

The South African prison policy

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Introduction

The historic elections held during April 1994 presented South Africa with a unique opportunity to redress the imbalances of the past through the transformation of the criminal justice system to a just and democratic order which reflects not only the composition of the society but also the aspirations of its people. Such transformation was timeous and necessary. Both the criminal justice system and the crime problems, with which it has to deal, have been shaped by the legacy of apartheid.

Apartheid, both as an official policy and in the form of the less formal segregationist practice, which preceded it, had a negative influence on the development of the society, which will take many years to overcome.

Apartheid distorted the criminal justice system as well. Until relatively recently people of colour were largely excluded from positions of authority in the judicial system, in the police and in the prisons.

The criminal justice system was influenced by the fact that it was used by the state as an instrument in the fight against the opponents of apartheid. Much of the energy of the policy was drawn away from the fight against ordinary crime. The states of emergency declared in the 1970's and 1980's led to the goals being filled with unsentenced detainees incarcerated for their opposition to the government of the day. The use of the criminal justice system in this way also led to its legitimacy being undermined amongst broad sections of the population.

In a statement by the then president Nelson Mandela, at the OAU meeting in Tunisia in June 1994 he expressed the following:

“We all prayed and made sacrifices to bring about a South Africa that we could hold out as a true example of the democracy, equality and justice for all which the apartheid system was constructed and intended to deny. The vision you shared with us was one in which we would use the resources of our country to create a society in which all our people would be emancipated from the scourges of poverty, disease, ignorance and backwardness”.

The correctional system

Ideally the criminal justice system should contribute to the maintenance of a just, peaceful and safe society utilizing appropriate and reasonable sanctions, by exercising only the necessary degree of control and actively encouraging offenders to take advantage of opportunities which will assist them to become law-abiding citizens.

The Department of Correctional Services believes that close liaison and cooperation with its criminal justice partners and with society as a whole is a prerequisite for effective corrections and a more just, humane and safe society. Therefore, the Correctional Services function can only be debated meaningfully if it is seen and appreciated within the criminal justice system as part of the national household and not as an isolated entity only operating within its own boundaries.

The present trend among international penological experts, academics and corrections/prison administrators is to follow a systems approach when dealing with the issues that confront the correctional system.

In the early 1960's the incarceration of political detainees and sentenced political prisoners became a significant permanent feature which had a negative impact on the legitimacy of the prison system. The detention of political prisoners caused international organizations such as the International Committee of the Red Cross, the United Nations and Amnesty International to turn their attention to those prisons.

The Government's policies, influenced as it was by the doctrine of apartheid had a major impact on the budgetary allocations which the Department received. Limited funds and the disparity in the provision of services provided to 'white' and 'non-white' nationals resulted in inadequate rehabilitation programmes being made available.

The political changes which began in 1990 had a direct impact on the prison system. In 1991 the Prisons Services was separated from the Department of Justice and renamed the Department of Correctional Services (DCS). The new Department was responsible for the supervision of offenders in the community as well as operating the prison system. The dawn of the Government of National Unity in 1994 meant that the DCS could look forward to a future where it will never again be misused to further policies that are in conflict with the standards of the international community. The legacy of the past is, however, still present and the authorities face a very daunting task to reform the prison system to meet international standards.

The Constitution of the Republic of South Africa provides for a National Department of Correctional Services. The accountability for the Department is

vested in the Commissioner who is responsible to the Minister of Correctional Services. In the administration of Headquarters as a policy-making body, the Commissioner is assisted by Chief Deputy Commissioners who in turn have specific chief directorates allocated to them headed by Deputy Commissioners.

The implementation and execution of policy is the responsibility of nine Provincial Commissioners in each of the provinces. Every province is divided into Areas of Command with a Commander at the head of each Area of Command. There are currently 133 Areas of Command throughout the country. Within an Area of Command there are a number of prisons – 240 countrywide. In all these prisons, a Head of Prison is responsible for the administration of the prison. The bed capacity at present is 114,559 and the inmate population is 165,850 – a level of overcrowding of 144%.

The Department has personnel of approximately 40,000 men and women forming a national staff complement.

