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A Review of the Correctional Services Budget, 2004/5 to 2006/7

13/10/2004

by Lukas Muntingh

Introduction

The purpose of the correctional system is described as follows in the Correctional Services Act (1)

The purpose of the correctional system is to contribute to maintaining and protecting a just, peaceful and safe society by:

- (a) enforcing sentences of the courts in the manner prescribed by this Act;*
- (b) detaining all prisoners in safe custody whilst ensuring their human dignity; and*
- (c) promoting the social responsibility and human development of all prisoners and persons subject to community corrections.*

For this purpose the Department of Correctional Services (DCS) is allocated a budget by Treasury to implement its mandate. This short paper will review the DCS budget by addressing essentially the following questions:

- What are the overall and significant trends in the DCS budget?*
- Is the budget in line with policy and strategy?*
- Is the DCS addressing the critical challenges through its budget?*

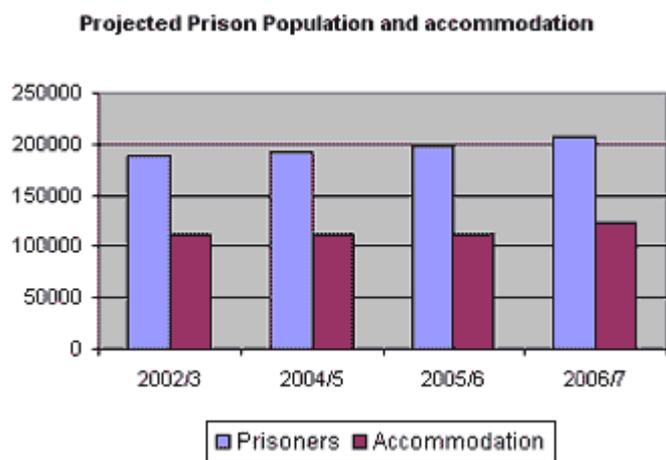
It will also address some of the significant issues manifest in the budget such as prisoner accommodation, rehabilitation and prison construction. It is not claimed that this is a comprehensive review but rather that it will give some insights into the budget and its interface with the policies of the DCS.

On 15 June 2004 the recently appointed Minister Ngconde Balfour presented the Department of Correctional Services (DCS) budget for 2004/5 to Parliament. This budget constitutes 21% of

the "police, prisons and courts" expenditure, which in turn constitutes 10.4% of the national budget(2). The DCS budget usually does not attract the same amount of media interest as, for example, the defence, education or health budgets do. The DCS budget is also not the largest one in its cluster, it is nonetheless an important one as it is a reflection of government's thinking and response to crime, criminal justice and crime reduction.

Apart from the obvious increase/decrease trends that can be monitored, the question arises as to what else is there to look for in a correctional services budget? In the prisons context, numbers are very important and the number of prisoners in custody is perhaps the single most important variable. The number of prisoners has a qualitative and quantitative impact in a number of ways. Firstly, the number of prisoners determines the number of staff required in order to ensure safe and secure custody. Secondly, the number of prisoners determines the infrastructure (primarily buildings) required. Thirdly, the number of prisoners also has a qualitative impact on the conditions of imprisonment and how prisoners and warders alike experience prison. If prisons are overcrowded, the buildings suffer damage, the staff experience high stress levels, prisoner's rights are compromised, and rehabilitative services to prisoners are constrained. For prison managers, numbers are crucial. In our present day constitutional democracy, the numbers are especially significant due to the prevalence of overcrowding. Quantity is not the only factor determining the quality of imprisonment but it is a key factor that permeates almost every aspect of daily prison management. The current projection is that the prison population will increase to 208 352 by 2006/7 (as shown in Figure 1) whilst available accommodation will only provide for 123 390 prisoners, representing a projected overcrowding level of 64% above capacity(3).

Figure 1



In overview it appears that the prison population and the budget are showing more or less the same real growth rates of approximately 10%. However, accurate long-term projections remain to be done, especially to reflect the impact of minimum sentences legislation and the likely effects of HIV/Aids. Minimum sentences legislation appears to have had a profound impact on the overall sentencing profile; offenders serving sentences of ten years and longer have increased by 153% between 1996 and 2004 and prisoners serving life sentences have increased by 379% during the same period.

