



# Official Guide to **SOUTH AFRICA** 2021/22

## **JUSTICE AND CORRECTIONAL SERVICES**



## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (DOJ&CD)

In addition to the mandate it derives from the Constitution of the Republic of South Africa of 1996, the DOJ&CD derives its mandate from a number of acts. The legislation and constitutional framework assign functions to the department such as the:

- establishment of magistrate's courts and the appointment of magistrates and other judicial officers;
- establishment and functioning of the National Prosecuting Authority (NPA);
- conducting of criminal proceedings;
- prosecution of organised crime and corruption;
- forfeiture of assets obtained through illicit means;
- 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;
- appointment of masters of the high courts;
- management of third-party funds;
- administration of the Guardian's Fund and deceased and insolvent estates;
- management of state litigation;
- 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.

As part of its overarching goal of ensuring South Africans feel safe and are able to live without fear, the department plans to invest in ensuring that it serves everyone in South Africa in the most efficient possible manner. Accordingly, over the medium term, it aimed to focus on increasing access to its services, and on strengthening the fight against maladministration and corruption.

### Broadening access to justice

In its efforts to afford greater protection, particularly to the more vulnerable among us, the department plans to move towards a more gender-focused criminal justice system by implementing the national strategic plan on gender-based violence and femicide.

This includes designating 115 additional courts as sexual offences courts and improving the management of the National Register for Sex Offenders (NRSO) to ensure that all people who work with children and people with disabilities are properly vetted.

A national action plan to fight racism, racial discrimination, xenophobia and related intolerance, including promoting constitutional awareness and education on the rights of lesbian, gay, bisexual, transgender and intersex people, is

also expected to be implemented. Additionally, planned to upgrade all justice buildings to be accessible to people with disabilities and convert six periodical and/or branch courts into full-service courts in partnership with the Department of Public Works and Infrastructure.

The department also planned to implement programmes to modernise and digitise its services. This is expected to broaden access to justice even further by introducing interventions such as enabling deceased estates and trusts to be registered remotely.

The Trusts Online Services solution enables the online registration and submission of documents in respect of new trusts applications. This solution was piloted at the Masters' Office in Pretoria with identified, trusted agents that used the online portal.

Deceased Estates Online Services, which enables the online registration and submission of documents in respect of new Deceased Estates, at the Masters' Office: Pretoria. Phase 1 of this solution will be rolled out nationally during this financial year by the Office of the Master.

Over the period ahead, the department planned to focus on strengthening access to justice and superior court services, and ensuring measures are adopted to mitigate against Coronavirus Disease 2019 (COVID-19).

To strengthen access to its services, the department planned to employ additional researchers and registrars to enable it to increase the percentage of default judgments finalised within 14 days and ensure that all warrants of release are delivered within one day of being issued.

## Integrated Justice System

In its efforts to improve the efficiency and effectiveness of the South African criminal justice process, the department planned four key initiatives over the 2022/23 period:

- **Criminal Justice System e-Documents and Forms (Justice Forms):** This initiative focuses on reviewing processes to eliminate forms that are made redundant by the electronic exchange of information between Criminal Justice System departments as well as the digitisation of all documents and certificates that remain necessary.
- **Court Audio Visual Solution for case participants – Phase 2:** This will be a video conferencing and video-ID verification facility that will be used for witnesses/victims' interviews and testimony in cases where direct contact is not feasible or very expensive, as well as in cases where expert witnesses are required in court. In cases where the public cannot afford the cost of data or does not have the smart devices needed to connect to the Court Dial-in facility, these services will be made available at local government offices for use based on the arrangement.
- **E-Scheduling and Messaging for Courts:** This is a court information management and sharing system that allows for the tracking of court dates, court process start times, arrival and checking-in of witnesses, victims, the

accused, defence lawyers and prosecutors. This system will facilitate the scheduling and communication of court decisions such as postponements and new dates. The solution was developed and tested, and subsequently rolled into production. The pilot commenced at the Bronkhorstspuit and Cullinan magistrates' courts.

- **Integrated Bail Payment Processing and Release Management (Pay-Bail-Anywhere):** The Integrated Bail Payment Processing and Release Management solution will, once it is fully developed and operational, enable lawyers/family members of the accused to “pay bail anywhere”.