The DCS has as its primary function the responsibility to keep those detained in prison in safe custody until they are legally released. While adhering strictly to its function the Department acknowledges the fundamental rights of offenders which are embodied in the Constitution. It is therefore necessary to incarcerate and treat all prisoners in a humane manner and to create a climate which is conducive to rehabilitation.

The Department is furthermore committed in maintaining universally acceptable standards and norms with regard to the treatment of offenders and in particular those norms, standards and guidelines laid down by the United Nations on the treatment of offenders.

The DCS is, as in other countries, in service of the community and forms an inseparable part of the criminal justice system. Bearing this in mind, the Department strives to ensure close liaison and cooperation with the criminal justice system and with society on a continuous basis in order to ensure and maintain an effective correctional system and a more just, humane and safe society, based on the following correctional practices.

Physical care

Accommodation for offenders

The DCS respects and endorses the legitimate expectations of every prisoner to be detained under conditions consistent with human dignity. In fact, it is regarded as a prerequisite to the building of the prisoner's self-respect as well as positive participation in rehabilitation and training programmes.

The Department strives to provide adequate accommodation which complies with accepted standards. However, certain realities are frustrating the pursuance of this policy – the major factor being a long history of inadequate funding for capital programmes to renovate existing prisons and to build new prisons. A further factor is that the Department is on the receiving end of the criminal justice process and has no control over the number of persons flowing into the system on a daily basis.

Classification of prisons and prisoners

The principle of classification of prisons and the effective separation of prisoners according to their levels of security risk is embodied in the present Correctional Services Act, 1998. It is generally accepted that a good security classification system forms the backbone of good prison administration.

Health services

The Department respects and endorses the prisoner's right to quality health care. All inmates thus have access to medical care.

The main objective is to provide for an ethical and clinically independent health care service, accentuating the 'Primary Health Care Strategy' of preventive and promotive health care which also includes health education.

All prisoners have health care facilities. Every province possesses a regional prison hospital which provides for the rendering of a 24-hour nursing service.

At larger prisons, there are, inter alia, well-equipped pharmacies, theatre facilities where local anesthetics can be administered and provision is even made for the rendering of specialist services within these hospitals.

In providing a comprehensive health care service, the health care system currently also provides for offenders to request a consultation with a medical practitioner.

Nutrition

In keeping with the emphasis of primary health care, the Department strives to cater, in cooperation with the health authorities, for the different nutritional needs of persons entrusted to its care, and to comply with the recommended daily allowance prescribed by the American Nutritional Council and the World Health Organization.

Rehabilitation of offenders

Fundamental to an effective corrections and justice system is a firm commitment to the belief that offenders are responsible for their own behaviour and behavioural change and have the potential to live as law-abiding citizens.

The treatment, development and training of offenders are approached as follows:

- involvement of the various professionals is determined according to the individual needs, circumstances and risk factors of the offender;
- opportunities are provided and offenders are actively encouraged to participate in appropriate programmes;
- offenders are informed of the various programmes and should be active participants in decisions affecting them. They are also provided with the opportunity to redress;
- the offender is consistently monitored to determine as far as possible whether change has occurred; and
- the various programmes are continually evaluated and the needs of offenders are addressed to determine and ensure effective approaches and programmes.

Applied policies of the Department of Correctional Services

Youth policy

The DCS is of the notion that youths in the correctional setting cannot be analysed or judged in isolation without due regard to the functional characteristics of the South African youth and profiles of the communities of their origin. Rehabilitation of the youth is a collective social responsibility. In South Africa, as in many countries, young men and women are confronted with a changing and highly competitive economy. Their engagement with the economy is often limited as a result of a lack of appropriate work experience and insufficient skills. Crime has socio-economic aspects that need to be addressed in order to create a law-abiding society.

The youth policy provides guidelines on key components of youth matters in the correctional setting, particularly in respect of the new framework and how the framework can be implemented. The strategic framework of the Department is broadly shaped by the Constitution of South Africa (1996), the Correctional Services Act (1998) and the National Youth Policy (1997).

