



SOUTH AFRICA YEARBOOK 2022/23



Justice and Correctional Services



Ministry of Justice and Correctional Services

The Department of Justice and Constitutional Development (DoJ&CD), and the Department of Correctional Services (DCS) report to the Ministry of Justice and Correctional Services.

Justice and Constitutional Development

The DoJ&CD derives its mandate from the Constitution and a number of acts that assign functions to the department. These include the:

- establishment of magistrate's courts and the appointment of magistrates and other judicial officers;
- establishment and functioning of the National Prosecuting Authority (NPA); the
- conducting of criminal proceedings; the prosecution of organised crime and corruption, and the forfeiture of assets obtained through illicit means; the
- provision of witness protection to vulnerable and intimidated witnesses and their related persons in judicial proceedings;
- establishment and functioning of bodies responsible for legal aid, law reform and rule-making; the appointment of masters of the high courts; the management of third-party funds;
- administration of the Guardian's Fund and deceased and insolvent estates; the
- management of state litigation; the regulation and provision of legal advisory services to government departments;
- promotion, protection and enforcement of human rights;
- protection of vulnerable groups; and
- provision of support to chapter 9 institutions.

Implementing state capture commission and Financial Action Task Force (FATF) recommendations

The NPA is allocated R1.3 billion over the next three years to support the implementation of the State Capture Commission and FATF recommendations. This entails increasing capacity in the authority's National Prosecutions Service (NPS) 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 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.

Accordingly, the number of prosecutions of state capture, fraud or corruption and related matters enrolled in the courts is expected to increase from nine in 2022/23 to 18 in 2025/26. Targets for a new indicator to measure the number of prosecutions involving money laundering charges are expected to be introduced from 2024/25

onwards, after establishing a baseline for such prosecutions in 2023/24. Civil litigation will be initiated based on the special tribunal's recommendations related to the state capture commission. To this end, the Special Investigating Unit (SIU) is allocated R100 million over the next three years, which is expected to enable it to increase the number of cases enrolled at the tribunal from 35 in 2022/23 to 65 in 2025/26.

Reducing gender-based violence and femicide (GBVF)

In its efforts to afford greater protection to citizens, particularly vulnerable groups, the department has moved towards a more gender-focused criminal justice system. A key aspect of this entails implementing the recommendations of the Presidential Summit Declaration against GBVF and the National Strategic Plan on GBVF.

This includes establishing a targeted 40 sexual offences courts as designated courts over the next three years, and improving the management of the National Register for Sex Offenders (NRSO) to ensure the strict vetting of anyone working with vulnerable people. An allocation of R15 million over the medium term is available to support the establishment of sexual offences courts. The allocation does not affect the department's budget as it is from the criminal assets recovery account.

Thuthuzela care centres are 24-hour facilities where victims of sexual offences have access to all relevant services, including police, counselling, doctors, court preparation and prosecutors. The centres were introduced as a critical part of South Africa's anti-rape and gender-based violence strategies, which aim to reduce secondary victimisation, improve conviction rates and reduce the time taken to finalise cases.

By mid-2023, there were 60 centres across the country. To strengthen capacity at these centres, R27.5 million over the MTEF period is reprioritised in the NPA programme was expected to appoint 15 additional personnel, who include site coordinators, victim assistant officers and state advocates.

This reprioritisation is from the NPS subprogramme's compensation of employees budget as vacant posts for support services in the subprogramme were terminated. The department also plans to increase the number of centres to 68 by 2025/26 at an estimated cost of R15 million in the NPA programme. The department aimed to continue coordinating and contributing to the implementation of the National Action Plan for Combating Racism, Racial Discrimination, Xenophobia and Related Intolerances.

This entails establishing an effective governance structure to lead and coordinate the implementation of the plan, developing a funding model, and establishing a rapid-response mechanism for incidents of racist and xenophobic offences or hate crimes. To carry out this work, R5.1 million over the medium term is allocated in the State Legal Services programme. In 2022, President Cyril Ramaphosa signed into law legislation aimed at strengthening efforts to end GBV, with

a victim-centred focus on combating this dehumanising pandemic. The President has assented to the Criminal and Related Matters Amendment Act 12 of 2021, the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act 13 of 2021 and the Domestic Violence Amendment Act 14 of 2021.

The purpose of the Criminal and Related Matters Amendment Act, 2021 (Act 12 of 2021) is to amend the:

- Magistrates' Courts Act of 1944, so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings; the oath and competency of intermediaries; and the giving of evidence through audiovisual link in proceedings other than criminal proceedings;
- Criminal Procedure Act of 1977, so as to further regulate the granting and cancellation of bail; the giving of evidence by means of closed circuit television or similar electronic media; the giving of evidence by a witness with physical, psychological or mental disability; the appointment, oath and competency of intermediaries; and the right of a complainant in a domestic related offence to participate in parole proceedings;
- Criminal Law Amendment Act of 1997, so as to further regulate sentences in respect of offences that have been committed against vulnerable persons; and
- Superior Courts Act of 2013, so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings; the oath and competency of intermediaries; and the giving of evidence through audiovisual link in proceedings other than criminal proceedings, and to provide for matters connected therewith.

The purpose of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act 13 of 2021) is to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, so as to:

- extend the ambit of the offence of incest;
- introduce a new offence of sexual intimidation;
- substitute the phrase "a person who is mentally disabled" or "persons who are mentally disabled" wherever the phrase appears with the phrase "a person with a mental disability" or "persons with mental disabilities";
- further regulate the inclusion of particulars of persons in the National Register for Sex Offenders;
- extend the list of persons who are to be protected in terms of Chapter 6 of the Act;
- extend the list of persons who are entitled to submit applications to the Registrar of the National Register for Sex Offenders;
- further regulate the removal of particulars of persons from the National Register for Sex Offenders; and
- further regulate the reporting duty of persons who are aware that sexual offences have been committed against persons who are vulnerable, and to provide for matters connected therewith.

The purpose Domestic Violence Amendment Act, 2021 (Act 14 of 2021) is to amend the Domestic Violence Act, 1998, so as to:

- amend and insert certain definitions;
- further provide for the manner in which acts of domestic violence and matters related thereto, must be dealt with;
- further regulate protection orders in response to acts of domestic violence;
- amend provisions of certain laws; and
- provide for matters connected therewith.

