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THE PORTFOLIO COMMITTEE ON CORRECTIONAL SERVICES

by Lukas Muntingh

The current Parliamentary Portfolio Committee on Correctional Services, under the Chairmanship of Mr Dennis Bloem, has emerged as one of the most active in recent months. A quick scan of media reports reveals a series of prisons visits by members individually, as a group and also with other Portfolio Committees such as Justice and Constitutional Development, and Social Development. More insight is gained into the activities of the Committee from the unofficial minutes available from the PMG website (www.pmg.org.za).

Visits to prisons have long been acknowledged by human rights monitoring bodies as an effective means to improve oversight and improve the human rights situation of prisoners. As representatives of the voting public, Members of Parliament have an important duty to familiarise themselves with what is happening at ground level, and also to ensure transparency in the operations of government. Prison visits are therefore more than a "go look and see". In recent months, Committee Members went to prisons such as Odi, Atteridgeville, St Alban's, Kokstad Maximum, Port Shepstone, Zeerust, Rooigrond, Thohoyandou, Middleburg, and Grootvlei^[1]. Members reported on a range of problems and challenges that they observed, such as the consequences of overcrowding, access to medical care, gangsterism, staff morale, inappropriate sentencing, people detained for petty crimes, numerous remands (44 times in one case), and the need for employment after release.

The visits conducted by the Members of the Portfolio Committee serve two important functions. Firstly, they give publicity to prisoners' rights and the challenges that are experienced at ground level. The Cape Times newspaper alone had four reports on the visits in May 2005. Changing the public's attitude towards imprisonment and dispelling prevalent myths are important in establishing a prison system that is based on human rights. Secondly, visits to prisons by the MP's are a real and tangible expression of parliamentary oversight over prisons. For example, Portfolio Committee minutes of 16 May 2005 reveal that members were not hesitant to raise problematic issues; but, at the same time, there was also a clear

understanding of the challenging circumstances under which some officials are doing their work.

The Committee was, however, not only concerned with prison visits, and from 16 May to 24 June 2005, had a full schedule of briefings from a range of stakeholders. These sessions dealt with following matters^[2]:

- Briefing by DCS on the rape of two nurses at Emthonjeni Youth Correctional Centre.
- Briefing by DCS on attempted escape from Grootte Schuur hospital.
- Briefing by Department of Justice and Constitutional Development on the Child Justice Bill.
- Briefing by Special Investigations Unit (SIU) on its investigation into the medical aid fraud in the DCS.
- Briefing by DCS on its anti-corruption strategy.
- Briefing by Khulisa on offender reintegration.
- Briefing by DCS on New Generation Prisons.
- Briefing by DCS on the status of the new parole boards.
- Briefing by DCS on the status of human resource development.
- Briefing by Office of the Inspecting Judge on deaths at Pollsmoor.
- Briefing by Office of the Inspecting Judge on consensual sex in prison

The majority of submissions came from the DCS itself, and dealt with critical matters such as corruption, human resources development and security. A number of the submissions were directed at broader policy issues (e.g. anti-corruption strategy) whilst other dealt with specific incidents (e.g. deaths at Pollsmoor). Seen collectively, this should be interpreted as the Committee attempting to hold its finger on the pulse of prison issues. Further, important information concerning day-to-day issues and policy matters in prisons is

brought to the attention of the public, as Committee sessions are open to all. The Committee is unfortunately not able to maintain this level of activity throughout the year due to other duties the members have.

In summary, the members of the Portfolio Committee of Corrections have demonstrated a commitment to ensure that they are informed of critical issues, and that they are willing to go out and find the information they need to fulfil their mandate to the voting public, rather than relying only on information that is offered them.

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INTERVIEW WITH MR DENNIS BLOEM, ANC MP AND CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON CORRECTIONS

by Lukas Muntingh

What do you regard as the main challenges for the Department of Correctional Services and do you believe that some advances have been made on these over the last three years?

The biggest problem is the 33 000 staff members in the DCS that are demotivated; they require serious re-motivation. There has been some change but transformation can't be done halfway – you must fix the whole system. When committee members visit prisons they hear and see things, and they listen to what the staff members are saying. Staff often say that they work hard and study but they do not receive any promotion. In essence, they are not motivated. There has been some progress. The Minister and the Commissioner are motivated and take these problems seriously.

Recently the Minister himself complained about a culture of intimidation in the department and cited an example where senior staff were intimidated and threatened when they were investigating corruption at a particular prison. How should this thug mentality be dealt with?

There is no other way but to deal with it head-on. You must be straightforward, merciless and frank. There is no other way. You can't plead with these people and ask them to abide by the rules. Every member of the DCS has signed the Code of Conduct and if they can't keep to it, they must leave.

