or favour, 10 years of ensuring that black professionals are not looked down upon, we reject this Budget Vote.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES RESPONSIBLE FOR CORRECTIONS (Inkosi S P Holomisa): Sorry, I was muted. Thank you very much, hon Chairperson. Minister of Justice and Correctional Services, Ronald Ozzy Lamola, Deputy Minister of Justice and Constitutional Development, John Jeffery, hon members of the National Council of Provinces, National Commissioner of the Department of Correctional Services, Samuel Thobakgale, regional commissioners, Inspecting Judge, Justice Edwin Cameron, members of the National Council for Correctional Services, members of the Correctional Supervision and Parole Boards, distinguished guests, ladies and gentlemen, good afternoon!

The Department of Correctional Services, DCS, is obligated to provide a secure and safe environment for both inmates and officials in the correctional centres and making sure that the people of South Africa are and feel safe. In order to create safer communities, greater integrated planning amongst government departments and external stakeholders is essential.

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Despite various challenges that threaten to hamper effective service delivery, we are able to report progress on ongoing key initiatives and projects in line with our DCS Vision 2068.

The six regions of DCS and their constituent management areas, spanning the nine provinces of our land, are the coalface where we leverage the District Development Model to implement the National Development Plan, NDP, the National Spatial Development Framework, NSDF, the Integrated Urban Development Framework, IUDF, and the Medium-Term Strategic Framework, MTSF, by localising and synergising objectives, targets and directives in relation to the 52 district and metropolitan spaces, thereby addressing the triple challenges of poverty, inequality and unemployment in a spatially targeted and responsive manner.

This department works tirelessly towards empowering citizens and contributing to the development of communities, while executing our core mandate. The Kokstad Management Area of KwaZulu-Natal Region, in partnership with Police and Prisons Civil Rights Union, Popcru, and Harding Relief Projects, HRP, used offender labour to construct a three-room house at KwaMazakhele Unit 2, Harding, in Port Shepstone Management Area, for a female police volunteer, Nombulelo Cevana, and her

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six children, after their one room house was destroyed in fire incident in 2021. The house was handed to the Cevana family on 5 May 2022.

Working together with my counterpart, the Deputy Minister of the Department of Basic Education, Dr Regina Mhaule, we donated 200 pairs of school shoes, socks and personal hygiene items to learners at Marconi Beam and Silver Leaf Primary Schools in Du Noon and Joe Slovo, in the Western Cape region. This particular initiative was made possible by the generous donations of our officials through the Poverty Alleviation Fund of the Goodwood Management Area.

The department has a long-term facilities strategy to ensure the establishment and maintenance of facilities that are consistent with human dignity, health, safety for offenders and officials, while ensuring that all facilities are compliant with all regulations and standards.

On 8 July 2022, the department launched a state-of-the-art incinerator at Helderstroom in the Overberg Management Area of the Western Cape region. The incinerator is a first of its kind in South Africa from a design and size perspective. The

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emissions are the lowest in all classes when compared to other incinerators in the country.

The design of this incinerator also took green building best practices into consideration and one of the by-products of the incinerator is hot water, which will now be used for the cleaning of the abattoir and the dairy, thus further generating cost savings with respect to electricity consumption and water usage. Most importantly, the training received by offenders in the use of this state-of-the-art incinerator will give them a distinct advantage when seeking work opportunities upon their release.

In the Free State/Northern Cape region we are putting offender labour to good use to improve facilities in our centres. Three new pharmacies will be opened during this financial year. The construction of the Goedemoed Management Area pharmacy is already complete, while two more are planned for Upington and Colesberg Management Areas.

Chairperson, the department will make a concerted effort in the current financial year, to use izimbizo and other platforms to educate the public about the rights of incarcerated persons, as enshrined in our Constitution, and

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the implementation of international protocols for the treatment of prisoners, such as the United Nations Minimum Standard Rules for the Treatment of Prisoners, also known as Nelson Mandela Rules, and the Bangkok Rules, to which South Africa is a signatory.

We are happy to report that the Eastern Cape region launched an Arts and Crafts Gallery in the Grahamstown Correctional Centre in February of this year, as part of enhancing self-sufficiency and sustainability for offenders upon release to communities. The department worked together with Rhodes University, the National Arts Festival Office and Department of Sports, Recreation, Arts and Culture, who provided professional advice and guidance on the relevant protocols.