National Anti-Corruption Strategy (NACS)

The NACS, adopted by Cabinet in November 2020, has signalled the resolve of the Anti-Corruption Task Team (ACTT) to deliver on its work. Building on the key tenets of the Constitution, the Anti-Corruption Legal Framework, the NDP and other instruments, such as international treaties, the strategy uses research and stakeholder inputs to outline actions needed to achieve a society free of corruption.

The strategy is a whole-of-society effort that envisions an ethical and accountable state, business and society, characterised by high levels of integrity and respect for the rule of law. It promotes active citizenry that is empowered to hold leaders and organisations accountable. It foresees a state where all members of society have zero tolerance for corruption.

This NACS provides a framework and action plan for the country as a whole and seeks to create a society in which:

- government's administrative and procurement processes are reinforced to allow for greater monitoring, accountability and transparency;
- the public is educated about what constitutes corruption and empowered to respond when or where it is noted;
- the public and whistle-blowers are encouraged to report corruption, are supported and adequately protected when doing so;
- public officials are held accountable for service delivery or the lack thereof;
- the business sector and civil society organisations operate in a values-driven manner and are held accountable for corrupt practices; and
- there is a culture of zero tolerance towards corruption in any sector and full accountability for those involved in corruption.

The Anti-Corruption Task Team (ACTT) is a collective of government stakeholders tasked with implementing the government's anti-corruption agenda. The multi-agency ACTT was formed in October 2010 to fast-track high-priority investigations and prosecutions on corruption-related matters through a multi-disciplinary and integrated operational approach.

The ACTT is a sub-committee of the Justice Crime Prevention and Security (JCPS) Cluster. The ACTT is chaired by the head of the Directorate for Priority Crime and Investigations and co-chaired by the National Director of Public Prosecution (NDPP).

This multi-agency body has been tasked with strengthening and developing anti-corruption policies and legislation; ensuring compliance with bi-lateral agreements with other international law

enforcement agencies; and improving the country's international standing and general public perceptions about corruption. The ACTT is made up of these agencies:

- Directorate for Priority Crime Investigations (Hawks);
- Special Investigation Unit (SIU);
- NPA;
- Investigating Directorate of the NPA;
- Asset Forfeiture Unit (AFU);
- South African Police Service (SAPS);
- SAPS Crime Intelligence;
- State Security Agency;
- Financial Intelligence Centre (FIC);
- National Intelligence Coordinating Committee;
- DoJ&CD;
- Department of Public Service and Administration (DPSA);
- Department of Cooperative Governance and Traditional Affairs;
- Government Communication and Information System.

Legislation and policies

The following instruments of legislation are relevant to the successful functioning of the DoJ&CD:

- Legislation providing for the establishment and functioning of superior courts, magistrates' courts and special courts: The Constitutional Court Complementary Act, 1995 (Act 13 of 1995); the Supreme Court Act, 1959 (Act 59 of 1959); the Magistrates' Courts Act, 1944 (Act 32 of 1944); and the Small Claims Court Act, 1984 (Act 61 of 1984).
- Legislation providing for the appointment of judges and other judicial officers, the conditions of service, discipline and training: The Judges Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001); the Judicial Service Commission (JSC) Act, 1994 (Act 9 of 1994), as amended; the South African Judicial Education Institute (SAJEI) Act, 2008 (Act 14 of 2008); and the Magistrates' Act, 1993 (Act 90 of 1993).
- Legislation providing for the establishment and functioning of the NPA, the SIU and the AFU; the conduct of criminal proceedings; the investigation of organised crime and corruption; and the forfeiture of assets obtained through illicit means: the NPA Act, 1998 (Act 32 of 1998); the Criminal Procedure Act (CPA), 1977 (Act 51 of 1977); the Prevention of Organised Crime Act (POCA), 1998 (Act 121 of 1998); the SIU and Special Tribunals Act, 1996 (Act 74 of 1996); and the Witness Protection Act, 1998 (Act 112 of 1998).
- Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and rule-making: The Legal Aid Act, 1969 (Act 22 of 1969); the South African Law Reform Commission (SALRC) Act, 1973 (Act 19 of 1973); and the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985).
- Legislation providing for the appointment of masters of the High Court and the administration of the Guardian's Fund and deceased and insolvent estates: The Administration of Estates Act, 1965 (Act

66 of 1965), and the Insolvency Act, 1936 (Act 24 of 1936).

- Legislation regulating the provisioning of legal advisory services to government departments: The State Attorney Act, 1957 (Act 56 of 1957).
- Legislation relating to the promotion, protection and enforcement of certain human rights: The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000), the Promotion of Access to Information Act, 2000 (Act 2 of 2000), and the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), better known as the Equality Act of 2000.
- Legislation pertaining to the protection of vulnerable groups: The Child Justice Act, 2008 (Act 75 of 2008), the Children's Act, 2005 (Act 38 of 2005), the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), the Maintenance Act, 1998 (Act 99 of 1998), and the Domestic Violence Act, 1998 (Act 116 of 1998).
- Legislation providing support to Chapter 9 institutions: The Human Rights Commission Act, 1994 (Act 54 of 1994), and the Public Protector Act, 1994 (Act 23 of 1994).
- Legislation regulating the management and control of public expenditure: The Public Finance Management Act, 1999 (Act 1 of 1999).
- Legislation regulating operations in the Public Service: The Public Service Act, 1994 (Act 103 of 1994), as amended.
- Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2012 (Act 6 of 2012).
- Criminal Procedure Amendment Act, 2012 (Act 9 of 2012).
- Judicial Matters Amendment Act, 2012 (Act 11 of 2012).
- Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2012 (Act 20 of 2012).
- Sheriffs Amendment Act, 2012 (Act 14 of 2012).
- The Criminal Law SIU (Forensic Procedures) Amendment Bill 2013 paves the way to regulate and promote the use of deoxyribonucleic acid (DNA) in combating crime, considering constitutional requirements. The use of DNA evidence holds the potential to alleviate bottlenecks in the criminal justice system. Maximising the use of DNA evidence promotes fairness, confidence and certainty in the administration of South Africa's laws.
- The Constitution 17th Amendment Act of 2013 is implemented with the Superior Courts Act, 2013 (Act 10 of 2013), which repeals the Supreme Court Act of 1959.
- The Legal Practice Act, 2014 (Act 28 of 2014), establishes a new regulatory framework for the profession, enhances opportunities to enhance access to services of attorneys and advocates, and creates mechanisms to address the spiralling cost of litigation.

