

Implementation of Kyoto Declaration: Improving Prison Conditions in South Africa and Reducing Reoffending

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correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

CONFIDENTIAL



LEGISLATIVE FRAMEWORK

- The DCS is mandated to place offenders in a secure, safe and humane environment and ensure that rehabilitation and successful reintegration programmes are implemented.
- This mandate is derived from:
 - ✓ Correctional Services Act, 1998 (Act 111 of 1998),
 - ✓ Criminal Procedure Act, 1977 (Act 51 of 1977),
 - ✓ 2005 White Paper on Corrections in South Africa
 - ✓ 2014 White Paper on Remand Detention Management in South Africa.
 - ✓ Bail Protocol (2012)
 - ✓ Protocol on Maximum Detention Period (2012)
 - ✓ United Nations Standard Minimum Rules for Non-Custodial Measures – Tokyo Rules (14 December 1990: Paragraph 1.5
 - ✓ Revised Minimum Rules for the treatment of Prisoners - the Nelson Mandela Rules (17 December 2015): Rule 13



INMATE POPULATION

- The approved accommodation is **108 804** and the inmate population was **151 607** (101 658 sentenced, 49 949 Remand Detainees, as reported on **30 November 2022** which translates to an overcrowding level of **39, 34%**).
- **The following factors will remain to have a direct influence on the inmate population levels:**
 - crime tendencies in society;
 - increasingly effective measures to combat and prosecute crime;
 - unemployment rate;
 - the economy; and
 - Legislation on mandatory minimum sentences.



IMPROVING PRISON CONDITIONS

The Department of Correctional Services is tasked to deliver on the following objectives in the Correctional Services Act (Act No. 111 of 1998):

- To implement the sentences of the court in the prescribed manner;
- To detain all offenders in safe custody, while ensuring their human dignity;
- To promote the social responsibility and human development of all offenders and persons under community corrections; and manage remand detainees.
- Health and safety, dignity, social responsibility and human development are values - derived from the Constitution - that gives expression to the daily functioning of correctional services.

OVERCROWDING REDUCTION STRATEGY

- The challenge of overcrowding of detention facilities in the Department of Correctional Service (DCS) which has been in existence for more than fifty years is a critical obstacle that affects the delivery of services throughout the value chain as it has significant negative implications on the ability of the department to deliver on its core business.
- In March 2021, DCS approved Overcrowding Reduction Strategy, which elaborates on direct and indirect measures to manage overcrowding within correctional facilities;
- Direct measures are those that may result in the reduction of the inmates whereas the indirect measures are for facilitating the reduction through cooperation with relevant stakeholders who contribute to overcrowding or implementation of activities that can contribute to the reduction of the inmate population including the analysis which provides the contextual understanding of overcrowding.

INCLUSION OF MANDELA RULES TO THE CURRICULUM

- South Africa practically implements the Nelson Mandela Rules in its criminal justice approach through the national department of Correctional Services' three-legged mandate of ensuring safe and humane custody, rehabilitation and social reintegration of offenders;
- To this end, South Africa has opted for a human rights-based rather than a stringent law enforcement punitive approach to the management of correctional facilities;
- The DCS developed a Training Manual and also capacitated master trainers nationally to provide guidance on the implementation of Nelson Mandela Rules regarding treatment of prisoners;
- The training manual has been included in the programme / curriculum of training of new recruits in the department; and
- Monitoring and evaluation of the rules are conducted by relevant functional at national, regional, management area and correctional centre levels.

COMPLAINT RESOLUTION MECHANISM

- Section 21 of the Correctional Services Act 111 of 1998 (as amended) read together with United Nation Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) provides for the establishment of a complaint resolution mechanism within the correctional environment ;
- The objective of a Complaint Resolution Mechanism is to ensure that the concerns and human rights issues of the inmates are brought to the attention of the Management and are appropriately dealt with;
- One of the elements whereby a calm and satisfied Correctional centre population can be accomplished is the existence of a well-established and effective complaint and request procedure;
- The afore-mentioned procedure remains an accessible, efficient and credible system whereby inmates register their complaints and requests in a G 365 Book in order to create a conducive correctional environment; an environment that positively impact inmate behavior therefore discourages gang activities, uprisings/riots, hunger strikes, Illegal methods of communication, assaults and damage to state property.