Subsequent to the launch, the National Arts Festival Office made a commitment that the DCS Arts and Crafts Gallery will be one of the sites which will be visited during the National Arts Festival, as from June of 2023 going forward.

During the past financial year, arts and crafts centres were opened at correctional facilities at Groenpunt, Kgosi Mampuru II, Grahamstown and Pietermaritzburg. At least nine more arts

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and craft centres are planned to become operational across the country in the current financial year.

A special word of gratitude goes to our Minister, hon Ronald Ozzy Lamola, for his exemplary guidance and leadership, as well as the officials of the department led by the National Commissioner, Mr Thobakgale. The dedication of management and officials of the department to the task at hand is what keeps the wheels turning at correctional facilities across the country.

The professional co-operation we receive from the Judicial Inspectorate for Correctional Services, the National Council for Correctional Services and the Correctional Supervision and Parole Board is much appreciated. The challenges we face are daunting and one of the ways available to meet them is to support this budget. Thank you very much.

Mr G MICHALAKIS: What an exciting act to follow. Thank you, hon House Chairperson. Churchill said that and I quote:

A society is measured by the treatment of its prisoners.

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On paper, our Constitution provides conditions in prisons that are conducive to reform and rehabilitation. I believe that no person is born inherently evil and therefore I strongly support the idea that a person should first receive an appropriate sanction which does not always have to be incarceration. But when the crime is serious enough to warrant incarceration, the individual needs to re-enter society at the end of his or her prison term not as well-trained, hardened criminals as is currently the case, but as respectable persons that can make a positive contribution to society.

The international standard for acceptable prison conditions is called the Nelson Mandela Rules. Yet, Mandela's own country and his party, is not living up to these standards. Rule 4 states that and I quote:

The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism.

Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.

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That is the reason we no longer have a Department of Prisons, but a Department of Correctional Services. But it is of no use if this only exists in theory, and not in practice. The real situation on the ground is something completely different. And 38 correctional centres across the country are currently overcrowded by 300%. In most of these cases, inmates have to share single mattresses or sleep on the floor. There is no way that these conditions can be conducive to creating productive members of society.

Delays in investigations following arrests, and delays in criminal trials further contribute to the overcrowding. Additional to this, unaffordable bail for less serious crimes makes the detaining of some inmates frankly unjust. I have heard of cases where a detainee could not afford an R50 bail fine for a petty crime and ended up being incarcerated under these conditions. This points to a clear problem in our correctional services system that is not sustainable.

The department is, and it knows it is, in clear violation of many of these facilities of the Nelson Mandela Rules. It is also in clear violation of our Constitution. Some of the conditions pointed out in the Cameron Report on Pollsmoor in

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2016 are still present, and Pollsmoor is not an isolated case. Overcrowding and poor conditions can be found all over.

On my visits to correctional facilities in the Free State, I have witnessed how excellent staff try their best to make things work with the limited resources at their disposal, but buildings are falling apart and in one instance almost 80% of the machinery used for cooking and washing was out of order with a request submitted to the Department of Public Works and Infrastructure years back, to no avail.

Yet, I do not see this department ever raising this issue with the Department of Public Works and Infrastructure as it should be doing and as vocally as it should be. Did you, Minister, ever confront your Cabinet colleague on his department's dismal performance, which has a direct effect, not only on the performance of your department but its ability to respect basic human rights? If so, please, inform this House today, so that we can know which Minister to blame. You both sit in the same ANC Cabinet. Surely, communication there could not have broken down to such an extent that you can't even fix a steam pot and a washing machine between the two of you.

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Chairperson, in a country with crime statistics like ours, it is easy for less liberal-minded people to ask why we even bother. But the current system under the ANC turns individuals guilty of petty offenses into hardened criminals, and instead of going to prison to learn something that might contribute to society upon release, young inmates leave and graduate with the knowledge of being destructive members of society. I fully understand that the lack of resources and the social conditions inherited have contributed to some of the problems that the department might be facing, but it is not as if the Minister of Justice's hands are tied. We are still waiting for any initiatives to reform our correctional services, to address the issue of alternative sanctions, and find innovative ways to deal with petty crimes, including the decriminalization of some of the more archaic forms of crime.