Entities

Legal Aid South Africa

Legal Aid South Africa was established in terms of Section 2 of the Legal Aid South Africa Act, 2014 (Act 39 of 2014), to provide state-funded legal aid and advice to eligible individuals to ensure access to

justice and the realisation of individuals' rights to legal representation in accordance with the Constitution.

The entity focuses on providing legal assistance to children, women, detainees, and in divorce or domestic violence cases and land rights matters. The entity will continue to prioritise providing legal assistance to eligible people over the MTEF period at the state's expense.

Expenditure is expected to increase at an average annual rate of 2.6%, from R2.2 billion in 2022/23 to R2.4 billion in 2025/26. Spending on compensation of employees accounts for an estimated 80.8% (R7.4 billion) of total expenditure over this period. The entity is set to derive 98.8% (R9.1 billion) of its revenue over the medium term through transfers from the department.

This includes an additional allocation of R240.4 million for the legal representation portion of the land rights management facility as part of a function transfer from the Department of Agriculture, Land Reform and Rural Development. This funding will be used to establish a land rights management unit in the Legal Aid Services programme to offer legal representation and assistance on land-related matters.

Expenditure is expected to increase at an average annual rate of 2.7%, from R2.1 billion in 2021/22 to R2.2 billion in 2024/25, with compensation of employees accounting for 81.6% (R1.7 billion) of this spending, increasing at an average annual rate of 2.5%. Included in this are additional allocations of R11.2 million in 2022/23, R11.3 million in 2023/24 and R11.8 million in 2024/25 to fund the costs of 15 legal practitioners appointed in 2021/22 to service newly established courts for specialised commercial crimes in Limpopo, Mpumalanga, North West and Northern Cape.

The entity expects to derive 99% (R6.4 billion) of its revenue over the medium term through transfers from the department, increasing at an annual average rate of 2.8%, from R2 billion in 2021/22 to R2.2 billion in 2024/25.

Public Protector of South Africa

The Public Protector of South Africa was established in terms of Section 181 of the Constitution, which mandates it to strengthen constitutional democracy by investigating any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or result in any impropriety or prejudice; report on that conduct; and take appropriate remedial action. Section 182 of the Constitution states that the public protector must be accessible to all persons and communities.

Over the next three years, the entity will focus on conducting investigations to root out improper conduct and maladministration in state affairs. In doing this, the public protector aims to finalise 80% of early resolution cases within six months, service delivery cases within 12 months, and good governance and integrity cases within 24 months.

Expenditure is expected to increase at an average annual rate of 3%, from R360.9 million in 2022/23 to R394.2 million in 2025/26. Compensation of employees is the institution's main cost driver, spending on which is set to increase at an average annual rate of

3.3%, from R270.9 million in 2022/23 to R298.9 million in 2025/26. The entity expects to derive 99.1% (R1.5 billion) of its revenue over the medium term through transfers from the department. These are set to increase at an average annual rate of 3%.

South African Human Rights Commission (SAHRC)

The SAHRC is an independent statutory body established in terms of chapter 9 of the Constitution with a mandate to enhance constitutional democracy by promoting, protecting and overseeing human rights. It promotes awareness of human rights, ensures compliance with socioeconomic rights outlined in the Constitution, offers education and training, and works to provide effective remedies when violations occur.

The powers and functions of the commission are further detailed in the Human Rights Commission Act of 1994. The commission is also tasked with overseeing the national preventive mechanism, which was created as part of South Africa's adherence to the United Nations Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and managing the independent monitoring mechanism in line with the United Nations Convention on the Rights of Persons with Disabilities.

Over the next three years, the commission aimed to advance human rights, and safeguard against and oversee the prevention of human rights violations by collaborating with relevant parties, advocating for human rights reforms and positions in policies and legislation, and fostering adherence to these rights, as outlined in the Bill of Rights.

In line with its objective of ensuring compliance with socioeconomic rights, the commission plans to increase the number of complaints and enquiries finalised from 3 000 in 2022/23 to 5 000 in each year of the MTEF period. This will be done through focus group dialogues with communities. Total expenditure is expected to increase at an average annual rate of 1.9%, from R216.9 million in 2022/23 to R229.3 million in 2025/26.

Compensation of employees accounts for 70% (R612.6 million) of total spending, increasing at an average annual rate of 3.4%, from R144.4 million in 2022/23 to R159.4 million in 2025/26. The commission expects to derive 98.6% (R863.6 million) of its revenue over the medium term through transfers from the department, increasing at an average annual rate of 3.1%.

Special Investigating Unit

The SIU derives its mandate from the SIU and Special Tribunals Act of 1996. Its primary function is to investigate serious malpractice, maladministration and corruption affecting the administration of state institutions, and take or assist in taking appropriate and effective legal action against wrongdoers.

A Special Tribunal was established in 2019/20 to act as a dedicated court for civil proceedings. The tribunal aims to provide timely litigation to recover wrongfully acquired funds and assets. Over the medium term, the entity will aim to initiate civil litigation in the tribunal to hear cases related to the recommendations of the state capture

commission. As a result, the number of cases enrolled at the tribunal is expected to increase from 35 in 2022/23 to 65 in 2025/26. To enable this, the entity has been allocated an additional R50 million in 2023/24, R30 million in 2024/25 and R20 million in 2025/26. The entity aimed to develop the capabilities to investigate and root out maladministration and corruption at all levels of the State.

To enable this, expenditure is expected to increase at an average annual rate of 20.3%, from R871.5 million 2022/23 to R1.5 billion in 2025/26. This increase is mainly due to an increase in spending on compensation of employees, from R576.2 million in 2022/23 to R1.1 billion in 2025/26, at an average annual rate of 23.7%. This is expected to enable the entity to increase its number of personnel from 650 in 2022/23 to 900 in 2025/26.

As a result, the number of investigations closed per year is expected to increase from 1 450 in 2022/23 to 1 750 in 2025/26, and the number of investigative reports submitted to The Presidency is expected to increase from 20 to 33 in the same period.

The entity expects to derive 60% (R2.2 billion) of its revenue over the next three years through charging client departments and state institutions for services rendered, and 40% (R1.5 billion) through transfers from the department.

Non-tax revenue is expected to increase at an average annual rate of 35.5%, from R402.6 million in 2022/23 to R1 billion in 2025/26, largely due to the anticipated increase in the number of billable hours for investigations.