The Department has initiated a number of activities to develop an environment that is conducive to the rehabilitation of young offenders. The policy embraces an effective rehabilitation system that is based upon principles and practices of equity, redress, development, reconstruction, access, integration, partnership, sustainable use of resources, need-based programmes, and the recognition of human rights of the youth as enshrined in the Constitution. The policy makes provision for monitoring and evaluation mechanisms to ensure that programmes for the youth are correctly implemented and measured appropriately. It is the premise of this policy to ensure that youth issues are mainstreamed into departmental activities.

Development and care policy

The offender development and care policy aligns itself with a growing trend in correctional facilities world-wide to put the rehabilitation of offenders at the centre of all its activities. The policy aims to provide greater opportunities for improving the rehabilitation outcomes and objectives of the DCS and to contribute towards crime prevention and community safety.

A need was determined by the Branch, Development and Care for an overarching offender development and care policy to clarify the understanding of development and care as they form part of the six key service delivery areas of the Department. Although the offender development and care policy is presented as an overarching policy, it is important to note that development and care deal with very different issues and form part of different financial programmes in the Department. The main purpose/objective of both these programmes is to improve and enhance the personal development and well-being of offenders.

It was decided not to separate development and care into two distinct policies as general principles and/or similarities between these two programmes are addressed in this overarching policy. This will minimize unnecessary duplication. Unique differences pertaining to development and/or care issues will be addressed in individual Directorate-specific policies.

This policy also reiterates the commitment of the Department to ensuring that offenders have access to a range of development and care programmes and services. These programmes and services must take place in an environment that satisfies physical, intellectual, social and emotional needs in order to bring about positive change in offenders with the ultimate intention of significantly reducing crime.

The offender development and care policy facilitates a common understanding of development and care in the DCS amongst all correctional officials, of-

fenders and other role-players, and it will guide all the other development and care policies, processes and/or guidelines.

Psychological services policy

The policy on psychological services provides a broad framework for sentence planning and case management both in correctional centres and for offenders, probationers and parolees. An integrated and holistic approach will be followed in the rendering of psychological services. The roles of psychologists and counselors within the six service delivery areas of the Department are defined as:

- *Care*: psychological and counseling interventions aimed at maintaining/improving the mental health/psychological well-being of offenders, probationers and parolees.
- *Corrections*: psychological and counseling interventions aimed at addressing offending/criminal behaviour (i.e. criminogenic dynamics and/or risk factors) of offenders, probationers and parolees.
- *Development*: psychological and counseling interventions aimed at improving the general personality functioning, psychological resilience and life skills of offenders, probationers and parolees, i.e. programmes that facilitate the development of healthy personality functioning and the acquisition of intra-/interpersonal skills.
- *After-care*: psychological and counseling interventions aimed at assisting/facilitating the psychological and emotional reintegration of offenders, probationers and parolees into society on completion of their sentences.
- *Security*: psychological and counseling interventions and/or recommendations aimed at contributing to the emotional, social and physical security of offenders (e.g. to eliminate suicide risks).
- *Facilities*: recommendations/inputs by psychologists/counselors regarding the minimum physical facilities/infrastructure required adequately and according to the Ethical Code of Conduct of the Professional Board of Psychology to perform their professional duties.

The policy will enable psychologists and counselors in the Department of Correctional Services to promote emotional well-being in order to facilitate healing and reconciliation of interpersonal relationships. Implementation of the policy will assist and enable offenders, probationers and parolees to lead law-abiding and productive lives while in a correctional care, as well as after completion of their sentences. The policy also promotes partnerships with the community.

Social work services policy

The DCS forms part of the criminal justice system. It is through rehabilitation that the Department can respond to its obligation of providing services to ensure that those who are convicted for contravening the law and are sentenced to imprisonment or correctional supervision ultimately leave the correctional system as law-abiding, responsible and productive citizens.

The Department placed rehabilitation at the centre of all its activities. The responsibility of facilitating offenders' rehabilitation is mandated by various pieces of legislation, including the Constitution of the RSA and the United Nations Declaration on the Treatment of Offenders. The social work services policy was developed to ensure that social work services are streamlined to effect rehabilitation of offenders by addressing their needs. It seeks to guide, set standards and develop mechanisms to ensure effective practice of social work within the DCS.

Formal education policy

The Constitution of the RSA states clearly that the democratic state and common citizenship are founded on the values of human dignity, equality and the advancement of human rights and freedom. These values call upon all peoples to take up the responsibility and the challenge of building a humane and caring society. In this humane and caring society, the right to basic education is a building block in the establishment of equality and the advancement of human rights.