But this will not happen if we continue on the path we have been on for decades. Rehabilitation is not prioritized – neither in the budget nor in practice. Teaching inmates basic values, equipping them with skills, addressing the psychological and social factors that led to their actions in the first place, and making every attempt to create an environment within which they can become respectable members of society, are wholly absent in many facilities due to

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budgetary constraints. Yet, should this not be the first item in the budget that should receive the bulk of the funds? Should this not be the priority and the core aim of correctional services? Which leads to the question, what happens to all the money?

Your staff on the ground in correctional facilities do not even receive proper uniforms. I am told in more than one province - and if you visit them you would hear the same - that staff have to buy their shoes because the ones they are issued with don't last. They have to wait for months to receive replacement uniforms and then don't receive enough. They even have to buy stationery out of their own pockets. And it is no different concerning the uniform and bedding of inmates. In the case of the latter, it is simply much more of a risk.

My colleague in the other House reminded me of an old saying of our dear friend, James Selfe, who knew correctional services better than anyone who occupied these benches. He said that and I quote:

Prisons work where prisoners work.

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We need to invest in rehabilitation programmes where inmates can feel that they are making a meaningful contribution to society and which equips them to be productive members of society when they leave. Despite the self-sustainability initiatives that the department has embarked on, with some success, we are still a long way away from achieving this goal.

House Chairperson, a closed-minded approach and a fundamental misunderstanding of what the actual purpose of this department is, is keeping us from meaningful reform. Add to this the thriving corruption in the department, all of which I will never have sufficient time to highlight, and it is no wonder that this department is in many cases a serious human rights violator.

I am at this point not going to go into the details of the soon-to-be Netflix documentary on the Thabo Bester saga. The Minister, his department, and those involved on the part of G4S Security company have done a sterling job in embarrassing themselves.

But the problem, Chairperson, is much more serious. This department is the final and arguably one of the most important

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links in a proper criminal justice system. Where criminals are ending up back on the streets, posing a threat to the most vulnerable members of society on your watch, Minister. You should be linked where the tide against crime is turned around.

The failure to stop young, promising children from becoming hardened criminals in the first place might be the job of the Department of Education and society as a whole. But the failure to reduce the number of such criminals and to prevent them from going back into society killing more and raping more is your job. The buck stops with you. With so much at stake, this country and its people deserve someone who takes this job much more seriously than you, hon Minister.

Yes, the Deputy Minister says that hon Badenhorst was unreasonable in saying that the Minister missed one meeting. If that was true, it would have been unreasonable. But surely the Minister does not have a standing appointment in ... [Inaudible.] ... every single week when we have our select committee meetings.

Your absence is indicative of two things: Firstly, your disrespect for the democratically elected representatives of

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all voters from all parties in this House including the ANC members. Secondly, you fear that if you had to come and do what you send your department to come and do week after week it would expose your gross incompetence.

Hon House Chairperson, the Democratic Alliance believes that our democracy deserves better than having an absent Minister. Thank you.

Mr S F DU TOIT: Hon Chair, Jonathan Sacks said, and I quote: "True freedom requires the rule of law and justice, and a judicial system in which the rights of some are not secured by denial of rights to others." The Potchefstroom magistrates court in the Northwest province is one of the courts where justice is delayed, and as a result thereof, denied.

The Freedom Front Plus has on numerous occasions, written to Minister Lamola, to stress the fact the urgent intervention is needed at the Potchefstroom Magistrate Court and the Klerksdorp Magistrate Court to expedite the infrastructure repairs. There are still an insufficient number of court rooms. The offices that are still in the process of being repaired, still pose serious health threats to both the

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employees and legal practitioners. It seems as if no urgency is being made to address the matters.

South Africa has been experiencing load shedding since 2008. Since 2008, the majority of courts across South Africa could not operate effectively, since these courts were not equipped with standby generators or alternative power supply. Reliable power supply to court rooms is important for various reasons, be it lighting, safety, ventilation or most importantly, the recording of court proceedings.

This leads to delayed finalisation of court cases, accumulation legal bills for clients, delays in payment of legal practitioners by their clients and delayed justice for victims of crime.

*Afrikaans:*

Ek is bewus van regslui wat daaglik moeders en kinders in die oë moet kyk, moeders, wat maand na maand wag vir sake om afgehandel te word - onderhoudsake wat voor die hof moet dien vir finalisering. Wanneer jy in die hof ronstap, moet jy in die oë van moeë ma's kyk, wat heeldag moet sit en wag.