Role players

National Prosecuting Authority

The NPA was established in 1998 and comprises the National Directors of Public Prosecutions, Deputy National Directors of Public Prosecutions, Directors and Special Directors of Public Prosecutions and other members of the prosecuting authority appointed at or assigned to the NPA, and members of the administrative staff.

It provides a coordinated prosecuting service that ensures that justice is delivered to victims of crime through general and specialised prosecutions. It also removes profit from crime and protects certain witnesses.

The NPA has the power to: institute and conduct criminal proceedings on behalf of the State, carry out any necessary functions incidental to instituting and conducting such criminal proceedings), and discontinue criminal proceedings.

The Deputy National Directors of Public Prosecutions are responsible for the following divisions:

- NPS
- AFU and International Relations
- Legal Affairs
- Administration.

The Special Directors of Public Prosecutions head the following specialised units:

- Sexual Offences and Community Affairs (SOCA) Unit.
- Priority Crimes Litigation Unit.

- Office for Witness Protection (OWP).
- Over the medium term, the authority aimed to focus on:
- increased feelings of safety and security,
 - improved investor confidence in South Africa through
 - high-impact prosecution, and
 - improved access to NPA services for all.

To achieve these outcomes, the NPA plans to address key challenges in its operating environment, including stabilising the organisation, ensuring that sufficient financial and human resources are available to enable effective operations, improving public perceptions of the NPA and repairing its reputation, and enhancing collaboration and cooperation between all criminal justice agencies.

National Prosecutions Service

The NPS is a core division of the NPA, responsible for general and specialised criminal prosecutions. The Directors of Public Prosecutions are the heads of their respective areas of jurisdiction, which are established according to provincial demarcations in each of the seats of the high courts.

All the public prosecutors and state advocates working in the district, regional and high courts fall under the responsibility and direction of the Directors of Public Prosecutions. The Special Directors of Public Prosecutions are appointed to carry out certain functions and responsibilities related to a particular crime type, as assigned by the President by proclamation in the *Government Gazette*.

Office for Witness Protection

The OWP is established in terms of the Witness Protection Act of 1998, and is headed by a director, appointed by and operating under the direction and authority of the Minister of Justice and Correctional Services, for the purpose of administering the Act.

The OWP is responsible for the protection (including temporary protection) of witnesses and related persons, in accordance with the Act. All OWP functions and duties are classified secret in terms of the Witness Protection Act of 1998.

Asset Forfeiture Unit

The AFU was established in May 1999 as a division of the NPA to focus on the implementation of Chapter 5 and Chapter 6 of the POCA of 1998. The unit was created to ensure that the powers in the Act to seize criminal assets would be used to their maximum effect in the fight against crime, in particular, organised crime. Criminal assets seized by the AFU are paid into the Criminal Assets Recovery Account. It seizes assets acquired from the proceeds of crime or that have been part of an offence through criminal or civil processes.

Specialised Commercial Crime Unit (SCCU)

The SCCU is mandated to investigate and prosecute commercial crimes and organized commercial crimes. The complexity of commercial crimes requires a more methodical and collaborative investigatory approach if investigations are to lead to a positive result

for the state. For this reason, the relationship between commercial investigative branches of SAPS, especially the Directorate for Priority Crime Investigation (DPCI/Hawks), and the NPA is more synergistic.

As an active participant in the ACTT, the SCCU actively identifies, investigates and fast tracks for prosecution corruption cases in the private and public sector. Beyond investigating and prosecuting commercial crimes, the SCCU team is required, through ongoing engagements with local and international colleagues, to keep up with international commercial crime trends. Interactions are designed to inform SCCU on specific issues related to cross-border crime. For example:

- Organisation for Economic Development and Cooperation (OECD) with regard to issues related to the foreign bribery offences
- Financial Action Task Force (FATF) with regard to issues related to the money laundering offence.
- Global Action on Cybercrime, with regard to issues related to cybercrime.

Commercial crimes can be categorised as simple as bank fraud to more complex tax schemes to intricate cybercrimes that span the globe. The SCCU's seasoned prosecutors are trained to understand, investigate, and prosecute each of these diverse types.

The SCCU is tasked with investigating and prosecuting case identified by the DPP and the DPCI as priorities. As well as managing the investigation and prosecution of complex cases referred by the Public Protector and SIU that require their specialised skills of the SCCU prosecutors.

At a time when public corruption leads the news, the SCCU is tasked with investigating and prosecuting all public sector fraud and corruption allegations and making a determination on prosecution.

The global nature of some commercial crimes makes investigation and prosecution a challenge. The SCCU prosecutors are trained to understand the complexity of these crimes and are trained to navigate the global banking system used to hide illicit gains.

Specialised commercial crime courts (SCCC)

The DoJ&CD continues to play a crucial role in the fight against corruption through the implementation of the Anti-Corruption Strategy. Part of the department's responsibility in combatting corruption is ensuring the effective and optimal functioning of the SCCC, which are expected to be extended to all provinces that do not have these courts – over the medium term.

Much success has been derived from the existing SCCC model which allows for a close integration of the work between prosecutors and investigators, and dedicated courts, ensuring that matters are quickly and effectively processed instead of having to await space on an open court roll.

Whilst it was initially envisaged that these courts would be set up in three years, the DoJ&CD was able to expedite this by establishing six courts in the 2020/21 financial year. In the 2021/22 and 2022/23 financial years, the department will ensure that the capacity and efficacy of the SCCC is enhanced and optimised.

Priority Crimes Litigation Unit

The unit is mandated to tackle cases that threaten national security. It was created by a presidential proclamation. The primary function of the unit is to manage and direct investigations and prosecutions in respect of the non-proliferation of weapons of mass destruction (nuclear, chemical and biological).

Sexual Offences and Community Affairs

The SOCA unit's mandate is to act against the victimisation of vulnerable groups, mainly women and children. The unit develops strategy and policy, and oversees the management of cases relating to sexual offences, domestic violence, human trafficking, maintenance.

The unit aims to:

- improve the conviction rate in gender-based crimes and crimes against children;
- protect vulnerable groups from abuse and violence;
- ensure access to maintenance support; and
- reduce secondary victimisation.

One of the entity's key achievements in ensuring government's commitment to the fight against sexual offences and GBV is the establishment of Thuthuzela Care Centres – one-stop facilities located at public hospitals in communities where sexual assault is particularly high. The facilities are aimed at reducing secondary victimisation, improving conviction rates and reducing the cycle time for the finalisation of rape cases.