The DCS budget needs to be reviewed amidst a number of important factors, the most significant of which are:

- The Draft White Paper on Corrections that was released in late December 2003 signifying an important policy shifts in the department, although the White Paper still has to be costed(4)
- Continued overcrowding (approximately 168%) in South African prisons, with a more immediate problem in the awaiting trial sections, but an undeniable growth in the sentenced population.
- Widespread corruption in the Department as reflected in the public hearings of the Jali Commission and other research(5)
- The fact that the 1998 Correctional Services Act (No 111 of 1998) was only promulgated on 30 July 2004, nearly six years after it was approved by Parliament.
- A human resource component in DCS that will require a massive re-training in order to deliver on the White Paper goals and the 1998 Correctional Services Act.
- Crime levels that remain unacceptably high and a largely unfavourable public opinion regarding the penal system.

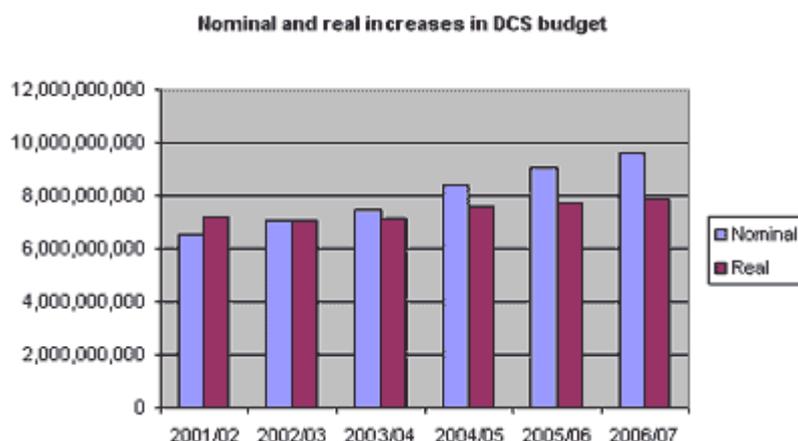
At R113.99 per day per prisoner(6) or R41 606 per year, imprisonment is extremely expensive. Compared to this, the monthly old age pension is R740.00 (or R8880 per year) and the monthly childcare grant is R170.00 (or R2040 per year). Assessing the current impact of imprisonment as a crime reduction strategy the wastage in spending is apparent. A conservative estimate is that at least 60% of released prisoners will re-offend within 24 months of release. Advocates of social crime prevention will immediately note that this amount of money can be spent more effectively and efficiently outside of prison to reduce crime. However, it must be recognised that prisons do have some role to play in the criminal justice system as a whole. There are at this

stage no indications that government will abolish the prison system in the near future. But what this role is needs to be clearly and narrowly defined and this, is of critical importance.

Overall trends

The DCS budget has grown since 2000/1, from R5.4 billion to the latest allocation of R 8.4 billion (as shown in Figure 2)(7) representing a nominal increase of 54%. Using 2002/3 as the baseline, this represents a real increase of 11.21% over the period until 2006/7.