Aangesien hulle nie regshulp kan bekostig nie, moet hulle dan hul tyd afstaan, om vir die Onderhoushof te wag. Kinders moet,

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wat as gevolg daarvan, en as gevolg van die feit dat onderhoudsake nie afgehandel en gefinaliseer word nie, erge sosiale en emosionele trauma deurstaan.

Dis amper vir 16 jaar dat die wiele van die reg deur hierdie gedwonge verkorte hofure weens beurtkrag gerem word. Dit is buiten die agterstand van die hofrol wat opgebou is weens die Covid-19-inperking. Dit blyk dat die enigste howe wat bystand in hierdie vernd gekry het die Hooggeregshowe is. Verskeie landdroshowe is agterweë gelaat. Dis juis hier waar geregtigheid getoets moet word.

*English:*

Justice Ismail Mohamed, the former Chief Justice of South Africa said, and I quote: "It is in the Magistrates' Courts that justice is tested in its most crucial, most pervasive, most voluminous, most pressurized, and logistically most demanding dimensions, in literally thousands of cases every day that the continuous struggle for the legitimacy and the efficacy of the instruments of justice is substantially lost or won in the Magistrates' Courts."

*Afrikaans:*

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Dit kan seker van die kriminele regering verwag word om regspleging te ondermyn. Dit wil voorkom asof hierdie regering eerder daarop gefokus is om die regte van gevangenes op papier te beskerm, in plaas daarvan om te verseker dat daar voldoende rehabilitasie plaasvind.

*English:*

A recent report by the National Institute for Crime Prevention and Reintegration of Offenders, Nicro, indicated that although there are no accurate statistics available, about 87% prisoners that leave the prisons, commit crimes again and need to go back.

*Afrikaans:*

Suid-Afrikaans tronke is sowat 40% oorbevolk. Daar is tans hopeloos te veel prisioniers in selle in vergelyking met die hoeveelheid korrektiewepersoneel wat veronderstel is om hierdie mense op te pas en wet en orde te handhaaf. Hierdie oorbevolking hou vele gevare vir beide prisioniers en doe personeel in.

*English:*

Minister, please do not be in denial about the state of courts and the negative effect it has on the credibility of the legal

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system, as well as the fact that the offended and the vulnerable are the victims. As Bryan Stevenson put it: "The opposite of poverty is not wealth; the opposite of poverty is justice." South Africa has never before experienced the level of poverty it does at this state. Thank you.

Mr V R SHONGWE (Mpumalanga): Chairperson, let me take this opportunity to thank all the presiding officers that are working with you, Mr Nyambi, Minister Lamola, all the Deputy Ministers that are here, the Chief Whip of the NCOP, my colleagues, Cabinet members from different provinces that are here, hon members of the NCOP, ladies and gentlemen, I rise to contribute to the debate on the Budget Vote of Correctional Services, Justice and Constitutional Development delivered by our Minister Ronald Lamola.

Our Constitution is a national compact that seeks to heal the divisions of the past and establish a society, based on democratic values, social justice and fundamental human rights. It is a roadmap that seeks to transform the political, economic and social relations in South Africa.

I want to take this opportunity to say, if you stay in glasshouse, you must not throw stones, because your house

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might also feel the pinch of those stones. I was listening this morning from Cape Town, where about four lifeless bodies were discovered in a very exclusive area of Cape Town that is not being identified, accept to say that all they know is that they are Bulgarians. That tells you that, if you stay in a glasshouse, you must not throw stones.

Key to the Constitution is the Bill of Rights that guarantees the fundamental rights, including the freedom of speech and association; the right to life, equality, human dignity; political rights, citizenship and many others. I want to thank you, Minister Lamola and your colleagues for bringing to our attention, as South Africans, that we have a person like Bester in our midst. If you did not bring that particular matter in terms of transparency, some of us ... [Inaudible.]

We need to look back and ask ourselves, what impact the Constitution had on the lives of our ordinary people. Have we used our Constitution as an instrument to liberate our people? That is the question that we must ask ourselves.

These are very important questions that we need to ask ourselves, wherever we craft our budgets, as different departments, not only Correctional Services, but all

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departments, including the department that is headed by the opposition in the country.