In tandem with the rehabilitation agenda of the DCS national legislation and international instruments, this right to basic education prompted the formulation of a policy on education in the Department.

The formal education policy aims to provide an enabling framework for education to offenders, based on internal procedures as well as external processes relating to the rendering of education services.

Through this policy, the Department intends to emphasise its commitment to the rehabilitation of offenders and to provide a foundation for the acquisition of knowledge and skills required for social and economic development, justice and equality.

Security management services policy

Security in the DCS fully supports the internationally defined purpose of incarceration as the creation of a secure, safe and correcting environment to

protect society against crime, not simply by removing offenders from society, but by also trying to ensure as far as possible their rehabilitation.

No effective correctional programmes can take place in an environment in which offenders, correctional officials and other service providers are not safe and the security risk is not managed effectively. It is acknowledged that secure, safe and humane custody are a prerequisite for the rendering of an effective corrections and rehabilitation service.

In order to ensure an effective security service that will serve the specific needs of offenders, officials, service providers and the public, the security management policy of the Department is based on the understanding that such a security service must be rendered at predetermined levels of standard. Security measures that are predetermined and deliberately set at levels of quality and quantity are referred to as Minimum Standards of security.

The security policy of the Department aims to set a clear framework for a security system that is based on minimum security standards that acknowledge the need for a holistic, coordinated and synchronized approach to security. This approach is furthermore based on a thorough understanding of the security challenges facing correctional centres and clear pillars of security that are vital when it is necessary to address security breaches. The security system for correctional centres is based on six pillars of security.

Risk profile management policy

The DCS recognizes correction in terms of correcting offending behaviour and the promotion of societal responsibility amongst those sentenced to community correctional supervision, remanded in correctional centres and those on parole as core business or the basic mandate of the Department. The assessment and profiling of offenders are important principles that underpin a correction framework. It plays a vital role in identifying offender needs and risks, compiling a unique offender profile, and in aligning offender rehabilitation programmes to address and correct offending behaviour.

The purpose of the risk profile management policy is to regulate needs and risk assessment and intervention practices. These interventions are used to develop sentence plans for each offender in order to manage and reduce offender risks of re-offending, to curb crime and protect the public.

Poverty alleviation policy

Since 1994, the government has been ceaselessly striving to address the injustices of the past and to meet the basic needs of all inhabitants. Most efforts

were focused on the creation of a 'caring society'. The reduction of poverty, however, remains one of the biggest challenges.

In 2001, President Mbeki reiterated the commitment of the government to relieve poverty directly by launching the Urban Renewal Programme (URP) and the Integrated Sustainable Rural Development Programme (ISRDP). In this regard, the President defined the Government's aim as '...to conduct a sustained campaign against rural and urban poverty and underdevelopment and to bring all the resources of all three spheres of government together in a coordinated manner'.

These two programmes, both of which are run by the Department of Provincial and Local Government (DPLG), are being implemented in 21 nodes (13 rural nodes and 8 urban nodes). They correspond to 'pockets of intense poverty' across the country and are home to 10 million people. The origins of the two programmes lie in a crime-prevention strategy based on the idea of coordinating a range of policing and socio-economic initiatives in a local area to tackle the deeper roots of crime while addressing its immediate manifestations.

The Government Programme in Action (2005) and the White Paper on Corrections (2005) call for collective efforts by departments to assist in poverty alleviation strategies. The DCS heeded this call by developing a poverty alleviation policy that is aligned with its core functions, viz. promotion of social responsibility, the correcting of offending behaviour and personal development of offenders in order to facilitate their reintegration within their respective communities.

This alignment also finds expression in the government's development strategies of creating an environment that facilitates economic growth, supports Broad-Based Black Economic Empowerment and is aimed at the reduction of poverty, high levels of crime, unemployment and illiteracy. While poverty is mainly concentrated in the rural areas – with the highest poverty rates in the Free State, the Eastern Cape and Limpopo – high levels of poverty are also experienced in and around urban areas, mostly affecting the small rural towns, but also secondary cities and metropolitan areas. Actually, many poor households maintain 'dual residence' or 'double-rootedness' as a strategy of finding economic opportunities in both rural and urban areas.