Your committee has shown a marked increase in activity compared to previous committees. What do you aim to achieve with this?

We were elected as public representatives and our task is to provide oversight. My vision for this committee is to see to it that DCS must deliver and be truly a correctional department; to change itself from a prison service to correction and rehabilitation. This must not only be a slogan but must be implemented. If anyone is released, he must be rehabilitated first.

I really want to see in these five years that children must be out of the prisons. I made this a priority right from the start and there have been some good results recently (in terms of the number of children awaiting trial in prison). Overall I am satisfied with the achievements of the committee to date.

Our prisons are severely overcrowded; your committee members again confirmed this during their recent visits. What do you see as the role of the committee in addressing this problem?

I don't want to see a situation where we sing the overcrowding song for the next five years – we must act. I am happy with the results so far. The recent remissions granted and implemented came directly from the interventions of the committee and its recommendations. It is important that we keep on talking and highlighting the issues around overcrowding.

The cluster committee (Justice, Safety and Security and Corrections) must work together to address this problem. One aspect is the awaiting trial prisoners – there are too many and they are there for too long. At Johannesburg prison I recently found three men who had been awaiting trial for seven years. We have between 40 000 and 50 000 awaiting trial prisoners. How many other people are there spread across the country awaiting trial for seven years? The solution is that the Portfolio Committee must be active at ground-level and enjoy the support of the cluster committee.

All indications are that the Minimum Sentences Legislation contributes to the prison overcrowding

due to the long sentences being imposed. Do you think this need to be reviewed?

Our information indicates that the magistrates and judges are imposing these long sentences without using the Minimum Sentences Legislation. They are imposing these long sentences purely on the seriousness of the offences.

The Department of Correctional Services is at the end of the production line, so to speak. A large number of people end up in prison that does not belong there, and there has also been a substantial increase in sentence length. What are your views on sentencing reform and curtailing the discretion of the judiciary?

We must start with the police and the prosecution; the magistrates only come in later. The magistrate only goes with the evidence that is placed before him. That is why I am very happy with the announcement by the Director: Public Prosecutions regarding the prosecution of petty crime cases. This is again a direct result of the work of this committee in highlighting the fact that we find people in prison for stealing a bar of soap and other petty cases.

As with regard to the judges and the magistrates, there is a need for guidance but we must not interfere with their independence. We must admit that there are individual and subjective factors and we must seek a balance.

South Africa is blessed with a large and active civil society. Some are service delivery organisations whilst others focus more on research and advocacy. What do you see as the role of civil society in prisons and how can it make a useful contribution?

I value the range of inputs and contributions that civil society has made to this committee. A lot of the aspects of current policy were contributed by the non-governmental organisations. It is not possible to incorporate everything that the NGOs are saying but they are making very useful in-puts. This year I am actively seeking cooperation with the NGOs and the committee members have learned a lot from the contributions that have been made. We are a new committee and the committee members always give positive feed-back on the in-puts that have been made.

On a more specific level, we need the NGOs to help us with children who are awaiting trial in prison and the NGOs must play a more aggressive role in this regard. The second issue is women with infants in prison. We need proposals and suggestion on how to address this issue.

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MEMBERS OF THE PORTFOLIO COMMITTEE ON CORRECTIONAL SERVICES AND THEIR CONTACT DETAILS

The contact details of committee members are provided below as per their constituency addresses so that readers can contact them there.

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SOUTH AFRICAN PRISON AT A GLANCE

Feb 2005

by Lukas Muntingh

Figures marked with an * are for Nov 2004 as updates were not available.

CATEGORY	Feb-04	Feb-05	VARIATION
Prisons	240	228*	-5.0*
Functioning prisons	233	225*	-3.4*
Closed prisons	7	3*	-57.1*
Total prisoners	187065	186823	-0.1
Sentenced prisoners	132315	135743	2.6
Unsentenced prisoners	54750	51080	-6.7
Males	182892	182652	-0.1

Females	4173	4171	0.0
Children	3973	3035	-23.6
Sentenced children	1698	1423	-16.2
Unsentenced children	2275	1612	-29.1
Total capacity	113551	113825	0.2
Overcrowding percentage	164.7	164	-0.4
Most overcrowded	Durban Med C 387.60%	Johannesburg Med B 372.00%	
Least overcrowded	Vryheid 25.30%	Emthonjeni 26%	
Awaiting trial 3 months +	23033	22963	-0.3
Infants in prison with mothers	196	189*	-3.6*

[1] Minutes of the Correctional Services Committee 16 May 2005, Available from www.pmg.org.za.

[2] All the submissions and presentations are available in electronic format on the PMG website.

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