The departmental programmes must be consistent with the noble ideas of our Constitution and guard against violating the human rights, and preserve dignity for others. It is against this backlog that I therefore support the Budget Vote for hon Minister Lamola and the entire Ministry, because it factors in the fundamental questions that are enshrined in the Constitution that we need to respond to.

In his address, the hon Minister advocated for broadening access to justice, the national action plan to fight racism, racial discrimination, xenophobia, related intolerance and strengthening the right against maladministration and, of course, corruption.

On the other hand, the budget cuts and load shedding impacted severely on the service delivery and infrastructure project implementation. Load shedding has become the greatest obstacle to our country's growth and development trajectory. It might cause a delay in the implementation of infrastructure projects, such as use of technology in court proceedings.

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The Covid-19 pandemic has caused a great loss of lives and much hardship to our people. The pandemic has worsened the situation of deep unemployment, negatively affected livelihoods, and increased poverty.

We have considerable challenges in our country, such as a high unemployment rate, high poverty rate and high inequality. We need to work together to overcome these triple challenges and not be bystanders, with cheap politicking over these three matters, because it is not only the people of Mpumalanga that are affected by this triple challenges, but the people of the entire country. We need to work together to overcome these challenges. Let us avoid the unnecessary confrontation. Let us avoid politicking for short-term political party gain. Let us join hands to promote unity in the diversity for all.

Lastly, the Department of Justice has spearheaded and paved way for the enactment of various pieces of legislation to amongst others, undo the injustice of the past. This includes laws that would make it difficult for perpetrators of crime to go unpunished.

We also note that, through the National Prosecuting Authority, many people have been brought to book and accordingly, for

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corruption and fraud. According to the corruption ...

[Inedible.] ..., between October 2020 and May 2023, about R9 billion have been recovered and over 250 people have been convicted successfully.

Minister, we want to take this opportunity to thank your department and your Ministry and everyone working together with you in making sure that we transform our country, we transform Correctional Services, which in the past, were only meant for the black majority of this country. Thank you.

Mr N M HADEBE: Hon Chairperson, hon Minister, hon deputy Ministers, budget vote 25 serves as a critical component in our democratic and constitutional check and balance order in ensuring that our country upholds to the rule of law and protects the rights of all citizens. Therefore, it is of utmost importance that we address the various challenges faced by the department.

Crucial services such as legal aid remain poorly funded and inaccessible to many, which consequently leads, in many instances, to a denial of justice. This is unacceptable and unconstitutional, as all South Africans should be able to have access to quality legal services, particularly our most

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vulnerable groups such as women, children, the elderly, the disabled and the rural poor.

Another critical challenge our country is facing is the underfunding of the National Prosecuting Authority, NPA. The NPA plays a crucial role in ensuring that perpetrators of crime are brought to justice. However, the NPA is struggling with insufficient resources, this leads to case backlogs, lengthy court proceedings and in many instances unsatisfactory results. We must increase the funding for the NPA to ensure that justice is delivered swiftly and efficiently.

Considering this, the Department of Correctional Services has an important role to play in balancing the rights of victims through the incarceration and rehabilitation of the offenders as reintegration into society should be the ultimate goal.

It is with this in mind that the IFP notes with concern the lack of funding and the number of inspectors in prisons to conduct regular inspections.

Additionally, in light of the recent events regarding the privately run correctional services facility by Group 4

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Security, G4S, it is worrying that this department has taken a reduction of its overall budget.

As a country, along with the rest of the world, we have learnt that an inmate by the name of Thabo Bester broke out of a private facility. This does not leave one with a substantial amount of confidence in the correctional services system.

We welcome the fact that the government has served a 90-day notice to cancel the contract with the private security firm that manages the facility.

However, the reduction of the department's overall budget might have a ripple effect of consequences on the availability of funds to either take over the facility, build a new premise or sufficiently staffing it.

Within the Department of Correctional Services, we still find significant challenges with overcrowding and understaffing in our prisons. This problem leads to poor conditions for inmates and additionally poses security risk.

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Corruption remains rife and the system needs a full audit and overhaul if we are to make inroads into reducing inmate recidivism.

Furthermore, we must also ensure that our courts are representative of the diversity of our society through the transformation of our judiciary and that there is an adequate training and support for judges and magistrates.