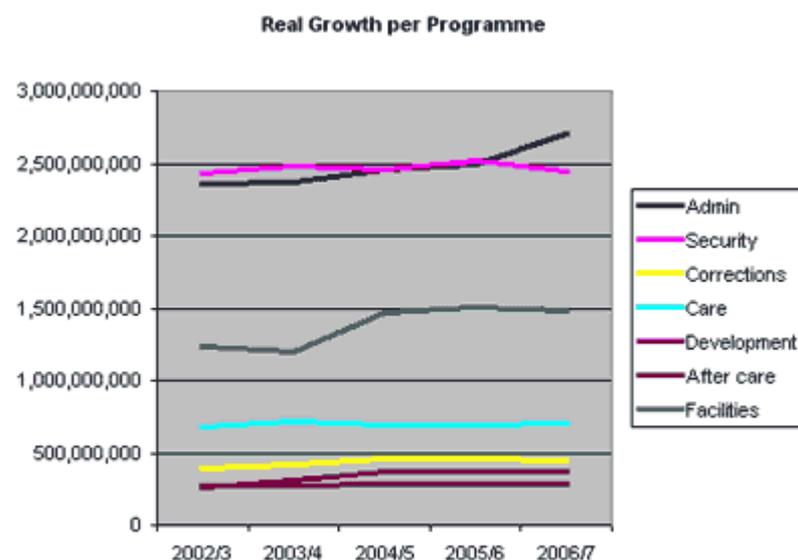
Figure 2



A number of cost drivers can immediately be identified in the budget, such as the private prisons programme (APOPS), the prison construction programme and the ever-burgeoning salary bill of the DCS.

Figure 3 shows the real growth(8) in DCS budget per programme using 2002/3 as the baseline year.

Figure 3



In total, real growth in the budget is projected at 11.2% over the expenditure period. Assessing the budget growth per programme from 2002/3 to 2006/7, the graph clearly shows that the most substantial growth is in the Administration and in the Facilities Programmes.

The Administration Programme consists of six sub-programmes being "Minister", "Deputy Minister", "Management", "Corporate Services", "Finance" and "Central Services". Facilities consist of three sub-programmes

being "Public Private Partnership Prisons", "Facilities Planning", and "Building and Maintenance". On the other hand little real growth is occurring in the Care, Development, Corrections and After-care Programmes. In fact, in the case of the "Care" and "Corrections" Programmes, negative growth is projected. It should also be noted that the last four mentioned programmes (Care, Development, Corrections and After-care) also constitute relatively small proportions of the total budget.

Table 1 (below) illustrates where the nominal growth in the DCS budget will have occurred between 2000/1 and 2006/7. The most noteworthy is Facilities which will have that increased by 266% followed by Development (77%), and attention must be drawn to the overall nominal increase of nearly 76%.

Table 1: Budget comparisons and nominal increases

Programme	2000/1	2002/3	2003/4	2004/5	2005/6	2006/7	2000/1 to 2006/7
Admin	2,157,272,000	2,359,827,000	2,372,283,668	2,453,324,670	2,495,132,847	2,709,191,826	25.6
Security	2,038,873,000	2,433,271,000	2,486,474,690	2,453,617,365	2,524,111,582	2,446,305,560	20.0
Corrections	334,388,000	400,331,000	413,705,826	456,038,668	452,046,970	444,479,099	32.9
Care	535,799,000	675,157,000	717,941,738	693,845,613	696,709,336	699,161,396	30.5
Development	207,800,000	264,094,000	307,569,245	369,619,352	369,717,230	368,144,954	77.2
After care	227,627,000	273,631,000	276,002,865	288,824,671	287,896,839	288,084,404	26.6
Facilities	402,994,000	1,229,886,000	1,194,132,760	1,469,954,818	1,501,847,139	1,476,761,000	266.4
Total	5,474,924,000	7,068,475,000	7,499,623,000	8,407,789,000	9,034,541,000	9,627,375,000	75.8

The proportional distribution of the Correctional Services budget indicates that while the total Rand value has changed significantly from 2001/2 to 2004/5, the proportional distribution between the programmes has showed very little variation, except for Facilities which increased from 6.8% of the total budget to 17.5%, as shown in Table 2. By contrast, the proportion of the budget to be spent on Corrections, Care, Development and After care has in fact decreased from 2001/2 to 2004/5, as shown in Table 2.