REDUCING REOFFENDING THROUGH PROGRAMMES

- The Correctional Services Act 111 of 1998 requires offenders to be assessed and profiled, and for a Correctional Sentence Plan to be compiled.
- The Act further provides for the development and implementation of correctional interventions to address offending behaviour and encourages offenders to restore relations with those they offended.
- Emanating from the Act, a policy on Risk Profile Management has been implemented since 2007 which provides for offenders to be assessed within 6 hours of admission to establish immediate risks and needs;
- The Policy on Risk Profile management regulates the individual needs and risk assessment, profiling of inmate population for purpose of compiling a Correctional sentence plan that informs interventions to be undertaken by an offender.

REHABILITATION PROGRAMMES

- In an effort to offer better rehabilitative services to offenders, various rehabilitation programmes, such as correctional programmes, education, social work, psychological and spiritual care services, have been developed according to major crime categories and successfully rendered to offenders;
- The Department has established 14 full-time schools registered with the Department of Basic Education (DBE) and an additional two schools at the private correctional centres;
- The most common programmes presented are the pre-release, life skills, anger management, cross roads, social work intervention, psychological services; new beginnings, educational, economic programmes etc.

SELF-SUFFICIENCY & SUSTAINABILITY FRAMEWORK

- The Department is implementing Self Sufficiency and Sustainability Framework to increase self-sufficiency through Agricultural productivity, vegetable production, fruit production, milk production, chicken-broilers, chicken-layers, red meat abattoirs, white meat abattoirs and piggeries that take place at correctional centre farms;
- The Department also has production workshops, which include bakeries, wood workshops, steel workshops, textile workshops, a shoe factory, and a lock and key manufacturing workshop;
- Key to rehabilitation, is empowering offenders to function effectively upon their release but, equally important, is to ensure that offenders are involved in productive activity while they serve their sentences.

RE-INTEGRATION PROGRAMMES

Community Correction creates a conducive environment for the reintegration of parolees and probation through supervision, monitoring and rehabilitation and ensure that parolees and probationers comply with conditions of parole;

- Through **Community Outreach**, South Africa has strategically developed the following programmes to assist with the resettlement of ex-offenders:
- **Imbizo** to engage, educate and create awareness to the South African citizens on the importance of accepting the ex-offenders back into their community with an emphasis on their participation in the reintegration of ex-offenders to curb reoffending;
- **Ambassador programmes** to show case the rehabilitation of ex-offenders by providing motivational activities as a preventative measure to a crime free society;
- **Community Forums, structures** are created for wider participation of communities in the reintegration of ex-offenders; and Ex-offender desk, a partnership with the community stakeholders to create aftercare structures to the ex-offenders which provide programs that support ex-offenders and help with their livelihood.

RE-OFFENDING

- It is the South African Government's over-arching goal to reduce repeat offending amongst all convicted offenders, including those sentenced to community corrections;
- Evidence suggests that it is possible to reduce repeat offending rates of some convicted offenders by providing well targeted programmes to address specific problems;
- Currently the members of the JCPS utilise different systems which are not linked or integrated to track an offender from the time of arrest, to conviction, incarceration, release and reintegration;
- A coherent system to measure repeat offending should emanate from a common understanding of re-offending;
- This will lead to a common interpretation of repeat offending and assist in concerted efforts by all sectors to monitor and assess its extent.

CHALLENGES

- Socio-economic factors such as unemployment, wealth gap, substance abuse, family disintegration and child headed households due to HIV/AIDS all contribute to the already high levels of crime thereby contributing to Overcrowding;
- The Department of Correctional Services in its profiling of offenders found that offenders with shorter sentences are more likely to re-enter the Criminal Justice System (CJS).
- However, the absence of a measuring tool for repeat offending makes it difficult to estimate the actual number of people who are repeat offenders.

Thank you



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