Technology must be embraced to assist with alleviating administrative burdens on both departments as this will not only improve efficiency but also reduce the cost of administration.

In conclusion, hon Chairperson, by addressing these challenges we can ensure that justice is delivered efficiently and effectively in our country.

Considering the comments made, the IFP supports Budget Votes 22 and 25. I thank you.

Mr C F B SMIT: Hon House Chair, hon members, hon Minister, Deputy Minister, fellow South Africans.

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Hon members, just as the condition of prisoners have always been an important aspect for the DA and the tendency was set by our predecessor, Hellen Suzman, who fought very hard to make sure that the rights of prisoners are protected. And it is something that we must not take for granted.

Hon Shaik, you quoted O R Tambo on the importance of the youth and having respect for the youth. It's quite weird if we look at the statistics today of unemployment of and how the youth are treated by this government. It is something that you should go and ask yourself some questions about. Are you living up to that? I think he would turn in his grave.

This government is so serious about justice that people with money are out on a ridiculous reason of being terminally ill and there are some names that come up: Jacob Zuma, Shabir Shaik. So, we play some gold out there instead of serving our time. Others disappear into thin air for months while no one notices a thing. Now that it is out in the open, everyone is claiming innocence of stupidity as no one has answers on what happened.

What money can't buy under the ANC government is shocking.

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Hon Dlamini, you forgot to mention ten years of EFF not having a democratic leadership election. [Laughter.]

I want to tell you hon Minister Lamola that you have to start building some more facilities now because I don't think there's enough space for all that the challenged caddis after the 2024 election, who has been challenging this country.

Hon ... I'm sweeping, actually. Do you want to come and do it on my behalf? [Laughter.] [Interjections.]

Hon members, we are really ... you must be concerned if you see all the things that happens in our prisons, where cell phones are being smuggled into the prisons, where people are running illegal businesses from inside our prisons. And that something that all South Africans want to know, what is being done about all of that?

You've got lot of challenges still to sort out, Minister.

Thank you, hon Chair.

Mr E M MTHETHWA: Hon house Chair hon Jomo Nyambi, Minister of Justice and Correctional Services hon Ronald Lamola, Deputy Minister J J, Inkosi Holomisa, members of the executive,

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members of legislatures present in our debate, inspecting judge for the Correctional Services and your team, National Commissioner and your team, head of the institutions receiving their allocations from the Justice Vote and fellow South Africans, good afternoon. The ANC rises in support of Budget Vote 25: Correctional Services. Let me start there, Chair.

Secondly, the dawn of the democratic South Africa ushered in the paradigm shift, a new beginning where prisons become correctional centres of rehabilitation. Offenders are given a second chance - as it was mentioned before - a new hope and encouraged to adopt the lifestyle of ideally members of the society. South African criminal justice system has undergone reforms at reflecting the tenants of the Constitution and undergone the legacy of our undoing the legacy of our oppressed past. It is well known chair that the apartheid justice system was a repressive tool in the hands of the state and that incarceration made little if any distinction between activist criminals, children and adults. The colonial apartheid prison system was meant to dehumanise offenders. Since 1994, when the ANC took over there has been a move to reform the criminal justice system away from the apartheid legacy guided by the Constitution's demand for safe, secured humane and incarceration prison were demilitarised.

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The direction of this institution change has placed a great emphasis on human rights and including a more restorative vocabulary in the policy document. The mission of the Department of Correctional Services is to contribute to a just, peaceful and safer South Africa through effective and humane incarceration of inmate and rehabilitation and social reintegration of offenders. These are done by enforcing the sentence of the courts in a manner prescribed by the Act and determine all inmates and safe custody while ensuring their human dignity and promoting the social responsibility and human development of all sentenced offenders and persons subjected to the community or community corrections.

As the ANC we have long emphasised that correction is a societal responsibility and the business of rehabilitating and reintegrating exoffender cannot be left solely to government. Offenders' parole and probations are human being regardless of whether they were in conflict with the law before. This attitude is the backbone of the values and ethics of the Constitution's Bill of Rights whose rules can be traced back to the policy documents of the ANC.

Having received a second chance through the department rehabilitation programme, many exoffenders have transformed

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into a law-abiding citizens who contributes positively towards building a safe South Africa where all can live in peace and harmony. Exoffender have the potential to become both employers and employees. Through education and skills development programme that they can require while incarcerated they are able to come out as a changed individual ready to reverse their history of thuggish and violence into inspiration a success story.