The Department has committed itself to becoming a partner with other state departments, non-governmental and community-based organizations in poverty-alleviation initiatives, with particular emphasis on the nodes and areas where high poverty prevalence has been identified. The Department, in its mandate of ensuring the rehabilitation of offenders and correcting offend-

ing behaviour, recognizes the pivotal role of society in its endeavours to minimize the negative impact of criminal behaviour on the fabric of society. It is envisaged that the poverty alleviation policy will support and encourage the restoration of relationships by contributing to the community through their acquired skills and labour and the products thereof.

Linking economic growth with human development appears to be the most challenging task facing government in terms of poverty alleviation. It proves increasingly crucial to define poverty alleviation strategies that not only provide for the basic needs of the poor (in terms of infrastructure, health and education), but also orientate them towards the building of their own capacities to sustain themselves. Developing a culture of entrepreneurship should remain a policy priority in order to promote economic sustainability rather than dependency.

Correctional programmes policy

The DCS is entrusted with the responsibility of rehabilitation and correction of offending behaviour of sentenced offenders. This responsibility needs to be carried out in a manner that will lead to the reduction of re-offending and further criminality amongst inmates/offenders. The philosophy of rehabilitation was spelt out both in the Correctional Services Act (1998) and in the White Paper on Corrections in South Africa (2005).

The development of correctional programmes targeting offending behaviour has become a major challenge. Needs-based correctional programmes targeting offending behaviour in the correctional facilities are required to promote offenders' rehabilitation process. These programmes will address different crime categories based on the needs identified in the individual correctional sentencing plan, encouraging offenders to participate in the rehabilitation process targeting offending behaviour.

The success of correctional programmes will be achieved if more emphasis is placed on changing offenders' attitudes, beliefs, perceptions, feelings, understanding and conduct. The effort requires full cooperation and engagement by all relevant stakeholders and disciplines.

In order for the Department effectively to deliver on its mandate, the policy on correctional programmes had to be developed. This policy has to be read in conjunction with the procedures, legislation and other relevant policies of the Department and the Government. Effective and efficient implementation and coordination of correctional programmes in correctional facilities should be achieved through this policy. This policy will be monitored, evaluated and reviewed to ensure that it meets its objectives.

Correctional centre-based care policy

During the last two decades, the HIV/AIDS epidemic has touched the lives of millions of people around the globe. The scourge of this epidemic is being felt by every community and household. According to the Report on the Global AIDS epidemic, as published by UNAIDS, an estimated 38 to 42 million adults and children were infected globally with HIV by the end of 2003. In Sub-Saharan Africa an estimated total of 25 million infections were recorded at the end of 2003. South Africa is not excluded from the ravages of this epidemic and is facing some challenges in managing the HIV/AIDS epidemic in societies.

The DCS as a microcosm of the society, inevitably shares the same challenges in managing HIV and AIDS. The provision of effective health education, maintaining confidentiality and health standards in already overpopulated correctional centres carry its own particular difficulties. This Department, however, has an obligation to develop and transform services to meet the needs of the ever increasing correctional centre population. The Department is primarily responsible for the detention and rehabilitation of all offenders in a safe and humane environment while ensuring the maintenance of their human dignity.

This policy on correctional centre-based care provides a broad framework for the rendering of basic care by offenders to their fellow offenders, who are ill, on a voluntary basis. The policy furthermore aims to ensure that offenders are equipped with the necessary knowledge and skills to render care services within the correctional centre. It is envisaged that this initiative will complement and strengthen the current health care services provided to ill offenders, which services are rendered by professional health care workers within the Department.

A secondary benefit of the policy, which meets the rehabilitation objectives of the Department, is that by volunteering, offenders who promote their emotional well-being, which encourages them to live as compassionate and law-abiding citizens, something that will add value to the community's efforts in caring for and supporting people infected and affected by HIV and AIDS.

HIV/AIDS policy

HIV/AIDS is an international non-discriminatory epidemic. Thus the DCS is not immune from the impact of the epidemic. The Department has recently adopted a strategy of placing rehabilitation of offenders at the centres of all its activities. This strategy is embodied in the White Paper on Corrections (2005). The White Paper, amongst others, serves as a mandate for this policy.