### Rooting out fraud and corruption

Initiatives are under way to strengthen the fight against fraud and corruption. These include: reviewing the extradition regime and the mutual legal assistance framework to improve cases of international criminal cooperation; appointing 15 legal practitioners in specialised commercial crimes courts through a transfer of R34.3 million over the medium term to Legal Aid South Africa; and hiring an estimated 90 additional permanent staff with specialised skills and experience, and training and developing existing employees.

Funds have been allocated to the NPA to strengthen the state's capacity to prosecute allegations of crime and corruption, by recruiting aspirant prosecutors and rebuilding critical capacity in units such as asset forfeiture, sexual offences and priority crimes litigation, among other things.

### Office of the Chief Justice (OCJ) and Judicial Administration

The OCJ is mandated to render support to the Chief Justice as the head of the judiciary, as provided for in Section 165 (6) of the Constitution of the Republic of South Africa of 1996, read with the Superior Courts Act of 2013. The department is also required to:

- provide and coordinate legal and administrative support to the Chief Justice;
- provide communication and relationship management services; provide internal and intergovernmental coordination;
- develop administration policies, and norms and standards for courts; support the development of judicial policy, and norms and standards;
- support the judicial function of the Constitutional Court;
- and support the Judicial Service Commission and South African Judicial Education Institute in the execution of their mandates.

### Office of the State Attorney

The Office of the State Attorney provides legal services to national and provincial departments. State attorneys represent the State in all lawsuits and transactions for and against the State.

In 2020 the Office of the State Attorney finalised 574 litigation cases, this increased to 657 litigation cases in the 2021/22 financial year. This is an increase of 83 cases or 14%. More cases were settled through alternative dispute

resolutions in 2021/22 compared to 2020/21. In 2020/21, 358 cases were settled. In 2021/22, cases resolved through mediation increased to 414 litigation cases, an increase of 56 cases or 16%.

The Intergovernmental National Litigation Forum has been resuscitated to ensure that government has a coordinated approach to the management of State litigation, emphasising the reduction of state contingent liability.

## **The courts**

### **Constitutional Court**

The Constitutional Court as the highest court in the land and its decisions cannot be changed by any other court. The Constitutional Court, based at Constitution Hill in Johannesburg, is presided over by 11 judges who stand guard over the Constitution and protect everyone's human rights.

When a person, an organisation or a company is not satisfied with any decision of the High Court on any matter; they can approach the Constitutional Court for a review of that decision. Normal appeal matters are however dealt with at the Supreme Court of Appeal (SCA).

### **Supreme Court of Appeal**

The SCA, situated in Bloemfontein in the Free State, has Jurisdiction to hear and determine an appeal any decision of a High Court. Except for the Constitutional Court, no other court can change a decision of the SCA. Only the SCA can change one of its own decisions. The SCA consists of a President, Deputy President and 23 permanently appointed judges.

### **High courts**

The High Court handles any case which exceeds the jurisdiction of the Magistrates' Court or when a person or organisation goes to the court to change a decision of a Magistrates' Court, which means appealing a case. Cases of the High Court are listened to by one Judge, meaning a person with many years of practical experience.

However, if it is a case on appeal, then at least two Judges must hear the case. Sometimes if the case is about a very serious crime then a Judge and two experienced people in law who are usually advocates or Magistrates who have retired, will listen to the case.

The two people are called assessors. The assessors usually help the Judge to make a decision. The High Court divisions have "jurisdiction" – the right to hear a case – over defined provincial areas in which they are situated, and the decisions of the High Court are binding on Magistrates' courts within their areas of jurisdiction.

They usually only hear civil matters involving more than R100 000, and serious criminal cases. They also hear any appeals or reviews from lower courts (Magistrates' courts) which fall in their geographical jurisdiction. The High Court

usually hears any matter involving a person's status such as adoption and insolvency.

There are 14 high courts: the Eastern Cape High courts in Grahamstown, Gqeberha, Mthatha and Bhisho; the Free State High Court in Bloemfontein; the North Gauteng High Court in Pretoria; the South Gauteng High Court in Johannesburg; the KwaZulu-Natal High courts in Pietermaritzburg and Durban; the Limpopo High Court in Thohoyandou; the Northern Cape High Court, Kimberley; the North West High Court, Mafikeng; and the Western Cape High Court in Cape Town and Mpumalanga High Court in Mbombela.