The mandate of the Department of Correctional Services is to invest into rehabilitation and social integration programmes aimed at breaking the cycle of crime as outlined in the National Development Plan towards ensuring that all people in South Africa feel safe. The White Paper on Correctional Services states that no correctional system can achieve its objectives if it does not have a range of healthy external relationships such as families. Communities, private sector, nongovernment organisations, faith-based and community-based organisations as well as other government departments. The department bear the responsibility of ensuring that the programmes offered to offenders while incarcerated create an environment that fosters self-discipline, social independence and ongoing family support and community support.

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It is important for the department to work together with the community and victims of the crime to nurture the spirit of forgiveness and reconciliation between the offended and the offender. Restorative justice is critical. The Constitution guarantee every detainee and sentenced prisoner the right to be detained under the condition that is consistent with the human dignity including at least the exercise and the provision adequate accommodation, nutrition, reading materials and medical treatment and to communicate with and being visited by the person's spouse or partner, next of kin, chosen religion counsellors or chosen medical practitioners. Section 2 of the Correctional Services Act, Act 111 of 1998, states that the purpose of the correctional services system is to contribute to maintain and protect a just peace and save society by, first, enforcing the sentence of the courts in a manner prescribed by the Act and determine all prisoners in a safety custody while ensuring their human dignity and promoting the social responsibility and human development of all prisoners and persons subjected to the community or community corrections.

The triple challenges of poverty, unemployment and inequality is structural and a major contributing factor to crime. The department is the last role-player in the criminal justice

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system as it is responsible for the incarceration of remanded, detained and sentenced offenders. With this scourge of crime, the department is seized with that responsibility which ultimately result in overcrowding.

The ongoing challenge of overcrowding remains a major challenge. It limits the effective and the meaningful of rehabilitation which is the core business of the department. Some of these reasons of overcrowding are growing levels of incarceration, insufficient accommodation, aging of infrastructure and the high population remanded detainees. The cause of this overcrowding amongst others are not confined to the limits of the criminal justice but extend to other spheres of state's responsibilities such as social welfare polices, access to health and services, education and employment among others.

The increase in offender population continues to present an unavoidable challenge of overcrowding in the correctional facilities. While rehabilitation and social reintegration remain key programmes in the fulfilment of the department's mandate, the safe and humane incarceration of inmates is also very important. One of the major challenges facing the department is overcrowding. Overcrowding leads to the gang

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activities and decrease the correctional officials' supervision and control of low standard of living for all inmates and discipline offenders amongst offenders.

In addition, when coming to closer of overcrowding, gangsterism and the shortage of specialised personnel and inadequate rehabilitation equipments such as library facilities, is an impediment to effective rehabilitation. In rehabilitation and reintegration perspective, overcrowding has several negative impact as it continue to undermine almost every conceivable manner that the positive impact that programme could have. Overcrowding can have a significant negative impact on the offender's wellbeing and mental health because the department is unable to provide the requirements and the rehabilitation support. When the weight of the offenders' numbers overwhelms the physical and human resources Correctional Services delivers in its constrained in many respects.

Overcrowding negatively affect the officials too. The 2016 Judicial Inspectorate for Correctional Services, JICS, annual report found that overcrowding in combination with staff shortage is a primary source of stress among the correctional Services officials. The issue of overcrowding has been

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consistently raised. We urge the department to take the matter forward. We applaud the department in the good work it does through rehabilitation programmes, self-sufficient model and social reintegrated programme and we are encouraging it not to relax its efforts in making South Africa a better place.

When coming to Michalakis' issue of pointing a finger to the Minister that the issue of crime is because of the Minister's failure, I don't find that. When you look at the people that commit crime, they are our children, they are our brothers and sisters, they are our relatives and these people live with us. The moment you remove yourself from the main understanding of crime, you are always throwing stones to the glass house. The ANC supports Vote 25 and I hope Michalakis will from today going forward understand that crime is not for the police only, and it is not for the Correctional Services only, but it is for all of us to participate and ensure that we defeat it. If we do not work together, we are not going to achieve anything. I thank you, hon Nyambi.