Master of the High Court

The Master of the High Court serves the public in respect of:

- deceased estates;
- liquidations (insolvent estates); and
- registration of trusts, tutors and curators' administration of the Guardian's Fund (minors and people with mental disabilities).

The Master's Office has five main divisions, which are all aimed at protecting the financial interests of people whose assets or interests are, for various reasons, managed by others.

As part of the turnaround strategy in the Master's Office, there has been a special focus on training frontline officials. The Master's Office is also investigating methods to deliver a more efficient and effective service to the public through the Internet.

Office of the Family Advocate

The role of the Family Advocate is to promote and protect the best interests of children in civil disputes over parental rights and responsibilities. This is achieved by monitoring pleadings filed at court, conducting enquiries, filing reports, appearing in court during the hearing of the application or trial, and providing mediation services in respect of disputes over the parental rights and responsibilities of fathers of children born out of wedlock.

In certain instances, the Family Advocate also assists the courts in matters involving domestic violence and maintenance. Furthermore, litigants are obliged to mediate their disputes before resorting to

litigation. Unmarried fathers can approach the Family Advocate directly for assistance without instituting any litigation.

Children's rights to participate in, and consult on, decisions affecting them have been entrenched; the Family Advocate is the mechanism whereby the voice of the child is heard.

Areas of legislation

Sexual offences

The Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 provides a legal framework to support an integrated approach to the management of sexual offences, thereby aiming to reduce secondary trauma to victims of such crimes.

National Register for Sexual Offenders

The DoJ&CD has developed the NRSO, which was deployed in 195 courts. The register was established by an Act of Parliament in 2007. It is a record of names of those found guilty of sexual offences against children and people with mental disabilities.

The NRSO gives employers in the public or private sectors, such as schools, crèches and hospitals, the right to check that the person being hired is fit to work with children or mentally disabled people.

Information on whether a person is on the list is available on request, along with the relevant motivation, before any confirmation or information is released.

Maintenance

The main objective of the Maintenance Act of 1998 is to facilitate the securing of maintenance money from parents and/or other persons able to maintain maintenance beneficiaries, mainly children, who have a right to maintenance.

Parents and/or guardians must maintain children in the proportion in which they can afford. Therefore, both parents and/or sets of families need to take responsibility for the maintenance of the child or children concerned.

Maintenance Courts are situated in Magistrates' Courts. Mothers or fathers who do not get support for their children from the other parent can approach Maintenance Courts to claim maintenance from that parent.

There are Maintenance Officers in charge of maintenance matters at Magistrates Courts. It is not necessary to have an attorney to claim maintenance. Maintenance Officers are always on hand to help those in need to complete the necessary forms.

In the case where one of the parents of the child refuses to pay maintenance; then the case must go to the Maintenance Court. In this case, the Maintenance Officer will provide details to the parties on when to appear in court and which court to go to.

The Maintenance Amendment Act, 2015 (Act 9 of 2015), further ensures that maintenance systems are effective, putting the following measures in place, among others:

- A beneficiary will be able to claim maintenance where they work and not only where they live. This will make it easier for beneficiaries to

go to the maintenance court during working hours.

- If the person from whom maintenance is sought cannot be located, despite all reasonable efforts, the court can grant an order directing electronic communication service providers to provide the court with contact information.
- Maintenance courts must complete their enquiries as speedily as possible. The views of the person who is obliged to pay maintenance must be sought.
- If a person has defaulted on paying maintenance, their personal details will be submitted to all credit bureaus. This will prevent maintenance defaulters from continuing to receive credit while owing maintenance. They will effectively be blacklisted.

Guardian's Fund was created to hold and administer funds which are paid to the Master of the High Court on behalf of various persons known or unknown, for example, minors, persons incapable of managing their own affairs, unborn heirs, missing or absent persons or persons having an interest in the moneys of a usufructuary, fiduciary or fideicommissary nature. Each Master of the High Court has its own Guardian's Fund. Through the fund, the DoJ&CD contributes substantially to poverty alleviation.

Domestic violence

The Protection from Harassment Act, 2011 (Act 17 of 2011), is the first specific legislation to address sexual harassment in the Southern African Development Community (SADC) region. The essence of the Act is to provide a quick, easy and affordable civil remedy in the form of a protection order for incidences of stalking. The legislation arose out of a SALRC investigation into the legal framework governing stalking and domestic violence.

A key component of the Act is that it seeks to cover all forms of stalking, not just that involving people engaged in a relationship. A protection order can be issued instructing the harasser to cease harassment.

The Act sets out how a complainant is to apply for a protection order and the procedure to be followed in granting one. The legislation also provides for the issuing of an interim protection order without the knowledge of the respondent, given certain conditions.

A victim of cyberstalking can apply to a court for an interim protection order even when the identity of the alleged stalker is unknown. The law will also empower the police to investigate a stalker to identify the perpetrator even before a victim launches an application for a protection order.

Human trafficking

The Prevention and Combating of Trafficking in Persons Act, 2013 (Act 7 of 2013), defines trafficking to include the recruitment, transportation, sale or harbour of people by means of force, deceit, the abuse of vulnerability and the abuse of power for exploitation. The Act addresses the scourge of trafficking in persons holistically and comprehensively.

Besides creating the main offence of trafficking in persons, the

legislation creates offences such as debt bondage; the possession and destruction of, and tampering with, travel documents; and using the services of victims of trafficking, all of which facilitate innocent persons becoming victims of this modern-day form of slavery.

The legislation gives effect to South Africa's international obligations in terms of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. South Africa fully recognises the existence of human trafficking and smuggling activities. These crimes are mostly perpetuated by transnational syndicates, hence the call from many states for regional and international cooperation, as well as the introduction of aligned legislation and immigration procedures.

To address these challenges, UN member states require fair, responsible, ethical and efficient criminal justice systems and crime prevention strategies that contribute to sustainable economic and social development. It also imposes a responsibility on states to work together. These scourges have also had a negative impact on the people of South Africa. Government therefore fully supports the UN's promotion of objectives relating to the continued and focused national and international prevention, and combating of these crimes.