The following specialist high courts exercise national jurisdiction:

- The Labour Court and Labour Appeal Court in Braamfontein, Gauteng, which adjudicate over labour disputes and hear labour appeals, respectively.
- The Land Claims Court, in Randburg, Gauteng, which hears matters on the restitution of land rights that people lost after 1913 as a result of racially discriminatory land laws.
- The Competition Appeal Court, situated in Cape Town, which deals with appeals from the Competition Tribunal.
- The Electoral Court, situated in Bloemfontein, which sits mainly during elections to deal with associated disputes.
- The Tax Court, situated in Pretoria, which deals with tax-related matters, including non-compliance with tax obligations.

## Regional courts

Regional courts are established largely in accordance with provincial boundaries with a regional court division for each province to hear matters within their jurisdiction.

## Magistrates' courts

Magistrates' courts are the lower courts which deal with less serious criminal and civil cases. They are divided into Regional courts and District courts. In Criminal courts, the State prosecutes people for breaking the law. Criminal courts can be divided into two groups: Regional Magistrates' Courts and Ordinary Magistrates' Courts (also called District Courts). Currently, Regional Magistrates' Courts only deal with criminal cases whereas the District Magistrates' Courts deal with criminal and civil cases.

The Magistrate makes the decisions in a Magistrates' Court; sometimes with the support of lay assessors. Magistrates' Courts can be divided into either criminal courts or civil courts. The Regional Magistrates' Courts deal with more serious cases than the ordinary Magistrates' Courts such as murder, rape, armed robbery and serious assault. In terms of the Criminal Law (Sentencing) Amendment Act of 2007, a Regional Magistrates' Court can sentence a person who has been found guilty of offences that include murder or rape to imprisonment for life.



The court can also sentence people who have been found guilty of certain offences such as armed robbery or stealing a motor vehicle to prison for a period up to 20 years. A Regional Magistrates' Court can impose a maximum fine of R300 000. Regional courts now have civil jurisdiction to the extent that divorce matters can now be heard there. District courts try the less serious cases. They cannot try cases of murder, treason, rape, terrorism or sabotage.

They can sentence a person to a maximum of three years in prison or a maximum fine of R100 000. Ordinary Magistrates' Courts can hear civil cases when the claims are for less than R100 000. They cannot deal with certain matters such as divorces, arguments about a person's will and matters where it is asked if a person is mentally sane or not.

### Small Claims courts

Small Claims courts offer members of the public a quicker and easier way of resolving disputes that involve amounts limited to R15 000 and they can do so without the need for a legal representative.

### Equality courts

Equality courts are courts designed to deal with matters covered by the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, also known as the Equality Act. Members of the public bring to the court matters such as unfair discrimination, harassment, hate speech and the publication of information that discriminates unfairly.

### Community courts

Community courts, such as the Hatfield Community Court in Pretoria, are normal district magistrates' courts that assist in dealing with matters in partnership with the community and business. These courts focus on restorative justice processes, such as diverting young offenders into suitable programmes.

### Traditional courts

There are traditional courts (formerly chiefs' courts) established at traditional community areas in rural villages.

### Sexual offences courts

The courts feature specially trained officials, procedures and equipment to reduce the chance of secondary trauma for victims.

### National Register for Sex Offenders

The NRSO is a record of names of those found guilty of sexual offences against children and mentally disabled people. The register 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.

By mid-2022, plans were underway to amend regulations for the NRSO, which

has been aligned with the new Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2021.

In response to the call made by women of South Africa in 2018, this Amendment Act requires the particulars of all convicted sex offenders to be entered in the NRSO, irrespective of the age and the mental status of the victim. No registered sex offender will be allowed to work or operate a business in an environment accessible to vulnerable persons – defined as children, female students or lecturers under the age of 25 years, persons living in shelters, and certain categories of persons with disabilities and older persons.

In facilitating the implementation of this Act, the DoJ&CD has developed the Online Web Portal and the SMS Notification System for the National Register on Sexual Offences services, which will be made accessible to the NRSO applicants. The decentralisation of certain services of the NRSO to the lower courts will also commence during the same period. By implementing the NRSO, the department intends to curb the exposure of vulnerable persons to paedophiles and serial sex offenders, and also to prevent sex offending in the country.