Mr T J BRAUTESETH: House Chair, I rise on a point of respect in the House. The last speaker referred to the hon Michalakis as Michalakis. I think, whether you are here or on the digital

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platform, you should still respect the decorum of the House.  
Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I will check Hansard if it was referred like that. For the decorum of the House it is correct that we have to refer to each other appropriately as hon members.

An Hon MEMBER: [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, it is confirmed that he did it, so he has to correct that because we are hon members.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you very much for all the inputs, and the majority of the House's support of the budget. Hon Badenhorst, you spoke as if you have just fallen from heaven, because if you are here in this planet, you would have seen that while we have got challenges, there is positive progress that the department is making with regards to the self-sufficiency programme, with regards to access to justice, with regards to mitigating the effects of load shedding. So, there is some work that can be visibly seen by someone who does not suffer from any prejudices. Who wants

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to see positive work that is happening. It is the work that is being done by the officials in both departments, and we really appreciate their work.

The self-sufficiency programme that you are refusing to see has changed the face of correctional services across the country. It is revolutionizing every correctional centre in all parts of the country. Inmates are at work, they are sewing, they are learning agricultural skills, they are learning, welding. They are learning various skills that will enable them to make a contribution in society. We are also making sure that with the courts, we put a programme to respond and mitigate the effect of load shedding with all both the high courts and the lower courts. We are working with the Department of Public Works to register more programmes to respond to this challenge of load shedding.

It is indeed incorrect that we are not supporting the work of the NPA. We have given an additional budget of R915 million to the NPA in this current financial year. This additional budget will enable the NPA to recruit and grow their own timber to get technology and also enable them to deal with other issues of human resource in the institution, thereby capacitating the

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NPA to be responsive to organised crime, corruption and the various challenges our criminal justice system is facing.

It does look like the EFF has got a habit of misquoting Angela Davis. This kind of habit happened in the National Assembly through hon Yako, and today it is happening with hon Dlamini, distorting what is meant by the prisons complex. South Africa only has two private prisons out of 243 prisons in the country. The majority of our population in the prisons is in public hands. It is run by the state and the prisons that were privatised, that were two which is Mangaung Correctional Facility and the one in Kutama Sinthumule, were as a pilot project.

There is infrastructure that we are going to be using in Mangaung when G4S leaves and the end of the 90-day period. Excellent infrastructure with state-of-the-art technology. It is not like the state has not received value in its investment in that Mangaung Facility. There is value that we have received and that is the infrastructure.

With regards to the Legal Aid Board, we have extended Legal Aid Board hon members, to the occupiers of farm workers, and this is now operational across the country. There could be

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challenges, but now from the last financial year, Legal Aid Board is now able to defend the rights of farm workers. I am shocked that the hon Dlamini is not aware of this revolutionary development. We have also moved, in regard to a number of challenges dealing with overcrowding, remissions and so forth. But as hon Mthethwa has said, crime is a societal problem. Once there is a continuation of convictions, the challenge of overcrowding will continue. We all have to work together as a collective of society to reduce the level of crime so that we can also reduce the level of overcrowding.

Hon Du Toit, with regards to Potchefstroom, there is ongoing work of reconstructing and refurbishing that court in Potchefstroom. It's a lie that there is no function. The court is functioning in building one and in part two of the second floor. So, there is work that is happening and the department is continuously transporting those that may need to go to the ... [Inaudible.] ... as witnesses and for the wheels of justice to continue to flourish. So, there is work that is happening.

It is also not true that I do not attend the meetings of this House. I am here unless hon Badenhorst cannot see me. I have always been here. It is for the first time he sees me because

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he is a newcomer. He is the one who is a fresher in this House. I have been here for a long time, and I am not surprised that he has not seen me, but his newcomer status does not give him to declare me a persona non grata in this House. I have been attending and responding and also the Deputy Minister has been attending, even the meetings of the select committee. He has been perpetually available. We want to thank all members of the House for their contribution. Thank you very much and for your support of the budget.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Order! Hon delegates, that concludes the debate and the business of the day. I would like to thank the Minister, hon Lamola, Deputy Ministers, hon Jeffery and hon Holomisa, permanent delegates MEC, all special delegates, our guest Deputy Minister Kekana, and the Director General, DG, and the entire delegation with the DG for availing themselves for this important sitting. The House is adjourned.

Debate concluded.

The Council adjourned at 16.25.