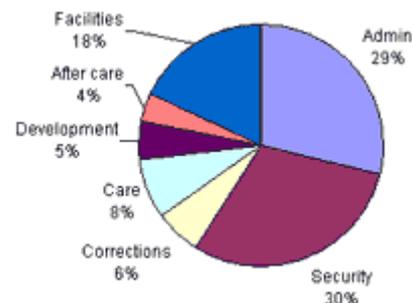


Table 2

Programme	2000/1	2004/5	2006/7
Admin	36.5	30.0	32.1
Security	34.5	30.0	29.0
Corrections	5.7	5.6	5.3
Care	9.1	8.5	8.3
Development	3.5	4.5	4.4
After care	3.9	3.5	3.4
Facilities	6.8	18.0	17.5
Total	100.0	100.0	100.0

Salaries and overtime

In terms of the economic classification of the budget, payment of employees constitutes the single largest item at nearly 64% of the total. The increase in the salary bill also provides for the employment of an additional 1955 officials between now and 2006/7. This will increase the total departmental staff complement from 35 197 to 37 152 officials.

The payment of staff is expensive and if the current budget is not sufficient, the DCS has to budget additionally for payment of overtime due to understaffing and the current five-day workweek. It is precisely this overtime payment bill that results in DCS officials being the highest paid per capita officials in the public service(9).

On 14 June 2004, the Parliamentary Ad Hoc Committee on Correctional Services queried the budgetary provision for overtime payment. The DCS replied that an amount of R645 224 000 had been allocated in the 2004/5 financial year to pay staff for overtime work. This would constitute just over 12% of the total salary budget of the department. In the previous financial year the DCS was allocated R700 million for overtime payment, but exceeded this allocation by R190 million and spent R890 million in total on paying existing staff for overtime work(10). The Committee and Ministry were also informed that the overtime system was being abused and that some staff prefer to work over weekends and receive overtime payment instead of working during the week at the normal rate(11).

The Committee and the Minister were not happy with this state of affairs and it can safely be predicted that there will be changes(12). The DCS also informed the Ad Hoc Committee during the budget workshop on 22 June 2004 that to change to a 7-day cycle to replace the current 5-day cycle, an additional 8 000 entry-level staff would need to be employed and that "this is proving to be problematic"(13). If this increase in staff is to go ahead, it will obviously have a substantial impact on the salary bill of the DCS, as the total number of staff will increase by

nearly a quarter. Proposals to do away with overtime payment and institute a 7-day work cycle as opposed to the current 5-day cycle have been resisted(14).

In June 2004 prison officials embarked on industrial action in response to the department's intention to abolish overtime payment of warders. The most militant of this nature was at the Nelspruit prison, where on 25 June 2004, 800 prisoners escaped after they have not received any food for 24 hours(15) Prisoners broke out of their cells and scaled the walls of the prison whilst striking warders looked on impassively. The DCS reacted promptly with disciplinary action against the officials involved.

The DCS may ultimately find that the employment of additional staff is more expensive than paying overtime. However, to meet the requirements set in the Correctional Services Act, the department has, in essence, no alternative but to employ more staff, unless they are able to drastically reduce the prison population so as to be able to function at current staff levels.

Overcrowding and the budget

The most vexing issue in the South African penal system is the growing prison population (17)

The police are arresting more people, the courts are taking longer to process cases (for bail and conviction), and when they are sentenced, the sentences are increasing dramatically in length. In its 2003/4 Annual Report, the Office of the Inspecting Judge reports that 63% of the awaiting trial prison population will be released without going to trial(18) Arrest, prosecution and sentencing are decisions made by SAPS, the NPA, magistracy and judiciary , but it is the DCS that has to budget for this.

It is therefore not surprising that the 2003 Draft White Paper suggested that the Department of Justice (or SAPS) takes over responsibility for the awaiting trial population(19). A recent government ten-year review of the DCS(20) states that South Africa is aiming for a prison population of 120 000; 100 000 sentenced prisoners and 20 000 awaiting trial prisoners. Unfortunately no time frame is attached to this target. Nonetheless, this implies bringing the imprisonment rate down from 4.0 per 1000 of the population to 2.6 per 1000 of the population. (The incarceration rate for the UK is 2.5 per 1000 of the population).