In South Africa, migration and human trafficking are a result of a complex set of interrelated push-and-pull factors. On the push side, factors such as poverty, lack of opportunities, dislocations from family and community, gender, racial and ethnic inequalities and the break-up of families are all relevant. The pull factors include the promise of a better life, consumer aspirations and lack of information on the risks involved, established patterns of migration, porous borders and fewer constraints on travel.

As a result of these factors, South Africa has become a source, transit and destination country for trafficked and smuggled men, women and children. South African girls are trafficked or smuggled for the purposes of commercial sexual exploitation and domestic servitude, while boys are trafficked or smuggled for use in street vending, food service and agriculture.

The Prevention and Combating of Trafficking in Persons Act of 2013 deals comprehensively with human trafficking in all its forms and, in particular, provides for the protection of and assistance to victims of trafficking. Persons engaged with trafficking will be liable on conviction to a severe fine or imprisonment, including imprisonment for life or such imprisonment without the option of a fine or both.

Other existing laws being used to prosecute traffickers include the Children's Act of 2005, which provides for the criminalisation of the trafficking of children, while the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 contains provisions that criminalise trafficking in persons for sexual purposes.

South Africa has also been successful in using the racketeering offences in the POCA of 1998 to deal with criminal organisations involved in trafficking. Under common law, depending on the circumstances of each case, persons suspected of trafficking could be charged with kidnapping, common assault, assault with intent to do grievous bodily harm, extortion, attempted murder and murder.

Those involved in acts of trafficking in persons may be prosecuted using the Immigration Act, 2002 (Act 13 of 2002); the Basic Conditions of Employment Act, 1997 (Act 75 of 1997); the Intimidation Act, 1982 (Act 72 of 1982); the Domestic Violence Act of 1998, and the Films and Publications Act, 1996 (Act 65 of 1996).

Programmes and projects

Court Services

The purpose of the programme is to facilitate the resolution of criminal and civil cases and family law disputes by providing accessible, efficient and quality administrative support to the lower courts, and managing court facilities.

State Legal Services

The purpose of this programme is to provide legal and legislative services to government, supervise the administration of deceased and insolvent estates and the Guardian's Fund, prepare and promote legislation and undertake research in support of this.

Auxiliary and Associated Services

The purpose of the programme is to provide a variety of auxiliary services associated with the DoJ&CD's purpose. It also funds the Interdepartmental Justice Modernisation Programme and the President's Fund, and transfers payments to public entities and constitutional institutions.

Child justice

Children's Act of 2005

The Department of Social Development leads the implementation of the Children's Act of 2005. The DoJ&CD's main responsibility is towards the Children's Court operations relating to the Act. Embracing information and communication technology has allowed the DoJ&CD to extend its reach on modern-day platforms that are more accessible to children, thereby increasing access and engagement with potentially vulnerable or threatened children who would otherwise not have access to the department and, consequently, support and assistance.

The DoJ&CD has developed a child-friendly Frequently Asked Questions link on its website. In addition, the department created an email address, children@justice.gov.za, which the public may use to report issues relating to children.

The Children's Court is the DoJ&CD's principal legal mechanism to intervene and assist children who need care and protection.

To gather statistics from the Children's Courts, the department developed the Children's Court Monitoring Tool. Data about matters coming to court relating to children in need of care is gathered monthly. Section 14 of the Children's Act of 2005 states that every child has the right to bring a matter to the Children's Court.

This means that Children's Courts can serve as direct entry points for a child to seek help and protection. Children's Courts have been rendered highly accessible through the Act.

Child Justice

The Child Justice Act of 2008 promotes and protects the constitutional rights of children in conflict with the law. The Act provides special measures, designed to break the cycle of crime and restore in these children a lifestyle that is law-abiding and productive. The DoJ&CD established governance structures to ensure the effective intersectoral implementation of the Act. Nine provincial child justice forums are coordinating and monitoring the implementation of the Act at provincial level.

Restorative justice

Restorative justice responds to crime in a way that focuses on the losses suffered by victims, by both holding offenders accountable for the harm they have caused and building peace in communities.

Restorative justice strategies, programmes and processes in the criminal justice system are in place to try and heal the harm caused by crime, from a holistic point of view, for the victim, the offender and the community concerned – with the aim of rebuilding broken relationships and encouraging social justice and social dialogue.

Restorative justice options are always voluntary for victims involved. Alternative dispute resolution is defined as the disposal of disputes outside formal court proceedings. The processes and mechanisms may or may not include the restorative-justice approach.

Integrated Case-Flow Management Framework

The DoJ&CD, in partnership with stakeholders from other partner organisations, is developing an enhanced version of case-flow management in the court environment.

To eradicate case-flow blockages, workable solutions were adopted. These include:

- continuous cooperation of stakeholders to implement and maintain case-flow management at all courts;
- establishing judicial leadership and case-flow management buy-in processes in the lower and higher courts in the form of case-flow management forums;
- facilitating and monitoring the creation of case-flow management governance structures to sustain productivity in the courts' environment; and
- maintaining case-flow management.

Systems that support case-flow management in the courts include the Integrated Case Management System (ICMS). This system spans all disciplines of cases administered in the justice environment. The ICMS draws on several core modules to perform basic functions such as information warehousing, case numbering and document scanning.

The specific functionality for each court and office are then built on these foundations. The further development of the ICMS Masters System aims to create a Paperless Estate Administration System for the Master's Office. This system will computerise the administration process in deceased estates, as all documentation will be scanned and stored electronically.

Audio-Visual Remand (AVR) System

The system links magistrates' courts to Correctional Services Remand Detention centres/facilities via closed-circuit television. The development in this area of support to case-flow management for the courts has brought about a significant improvement in the movement of cases through the use of technology.

Case-Reduction Backlog Project

The JCPS Cluster departments have introduced a case backlog intervention to reduce the number of backlog cases in regional and district courts, and provide additional capacity to the backlog priority sites.

The intervention ensures that the inflow of the number of new cases is balanced by the number of matters concluded. The project deliverables have been integrated into the outputs of the JCPS Cluster Delivery Agreement.

The DoJ&CD has provided resources in the form of infrastructure, court personnel, the judiciary, magistrates and budget, in support of the prosecution and judiciary to remove these cases from the backlog roll.

Integrated Justice System

This aims to increase the efficiency and effectiveness of the entire criminal justice system by increasing the probability of successful investigation, prosecution, punishment for priority crimes and, ultimately, rehabilitation of offenders. Further issues receiving specific attention include overcrowding in prisons and awaiting-trial prisoner problems, as well as bail, sentencing and plea-bargaining.