### **National Child Protection Register (NCPR)**

In terms of Section 126 of the Children's Act of 2005, employers offering services which allow for access to children must, before employing a person, establish from the Registrar of the NCPR whether or not the potential employee's name is on Part B of the NCPR.

If the potential employee's name appears on the register, he or she will not be allowed to work in an environment which allows for access to children, since persons whose names appear on the register have been found unsuitable to work with children by the court.

### **Maintenance**

Maintenance is the obligation to provide another person, for example a minor, with housing, food, clothing, education and medical care, or with the means that are necessary for providing the person with these essentials. As part of further improving the maintenance system, the Maintenance Amendment Act of 2015 was enacted to ensure that every child receives the appropriate parental care, basic nutrition, shelter, basic healthcare services, education and other related support. The amendment also ensures the blacklisting of defaulters.

### **Gender-based violence and femicide (GBVF)**

Domestic violence means any physical abuse, sexual abuse, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, trespassing where the parties do not share the same residence or any other controlling or abusive behaviour towards a complainant, where such conduct harms or may cause imminent harm to the safety, health or well-being of the complainant. To curb GBVF, government has adopted a zero-tolerance towards rape, violation of the rights of lesbian, gay, bisexual,



transgender and intersex people, and other forms of violence towards women and children.

GBVF remain a pervasive challenge in South Africa. The courts continued to put special emphasis on convictions in sexual offences cases, with the high conviction rate of 74,4% recorded for sexual offences cases.

In terms of the Criminal and Related Matters Amendment Act of 2021, bail in GBVF matters must be denied, unless it would be in the interests of justice to grant such bail. This Amendment Act also brings to an end the granting of what is referred to as the 'police bail' or 'prosecution bail' in GBVF matters. All applications for bail in these cases must therefore be made in a court of law.

The Domestic Violence Amendment Act of 2021 further permits the use of online applications for protection orders. This is a viable option for victims of domestic violence to access court services remotely, and in a convenient and safe environment of their choice.

The department has already developed the Online Web Portal for Domestic Violence Applications for Protection Orders.

### Human trafficking

Human trafficking has become a focus of attention in the country following the introduction of the new visa requirements for children travelling through South Africa's ports of entry. Legislation aimed at preventing trafficking 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.

### Drug abuse

To curb the growing abuse of drugs, the DoJ&CD has amended Schedules 1 and 2 of the Drugs and Drug Trafficking Act of 1992 to make the use and possession of drugs such as nyaope (also known as woonga or wunga) a criminal offence. The use, possession and sale of dependence-producing drugs is strictly prohibited and punishable in South Africa. If convicted, a fine and/or imprisonment period of up to 15 years can be imposed. Selling or dealing in nyaope is punishable with a fine and/or imprisonment for a period of up to 25 years.

### Role players:

#### Legal Aid South Africa (Legal Aid SA)

Legal Aid SA provides legal aid or makes legal aid available to indigent persons within the budget allocated to it by the State. Legal Aid SA has introduced a "Please Call Me" service through which members of the public send a "Please Call Me" text message and a legal advisor returns the call at no cost to the sender.

The institution has also established a social media presence on Facebook, Twitter and Instagram. Legal Aid SA Land Rights Management Unit (LRMU) has

been operational since 5 January 2022 and is being managed by the Legal Aid SA National Office. Most legal practitioners who were previously providing legal representation to farm occupiers, labour tenants and restitution claimants through the LRMU have been accredited with Legal Aid SA on the Judicare system and continue to provide legal services as required.

### Special Investigating Unit

The SIU works closely with the NPA to ensure that prosecutions take place as soon as possible. It also works with the AFU in cases where the powers of this unit are more suitable for recovering the proceeds of crime. In 2022 the SIU marked its 25th anniversary.

In the 2021/22 financial year, the SIU achieved significant recoveries through combining quality investigations with civil litigation. Between 2013 and 2021, the SIU recovered public money and assets amounting to R2.6 billion, set aside contracts to the value of R18 billion and as of 26 March 2022, referred matters worth R75.1 billion for civil litigation in the High Court and the Special Tribunal for civil litigation.

The establishment of the Special Tribunal in 2019 has expedited the work of the SIU. The Tribunal has adjudicated cases referred to it by the SIU amounting to R8.6 billion in unlawful contracts. One of the cases that were finalised includes the Beitbridge border fence contract worth more than R40 million. The tender was irregular and set aside, and contractors were ordered to pay back the money received.