If the target of 120 000 could be achieved, this would indeed bring about a major change in South African prisons. Whether the Department of Justice and the SAPS are firstly also in agreement with the proposition proffered in the Draft White Paper and, secondly, committed to the target of 120 000, remains to be seen. Achieving the 120 000 target will depend heavily on the buy-in from the two abovementioned departments in the short term. In the long term, it will depend on the social cluster being sufficiently effective in crime prevention and offender reintegration to effect a substantial reduction in the crime rate. However, at the current rate of imprisonment, and the increasing length of sentences, the 120 000 target may be even more difficult to achieve than anticipated. Recent trends in the sentencing profiles places the 120 000 target well out of reach.

Staff to prisoner ratios are important indicators for prison management as they have implications for the quality of services received, and as importantly, for the safety of prisoners and staff. At present the DCS employs 35 197 officials taking care of an estimated 188 000 prisoners; this gives a ratio of 1 official to 5.3 prisoners. Between 2004/5 and 2006/7 a further 1955 officials will be employed, bringing the total staff to 37 152. Unfortunately the prison population is projected to grow faster than this and the staff to prisoner ratio will in fact deteriorate albeit slightly, from 5.3 to 5.6 prisoners per staff member.

Prison construction

One possible solution to the overcrowding situation is to build more prisons to alleviate the pressure on existing facilities. This approach, however, warrants some scrutiny from a budgetary point of view, as prison construction is notoriously expensive. For example, the Goodwood prison in Cape Town (at the time described as "five star accommodation") was built at a cost of R139 million for 1692 prisoners or R82 151 per bed(21). At the same time, the repair and renovation of existing prisons is a continuous process and at any one time there are three to four prisons closed for this purpose. However, the construction of new prisons is the more contentious issue.

The so-called "New Generation Prisons" are again being mooted as the solution after being announced with much fanfare in 2003(22). The MTEF plans for accommodation for an additional 12 000 prisoners by 2006/7. Ad Hoc Committee minutes of 8 June 2004 reveal that the DCS asked for an additional R2.8 billion from Treasury for prison construction, but that this request was denied. Instead, an amount of R1.45 billion was allocated over the next three years to create additional accommodation for 12 000 prisoners. If this is calculated at a "per bed rate",

this amounts to R121 626 per bed; a substantially higher amount than the R50 000 per bed of the New Generation Prisons that was presented to the Portfolio Committee on 17 September 2002(23)

In 2002, the Commissioner complained to Parliament that the two private prisons are the single largest expense item for the department at R435 million per annum(24) Comparing the 2002 figures with the projected expenditure for 2006/7, it does not appear that the Commissioner's complaint is being addressed. From R435 million in 2002, expenditure on private prisons will increase to R613 million by 2006/7, representing a nominal increase of 40.9% and a real increase of 3.6% for accommodating exactly the same number of prisoners. By specification, the APOPS prisons are not allowed to accommodate more people than contractually stipulated

Conclusion

Corruption, poor management and lack of accountability are arguably the most important challenges facing the DCS and, unless it is able to rapidly clean itself up, conditions in our prisons will not improve. The promulgation of the Correctional Services Act (111 of 1998) on 30 July 2004 heralded a new era in South African prisons and finally brought the legislative framework for prisons into line with the Constitution(25) The Act will undoubtedly have cost implications ranging from straightforward matters such the requirement that each prisoner must have a bed(26) to more complicated issues such as access to rehabilitative and educational programmes. The costing of the White Paper will also yield further information as to the costs of imprisonment in South Africa.

This review presented a number of observations on the budget:

- *The DCS budget showed a nominal growth of 75.8% from 2001/2 to 2006/7 and a real growth of 11.2% from 2002/3 to 2006/7.*
- *Real growth in the budget occurred in two programmes namely Administration and Facilities and not significantly (or even negatively) in the other programmes. The stated shift in DCS policy as outlined by the White Paper, towards rehabilitation and reintegration of prisoners is unfunded in terms of current budget allocations.*
- *It is not projected by the DCS that the overcrowding problem will be successfully addressed over the next three years via the budget; the prison construction programme (at R1.45 billion) will do very little (a reduction in overcrowding levels of 4.5%) to alleviate the situation. Estimates of construction costs have more than doubled since the Portfolio Committee was briefed on the New Generation Prisons in 2002.*
- *Whilst the DCS (in its ten year review) notes that the prison population target is 120 000, it is not clear from the budget what resources are being allocated to achieving this target. Given the importance of the size of the prison population for budgetary purposes and human rights conditions, mechanisms to achieve this target should be given the utmost priority and be reflected in the budgetary processes.*
- *Salaries remain the largest expense for the DCS (at 64%) and the conversion to a seven-day cycle will have major cost implications for DCS.*