Government wants to eliminate the duplication of services and programmes at all levels. The benefits of proper alignment include: less duplication of services; the effective use of scarce and limited resources and skills; and joint strategic planning and a planned approach instead of being reactive.

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

International Legal Relations

South Africa has, over the past 25 years, become a signatory to many international and regional human rights instruments and has complied with obligations emanating from instruments. Over the next five years, the DoJ&CD plans to table country reports in compliance with its international obligations arising out of core human rights treaties such as the Universal Periodic Review, the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and the International Convention against Torture and Other Cruel or Degrading Treatment or Punishment.

The department will work towards the finalisation of accession to outstanding international instruments, including the Convention on the Suppression and Punishment of the Crime of Apartheid, International Convention for the Protection of All Persons from Enforced

Disappearance and many relevant others.

The department will also review, modernise and improve the Extradition Regime and the Mutual Legal Assistance Framework to ensure effectiveness and enhance collaboration with other states in the fight against crime in general. The conclusion of extradition and mutual legal assistance treaties will focus on countries in Latin America and South East Asia.

The main functions of the Chief Directorate: International Legal Relations, in the DoJ&CD, is to identify and research legal questions that relate to matters pertaining to the administration of justice between South Africa and other countries, as well as international bodies and institutions.

The chief directorate is involved in direct liaison and negotiations at administrative and technical levels with foreign countries to promote international legal cooperation, and for the possible conclusion of extradition and mutual legal assistance agreements. It also aims to establish greater uniformity between the legal systems of southern African countries, especially within the SADC.

The chief directorate coordinates human rights issues at international level under the auspices of the UN and the African Union. Its functions are divided into eight broad categories:

- regular liaison on international legal matters with the SADC;
- coordinating all Commonwealth matters pertaining to the administration of justice;
- interacting with the UN, the Hague Conference and the International Institute for the Unification of Private Law;
- interacting with foreign countries outside the SADC region;
- preparing Cabinet and Parliament documentation for the ratification of human rights treaties, including report writing; and
- processing requests for extradition, mutual legal assistance in criminal matters, interrogatory commissions, as well as requests for maintenance in terms of the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act 80 of 1963).

Owing to the number of departments and/or institutions involved in the execution of extradition and mutual legal assistance, requests and taking into consideration that diplomatic channels are followed to transmit documents, delays are experienced from time to time.

Provisions are included in extradition and mutual legal assistance agreements to provide for direct communication between central authorities. The drastic reduction in the turnaround time for the processing of these requests should be a clear indication to the rest of the world that South Africa will neither be a safe haven for fugitives nor a breeding ground for transnational organised crime.

International Criminal Court (ICC)

South Africa remains committed to the global promotion of the rule of law and will continue cooperating with the UN system to ensure the success of the international human rights architecture. South Africa views the ICC as an important element in a new system of international law and governance.

Office of the Chief Justice (OCJ)

Over the next three years, the OCJ aimed focus on improving access to justice and the services of the superior courts, and increasing access to judicial education courses. The work of the Superior Court Services programme is intended to enable access to justice, primarily by ensuring that the judiciary is supported. The programme has a budget of R3.1 billion over the next three years, accounting for 39.9% of the department's total allocation.

To strengthen access to its services, the department aims to fill an estimated 33 critical positions for registrars, clerks and judges' secretaries at superior courts. Between 2022/23 and 2025/26, this is expected to result in an increase in: the finalisation of default judgments from 74% to 80%; the finalisation of taxations of legal bills of costs from 80% to 90%; and spending on compensation of employees from R1.96 billion to R1.97 billion.

This nominal increase in spending on compensation of employees is due to an additional allocation for inflationary salary adjustments amounting to R218.1 million over the next three years coupled with an increase in personnel over the same period.

To increase efficiencies such as the turnaround time in dealing with cases, the Court Online system is expected to be rolled out in 2023/24 to 7 prioritised superior courts in Eastern Cape, Free State, Mpumalanga, Limpopo, Northern Cape, North West and Western Cape.

The plan is to implement the system in all the courts over the MTEF period as determined by the judiciary based on their current infrastructure. Spending for this is within the Corporate Services subprogramme's allocation of R174.1 million in that year.

In its efforts to enhance the judicial skills of current and aspiring judicial officers, the department plans to increase the number of judicial education and training courses conducted from 110 in 2022/23 to 125 in 2025/26. This is expected to lead to expenditure of R92.7 million over the next three years in the SAJEI subprogramme in the Judicial Education and Support programme.

South African Judicial Education Institute

The SAJEI was established in order to promote the independence, impartiality, dignity, accessibility and effectiveness of the courts through continuing judicial education as provided for in the SAJEI Act 14 of 2008. The Institute commenced with training in January 2012.

Legislation and policies

In discharging its mandate, the OCJ is guided by the Constitution, other legislation and policies that constitute the legal framework for the establishment of the office. The Superior Courts Act of 2013 reaffirms the Chief Justice as the head of the Judiciary, responsible for the establishment and monitoring of norms and standards for the judicial functions of all courts.

The Act further empowers the Chief Justice to issue written protocols or directives, or give guidance or advice, to judicial officers – in respect of norms and standards for the performance of the judicial

functions; and regarding any matter affecting the dignity, accessibility, effectiveness, efficiency or functioning of the courts.

Constitutional mandates

The Constitution provides for the independence of the Judiciary and protects judicial independence by prohibiting any interference with the functioning of the courts. It further imposes a duty on organs of state to assist and protect the courts to ensure, amongst other things, their independence, impartiality and efficiency.

Furthermore, the Constitution as amended in 2013, formalises the Chief Justice as the head of the Judiciary and entrusts him with the responsibility for the establishment and monitoring of norms and standards for the judicial functions of all courts. It also designates the Constitutional Court as the highest court in all matters. In order to advance the transformation imperatives of the Constitution, Schedule 6 of the Constitution provides for the rationalisation of all courts and all relevant legislation with the view to establishing a judicial system suited to the requirements of the Constitution.

The Constitution furthermore provides that, after a national election, the Chief Justice is required to convene the first sitting of the National Assembly, and to preside over the election of the Speaker of Parliament.

Department of Correctional Services (DCS)

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 the Correctional Services Act, 1998 (Act 111 of 1998), the CPA of 1977, the 2005 White Paper on Corrections in South Africa, and the 2014 White Paper on Remand Detention Management in South Africa.