The SIU had enrolled 119 cases worth more than R12.8 billion at the Special Tribunal. Out of the 119 cases, 48 cases worth R2.2 billion were related to the COVID-19 procurement corruption and maladministration.

### National Prosecuting Authority

The NPA structure includes the National Prosecutions Service (NPS), the Witness Protection Programme, the AFU and units such as the Sexual Offences and Community Affairs (SOCA) Unit, the Specialised Commercial Crime Unit (SCCU) and the Priority Crimes Litigation Unit.

Despite the continuous performance inhibiting challenges hampering optimal performance attributable to the COVID-19 pandemic, the NPA continued to improve organisational performance, compared to the previous two financial years.

In ensuring that the NPA delivers quality prosecutions, high conviction rates were maintained in all court forums. Conviction rates of 91,1% in the high courts, 80,8% in the regional courts and 94% in the district courts were recorded in the the 2022/23 financial year. Some progress has been made in improving case finalisation.

Leveraging on the Fusion Centre, the NPA has been crucial in addressing corruption relating to the COVID-19 funds. By mid-2022, a total of 232 matters had been registered with the Fusion Centre, 173 matters were under investigation

and 59 had been closed. A total of 244 cases were registered with 140 under investigation, 54 closed and 61 cases had been placed on court rolls with 126 accused persons.

## **Asset Forfeiture Unit**

The AFU continues to play a critical part in addressing the scourge of corruption and has delivered significant returns in the past year. The AFU obtained freezing orders to the value of R5.46 billion in corruption or related offences. At the end of the 2021/22 financial year, R70.1 million was paid into the Criminal Assets Recovery Amount and R210.8 million was paid to the victims of crime. The AFU can seize and forfeit property that was bought from the proceeds of crime or property that was used to commit a crime.

## **The Family Advocate**

The role of the Family Advocate is to promote and protect the best interests of the children in civil disputes over parental rights and responsibilities.

## **Sexual Offences and Community Affairs Unit**

The SOCA acts against the victimisation of vulnerable groups, mainly women and children. One of the unit's key achievements in ensuring government's commitment to the fight against sexual offences and GBV is the establishment of Thuthuzela Care Centres (TCCs).

The TCCs are one-stop facilities that aim to provide survivors with a broad range of essential services – from emergency medical care counselling to court preparation – in a holistic, integrated and victim-friendly manner. The Thuthuzela Project is supported by the roll-out of victim support rooms in an effort to show empathy to victims of violent crime, especially in cases of sexual offences, child abuse and domestic violence.

The TCC model aims to provide a more effective and victim-centric approach to reporting sexual offences. During the 2021/22 financial year, the NPA increased the number of operational TCCs from 55 to 60.

The fight against violent crime, particularly rape, has recently been undermined by the challenges around the management of forensic DNA due to shortages of essential chemicals required for DNA analysis. It resulted in a national backlog of these cases being prosecuted in courts.

As part of the interventions, the NPA established a partnership with the South African Police Service's (SAPS) Forensic Sciences Laboratory to reduce the backlog in DNA processing.

## **Family violence, child protection and sexual offences units (FCS)**

The FCS units operate in all SAPS clusters across the country. To give further impetus to the investigation of crimes of this nature, forensic social workers were appointed to assist in cases of child sexual abuse by conducting forensic assessments, compiling court reports and providing expert evidence in court.

## Priority Crimes Litigation Unit (PCLU)

The PCLU is a specialist unit mandated to tackle cases that threaten national security. The PCLU was created by presidential proclamation and is allocated categories of cases either by the President or by the National Director.

## National Prosecutions Service

A significant majority of the NPA's prosecutors are housed in the NPS, the organisation's biggest unit. The NPS is headed by the Deputy Director of Public Prosecutions (DPPs).

They head the respective regional jurisdictions, which are attached to the high courts of the country. All the public prosecutors and state advocates manning the district, regional and high courts report to the DPPs in their respective areas of jurisdiction.

## Specialised Commercial Crime Unit

The SCCU's mandate is to effectively prosecute complex commercial crime cases emanating from the commercial branches of the SAPS. The client base of the unit comprises a broad spectrum of complainants in commercial cases, ranging from private individuals and corporate bodies to state departments.