The amount of resources being spent on imprisonment is enormous and we have to admit that as a crime reduction measure, it is clearly not having the desired effect. What is required is a thorough interrogation of the purpose of imprisonment within the overall criminal justice system and how it will create a safer South Africa. It is on this objective that policy formulation, budget allocation and delivery must converge.

Endnotes

[1] Act 111 of 1998, S 2

[2] National Treasury (2004) "Budget 2004 at a glance", <http://www.treasury.gov.za/>, accessed 24/6/2004.

[3] Presentation by DCS at IJS Workshop hosted by Treasury, 25 – 27 May 2004, Pretoria

[4] Budget Vote Address in the National Assembly by Mr BMN Balfour, MP, Minister of Correctional Services, 15 June 2004. See also Service Delivery Review Vol 3 No 1 2004, p. 75, Accessed 2/7/2004 http://www.dpsa.gov.za/documents/service_delivery_review/vol3ed1

[5] Painter-Morland, M (2004) Final Consolidated Report – Focussed Assessment of Anti-Corruption capacity in within the department of Correctional Services, United nations Office on Drugs and Crime, Pretoria. Accessed from http://www.unodc.org/pdf/southafrica/focussed_assessment_anti_corruption_2004.pdf

[6] Report of the Ad Hoc Committee on Correctional services on Workshop with Department on 22 June 2004 at

Goodwood Prison, Accessed from <http://www.pmg.org.za/> on 10/8/2004.

[7] Treasury, 2004 estimates of National Expenditure, Vote 21, www.treasury.gov.za

[8] To calculate real growth, deflators were obtained from the Idasa Budget Information Service.

[9] All budget figures were obtained from "Correctional Services – Vote 21" produced by Treasury and accessed from <http://www.treasury.gov.za/>.

[10] Report of the Ad Hoc Committee on Correctional Services on Workshop with Department on 22 June 2004 at Goodwood Prison, Accessed from <http://www.pmg.org.za/> on 10/8/2004.

[11] Report of the Ad Hoc Committee on Correctional Services on Workshop with Department on 22 June 2004 at Goodwood Prison, Accessed from <http://www.pmg.org.za/> on 10/8/2004.

[12] Report of the Ad Hoc Committee on Correctional Services on Workshop with Department on 22 June 2004 at Goodwood Prison, Accessed from <http://www.pmg.org.za/> on 10/8/2004.

[13] On 10 August 2004 the Portfolio Committee was briefed by the department as to the plan on converting the current 5-day work week to 7 days and thus do away with overtime payment. Available from <http://www.pmg.gov.za/>. Accessed 12/8/2004.

[14] Report of the Ad Hoc Committee on Correctional services on Workshop with Department on 22 June 2004 at Goodwood Prison, Accessed from <http://www.pmg.org.za/> on 10/8/2004.

[15] The current 5-day system uses one day shift and two nights shifts (using skeleton staff) with weekends and public holidays operating at 46% of the staff complement. The 7 day system will use two day shifts and two nights shifts with the day shifts using (presumably) full staff complements. See DCS Presentation to the Portfolio Committee on Corrections on 10 August 2004, Available at accessed from <http://www.pmg.org.za/> 30/8/2004

[16] News24.com "800 starving prisoners escape" http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_1548794,00.html, Accessed 9/8/2004

[17] Since the beginning of 2004 there has been a small reduction in the total prison population, from 186 606 in January 2004 to 186 533 in May 2004. A more substantial decrease has been seen in the awaiting trial population; from 55 877 to 51 734. The sentenced population has however continued its upward trend; from 130 729 in January 2004 to 134 799 in May 2004.