This legislation allows the DCS to contribute to the preservation and promotion of a just, peaceful and safe society by ensuring that the corrections environment is secure, safe and humane, and that offenders are optimally rehabilitated to reduce their likelihood of reoffending. The NDP articulates a vision for a safer South Africa by 2030, and this vision is supported by Priority 5 (social cohesion and safe communities) of government's 2019 – 2024 MTSF.

The department's overarching objectives are to detain inmates in safe, secure and humane conditions in correctional centres and remand detention facilities; provide sentenced offenders with needs-based rehabilitation programmes and interventions; and reintegrate offenders into communities as law-abiding citizens by effectively managing non- custodial sentences and parole. To achieve these objectives, over the period ahead, the department will focus on implementing its self- sufficiency and strategic framework, providing adequate security at correctional facilities, and facilitating restorative justice.

In response to budget constraints, over the period ahead, the department plans to become more self-sufficient. This will entail running production workshops and agricultural farms aimed at upskilling and rehabilitating offenders by training them to produce items – such as

furniture, uniforms, shoes, baked goods and agricultural products that can be sold or used within the department.

The department has 21 big farms and 115 small gardens, nine bakeries, 19 textile workshops, 10 steel workshops, 10 wood workshops, and one shoe factory, where products are produced for own use. Apart from enhancing offenders' employability beyond incarceration, the department has an opportunity to contribute to poverty alleviation and job creation within communities and forge good working relationship between centres and communities.

Departmental farms produce various products including, vegetable, fruits, red meat, pork, milk, butter, chicken, eggs and animal fodder. In this regard, the department runs the following operations:

- 16 orchards nationally, making it possible to provide fruits needed for inmates;
- 20 farms that have potential to produce fodder for animals feed;
- 17 dairies nationally;
- 15 piggery projects nationally that produce pork inmates; and
- Seven layers nationally.

The department plans to supplement these potential income streams by hiring out offender labour.

Providing adequate security and security equipment at correctional facilities

Over the next three years, the department aims to keep the percentage of escapes at or below 0.031% and the percentage of injuries at less than 4.6%. To achieve this, it will enhance its security operations by providing personnel with appropriate equipment, including body armour, ammunition, leg irons, handcuffs, metal detectors, tonfas, gas or fire filters, pepper spray, neutralisers and mobile parcel scanners. To provide for this, R24.7 billion is allocated in the Security Operations subprogramme in the Incarceration programme.

Improving facilities

To continue implementing strategies to reduce expected overcrowding in correctional facilities, over the next three years, the department will provide for the construction and refurbishment of facilities.

This will ensure that a targeted 1 000 additional bed spaces are made available over the next three years. Funding for this is provided through the Facilities subprogramme, which is allocated R13.8 billion in the Incarceration programme.

Effective rehabilitation

The department aimed to continue ensuring that all sentenced offenders are provided with effective rehabilitation programmes to enable their successful reintegration into society. In its efforts to achieve this, the department will implement programmes that focus on addressing the underlying causes of offending behaviour, providing educational and vocational training to offenders to improve their life skills and employability upon release, and continuing to implement the self-sufficiency and sustainability framework.

The framework is intended to guide the department towards

finding innovative ways to generate its own revenue and contribute to economic development while upskilling and rehabilitating offenders. Implementing the framework primarily entails running production workshops and agricultural farms where offenders are trained to produce items – such as furniture, uniforms, shoes, baked goods and agricultural products – that can be sold or used within the department.

The department plans to supplement these potential income streams by hiring out offender labour. The percentage of sentenced offenders on correctional sentence plans is expected to remain at 84% over the period ahead, and 90% of offenders are expected to participate in occupational skills programmes. All funding related to the rehabilitation of offenders is provided through the Rehabilitation programme, which has a total budget of R7 billion over the next three years.

Reintegrating offenders into society

In its efforts to enable the effective reintegration of offenders into society, the department provides aftercare support through the facilitation of programmes and skills that seek to assist parolees and former offenders to be self-sufficient.

To reintegrate offenders into the system of community corrections, all parole considerations should include victim participation to provide a platform for dialogue between offenders and victims, and thereby contribute to healing and restoration. The department plans to increase the number of victims participating in dialogues and other restorative justice programmes from 4 100 in 2022/23 to 5 900 in 2025/26.

These activities are carried out through an allocation of R5.1 billion in the Social Reintegration programme.

Role players

National Council for Correctional Services (NCCS)

The NCCS is a statutory body that guides the Minister of Justice and Correctional Services in developing policy relating to the correctional system and the sentence-management process.

Judicial Inspectorate of Correctional Services (JICS)

The JICS was established in 1998 with the statutory objective to facilitate the inspection of correctional centres so that the inspecting judge may report on the treatment of inmates and on conditions in correctional centres. The JICS is an independent office.

Medical Parole Advisory Board

The Correctional Matters Amendment Act, 2011 (Act 5 of 2011), provides for a new medical parole policy and correctional supervision. The Medical Parole Advisory Board was appointed in February 2012 to look into all seriously and terminally ill inmates who have submitted reports requesting to be released on medical grounds.

Correctional Supervision and Parole Board

Correctional supervision and parole boards are responsible for dealing with parole matters and matters of correctional supervision.

The boards have decision-making competency except for:

- decisions regarding the granting of parole to people who are declared dangerous criminals in terms of Section 286A of the CPA of 1977;
 - the converting of sentences of imprisonment imposed in terms of Section 276 (A) (3) of the CPA of 1977 into correctional supervision; and
 - decisions with regard to those sentenced to life imprisonment.
- In such cases, recommendations are submitted to courts that, in turn, make decisions in respect of conditional placement.

There are 53 correctional supervision and parole boards in South Africa. These boards are chaired by community members who are regarded as suitable and capable of carrying out the responsibilities by virtue of occupation, standing or cultural reverence. The DCS provides the members with intensive training in respect of the processes, legislative implications and relative policies.

In addition, two members of the community are appointed as members of the board. Trained staff members of the DCS fill the positions of vice-chairperson and secretary. A board can also co-opt a representative of the SAPS and a representative of the DoJ&CD. However, if the representatives of the SAPS and of DoJ&CD are not co-opted to participate in a board hearing, the chairperson of the board may request the departments to provide written inputs in respect of specific serious crimes.