## Public Protector

The PP investigates complaints from the public or on own initiative against government at any level, its officials, persons performing public functions, corporations or companies where the State and statutory councils are involved. The PP's services are free and available to everyone. Complainants' names are kept confidential as far as possible.

The President appoints the PP on recommendation of the National Assembly and in terms of the Constitution, for a non-renewable period of seven years. The PP is subject only to the Constitution of the Republic of South Africa of 1996b and the law, and functions independently from government and any political party.

No person or organ of State may interfere with the functioning of the PP. The PP has the power to report a matter to Parliament, which will debate it and ensure that the PP's recommendations are followed.

## DEPARTMENT OF CORRECTIONAL SERVICES (DCS)

The DCS derives its mandate from the Criminal Procedure Act of 1977; the Correctional Services Act of 1998, as amended; the 2005 *White Paper on Corrections*; and the 2014 *White Paper on Remand Detention Management in South Africa*.

This legislation allows the department 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 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 plans to supplement these potential income streams by hiring out offender labour.

The department has farms, land, dairies, bakeries, workshops and many other amenities which position us to survive without having to rely on government funding. Eight out of 48 management areas are no longer buying cabbage, spinach, beetroot and onions, as they produce enough supply for inmate rations. The DCS was expected to increase the number of self-sufficient management areas in the 2022/23 financial year.

Five management areas, Goedemoed (Free State), Kirkwood (Eastern Cape), Rooigrond (North West), Waterval (KwaZulu-Natal) and Zonderwater (Gauteng), are now fully sustainable on red meat, while Drakenstein (Western Cape) and Zonderwater are also no longer procuring chicken meat. The estimated cost savings as a result of implementing Self Sufficiency initiatives in the department amount to R163 million rands.

During the 2022/23 financial year, the department was expected to heighten production in its livestock and plant production farms and textile workshops. It had invested in new machinery to assist in the mass production of uniforms for both inmates and officials.

The COVID-19 pandemic had placed increased pressure on the department to provide adequate security for staff and inmates, as infected and exposed inmates need to be isolated and quarantined, which poses difficulties as most of the centres are overcrowded.

## Offender development

Regarding offender development, offenders participate in Long Occupation Skills programmes, Short Occupational Skills programmes, Technical and Vocational Education and Training College programmes, General Education and Training, Further Education and Training and the Grade 12 National Senior Certificate. Offenders also receive psychological, social and spiritual services.

The department was expected to also extend correctional programmes in the 2022/23 financial year to remand detainees to assist them to develop general life

skills that they could apply during detention and upon their release to prevent future offending behaviour.

The programmes will focus on several areas such as emotional health and well-being, problem solving, emotional intelligence, substance abuse, conflict resolution, domestic violence and restoration of relations.

## Gender Responsive Centre

The DCS launched the first of its kind Gender Responsive Centre for incarcerated women in South Africa on 12 December 2022 at Atteridgeville, near Pretoria. This is in line with government's commitment to implement the United Nations (UN) Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, also known as the Bangkok Rules.

It is under this banner that the UN Office on Drugs and Crime Regional Office for Southern Africa raised the importance of special needs for women in conflict with the law who are often faced with continuous discrimination in the criminal justice system. Female offenders consists of a small proportion of the South African correctional centres total population.

Female offenders are often detained in adverse conditions characterised by among others overcrowding, violence and lack of gender medical attention. It is of these critical reasons that DCS took action to affirm its commitment in making the Bangkok Rules a living reality.

## Other role players

### Medical Parole Advisory Board

The Correctional Matters Amendment Act of 2011 provides for a new medical parole policy and correctional supervision.

### Correctional Supervision and Parole Board

Correctional Supervision and Parole boards are responsible for dealing with parole matters and matters of correctional supervision. The Correctional Supervision and Parole boards have decision-making competency except:

- decisions regarding the granting of parole to people who are declared dangerous criminals in terms of Section 286A of the Criminal Procedure Act (CPA) of 1998.
- the converting of sentences of imprisonment imposed in terms of Section 276 (A) (3) of the CPA of 1998 into correctional supervision.
- decisions with regard to those sentenced to life imprisonment. In such cases, recommendations are submitted to the courts that in turn will make a decision in respect of conditional placement. Correctional Supervision and Parole boards are chaired by community members who are regarded as suitable and capable of carrying out the responsibilities. The DCS provides the members with intensive training in respect of the processes, legislative implications and relative policies.