[18] Judicial Inspectorate of Prisons (2004) Annual Report for 2003/4, Cape Town, p 17.

[19] The Draft White Paper states as follows in paragraph 10 of the Executive Summary: "In its long-term view, the Department motivates that Constitutional provisions and international practice support a position in which the management and care of awaiting-trial detainees should not be the responsibility of the Department".

[20] Service Delivery Review Vol 3 No 1 2004, p. 75, accessed 2/7/2004
http://www.dpsa.gov.za/documents/service_delivery_review/vol3ed1

[21] The Cape Times, 17 November 1997, p 9.

[22] Report of the Ad Hoc Committee on Correctional Services on Workshop with Department on 22 June 2004 at Goodwood Prison, accessed from <http://www.pmg.org.za/> on 10/8/2004.

[23] See Portfolio Committee Minutes available at www.pmg.org.za

[24] Goyer KC (2004) Incarcerating and rehabilitating offenders *in* Schonteich M et al Private Muscle, ISS Monograph Series, No 93, p 85.

[25] Government Gazette Vol 469, No 26626, 30 July 2004.

[26] Correctional Services Regulations, Chapter 2, Para 3(2)(e)(i), Gazetted 30 July 2004.

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Milestone reached for the establishment of a human rights basis for corrections

10-17/09/04

by Prof Julia Sloth-Nielsen published in the Mail and Guardian 10-17 September 2004

The South African public cannot have failed to take cognizance of the notorious and deteriorating human rights conditions in South African prisons over the last few years. Not only has the evidence produced for the Jali commission highlighted severe shortcomings regarding corruption and manipulation of the system by staff and prisoners, but the well-publicized growth in prisoner numbers has rendered the degree of overcrowding of prisons unacceptable

from a human rights point of view.

Not only has the Inspecting Judge of Prisons played a key role in publicly identifying the problems caused by cells stuffed to the brim with incarcerated human beings, but growing concern at the consequences of the tremendous rise in the prisoner population has been increasingly expressed by organs of civil society (such as the Association of Law Societies after their annual prison visit on Human Rights Day, 2003).

Overcrowding not only results in a decline in staff morale, an inability to enforce basic discipline and order, and a breakdown in rehabilitative efforts, but the physical conditions of detention warrant serious concern: lack of ventilation, conditions conducive to increased sexual violence and the spread of infectious diseases, water and plumbing systems collapsing completely under the strain, and so forth. Indeed, conditions have reached such a point of degradation in some prisons that constitutional litigation to highlight and address the numerous human rights breaches caused by overcrowding has been seriously contemplated in recent times by civil society lobby groups.

The 30th July 2004 heralds a milestone in assuring the improvement of human rights conditions in our correctional facilities: the welcome promulgation of the 1998 Correctional Services Act and the accompanying regulations. This Act was developed after 1996 to give effect to required constitutional norms and standards, and passed by Parliament at the end of 1998 after lengthy and considered deliberations. However, the legislation has languished on the backburner for more than five years, save for the implementation of a couple of Chapters, notably the Chapter establishing the Office of the Judicial Inspectorate of Prisons.

Because of this, legally speaking, a confused situation has prevailed for some time since the passing of the 1998 Act, with the 1959 Prisons Act still in force, but superceded by a range of policy changes (for example relating to the workings of the parole system). The minimum standards required to give effect to constitutional imperatives of 'conditions of detention that are consistent with human dignity, including at least exercise, the provision... of adequate accommodation, nutrition, reading material and medical treatment', in accordance with section 35(1)(2) of the Constitution, remained elusive.

However, the coming into effect of the 1998 Act sets clear parameters for the achievement of the constitutional goals South Africa established in 1996. The Act specifies what measures need to be put in place not only to ensure that our prisons comply with the minimum requirements of detention with human dignity, but more importantly, to establish a basis for our correctional system that will permit the important and necessary work of rehabilitation to begin taking place.

These include provisions requiring cell accommodation with sufficient floor and cubic capacity to enable prisoners to move freely and to and sleep, provision of adequate warmth for the climatic conditions, the provision of separate beds for prisoners, together with bedding which complies with hygienic requirements, compulsory separation of children aged under 18 from adult prisoners, special minimum dietary requirements for incarcerated children aged between 13 and 18 years, the provision of at least the same level of primary health care to prisoners that is available at State expense to members of the community outside prison, and the service of meals at specific intervals, with an interval of no longer than 14 hours between the evening meal and breakfast (to cite but a few of the significant improvements contained in the Act and regulations).

The Act is not only concerned with the human rights of prisoners. The Act poses substantial benefits for crime victims and members of the community at large too. This is because the final parts of the Act that will come into effect (on 1 October 2004) relate to the functioning of the new parole system. Notably, the Act envisages significant public participation in the new parole boards which will be established to implement parole policies and decide on releases, giving communities a real stake in the results of the criminal justice system. These new boards will serve the entire nation, ensuring a far greater involvement of ordinary South Africans in the correctional system, a system to which we as taxpayers all contribute.

The South African public may also be interested to know that the Act contemplates that as far as practicable, sufficient work must be provided to keep prisoners active for a normal working day, and that a prisoner may be compelled to work.

The immediate challenge imposed by the 1998 Act is threefold. On the one hand, the direct responsibility for implementation of the required physical measures to avoid falling foul of legislative imperatives rests primarily with the Department of Correctional Services. Steps in this regard this may have to include the building of new prisons, modernizing antiquated and obsolete buildings, and attending to basics – beds, ventilation, health care, water and sanitation. The legislation will inevitably impact on human resources issues, such as re-organisation of rosters to allow meals to be served at necessary regular intervals and to

facilitate the required regular access to exercise.

Second, though, the other Departments in the Criminal Justice Cluster will have to take cognizance of the constraints newly placed on the Department of Correctional Services by law - no longer can correctional facilities be a dumping ground for more and more prisoners (especially those not convicted and awaiting trial) when the Department is already going to be hard pressed to meet the standards Parliament has laid down in relation to those already in their custody. Organs of government as a whole have a shared responsibility to place the correctional system in a position to meet the norms set out in the new law.

Third, the coming into operation of 1998 Act heralds the possibility of an invigorated role to be played by members of the public, and by religious and civil society organizations involved in the panoply of issues that come to the fore in prisons, such as HIV/Aids, sexual violence, child protection, reintegration programmes, and so on. Their efforts can now be focused on, and broader support mobilized for, proper implementation of the Act's provisions throughout our prison system.

Our society receives back into the fold far more than 10 000 prisoners each month -because they are acquitted, have served their sentences or are otherwise freed. We owe it to ourselves to ensure that, as far as possible, those returning to our fold are equipped to be better and more law-abiding citizens, rather than leaving the prison walls worse than when they went in. The benefits of 1998 Act which has now come into force will hopefully go some way towards making this a reality.

Prof Julia Sloth-Nielsen
 Founder member of the Civil Society Prison Reform Initiative (CSPRI)

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SA Prisons at a glance

October 2004
 by Lukas Muntingh

CATEGORY	FEB-04	MAY-04	VARIATION
Prisons	240	240	0.0
Functioning prisons	233	236	1.3
Closed prisons	7	4	-42.9
Total prisoners	187065	186533	-0.3
Sentenced prisoners	132315	134799	1.9
Unsentenced prisoners	54750	51734	-5.5
Males	182892	182346	-0.3
Females	4173	4187	0.3
Children	3973	3594	-9.5
Unsentenced children	2275	1857	-18.4
Total capacity	113551	114787	1.1
Overcrowding percentage	164.7	162.5	-1.3
Most overcrowded	Durban Med C 387.60%	Uniondale 462.50%	
Least overcrowded	Vryheid 25.30%	Heilbron 21.28	
Awaiting trial 3 months +	23033	21754	-5.6
Infants in prison with mothers	196	205	4.6

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