The Department implemented a management strategy for HIV and AIDS in 1996. However, due to new information and changes in the HIV and AIDS field, it was necessary to amend this strategy into a policy, which was approved by the Minister in October 2002.

Further structural changes in the Department since 2002 and other new requirements have meant that the policy must now be amended to bring it into line with these. The policy outlines a definition of terms used, provides a background to the creation of the policy, indicates the legal and other mandates for the policy, states the principles upon which the policy rests, makes a statement of intent, specifies the objectives of the policy, gives the structure of implementation, declares the monitoring, evaluation and review process and points out the legal and financial implications of this policy. The policy concludes with ministerial approval.

The crux of the policy rests on the following components: prevention, care and support, treatment, capacity building of personnel delivering programmes to offenders and of offenders themselves, research and monitoring, and surveillance. The policy endorses the notion that mitigating the impact of HIV and AIDS on offenders will need a strong partnership with the community and others.

The policy promotes the observance of human rights in its implementation. Additional principles such as confidentiality, respect, sensitivity, non-discrimination and non-stigmatisation will be adhered to in implementing this policy. The policy is a legally binding document and is enforceable within correctional centres by all officials.

Sports, recreation, arts and culture policy

Diverse and dynamic sports, recreation, arts and cultural heritage are some of the country's richest and most important resources, with the capacity to generate significant economic and social benefits for the nation. Sports, recreation, arts and culture (SRAC) as social phenomena have taken many forms and millions have participated in activities and programmes, both actively and passively, over the years.

In terms of the national legislation as well as international instruments on the provisioning of sports, recreation, arts and culture, it is imperative that programmes and activities are provided in such a manner that they add value to the lives of participants.

Sports, recreation, arts and culture should not be regarded as an optional extra to the list of activities for offenders. Rather, it should be central to the rehabilitation plan of all offenders in order to assist them to re-order their lives

in a positive manner, taking into account their social, economic and cultural backgrounds.

This policy therefore strives to provide a framework that will develop, encourage and promote sports, recreation, arts and culture as a vehicle for change that will inculcate in participants an active lifestyle.

Privileges policy

The DCS is faced with an enormous challenge to change its strategic direction towards ensuring that rehabilitation is placed at the centre of all its activities. This necessitated the revision of policies in order to fit into this new strategic direction. The development of the White Paper on Corrections (2005) has led to the review of several policies to bring them in line with the new vision.

It is for this reason that the offenders' privileges require a policy to guide and inform the allocation, granting, withdrawal and/or forfeiture of privileges with a view to improving offenders' adjustment in correctional centres. The protection of society is a paramount consideration in the process of rehabilitation and correction of offending behaviour.

In the light hereof, the development of an offender's privileges policy seeks to contribute to the development of a new programme genre to help offenders achieve a productive life outside the prison environment.

Essentially all offenders have rights that are protected by the Constitution. These rights are unalienable and are not forfeited upon imprisonment. However, the application of these rights might be limited in the case of offenders as a result of their imprisonment. In this context, the offenders' privileges policy seeks to create an atmosphere that avoids physical, mental and social deterioration by creating conditions for recreation and exercise.

The most important change in corrections is the creation and construction of a strategy in recent years in the form of a unit management approach as embodied in the White Paper on Corrections (2005), which recognizes a new philosophy of prison management which the current draft offenders' privileges policy intends to support. At the heart of the emerging new-generation prison facilities concept is the envisaged improvement on the supervision and control of offenders, which needs to be supported by a new offenders' privileges regime. Therefore, an adequate privileges policy for sentenced offenders that addresses humane treatment, dignity and respect will go a long way in influencing the behaviour change of offenders, increasing their self-worth and minimizing their chances of escapes from correctional centres. As a consequence of this new endeavour, correction of offending behaviour can

no longer languish in the backwaters of an ill-defined privileges system but must build the foundation for an effective inmate employment programme based on a sound privileges policy.

Marriage policy

Everyone is equal before the law and has the right to equal protection and benefits of the law. Equality includes the full and equal enjoyment of all rights and freedom in terms of association. It also implies the right to marry. Inmates in correctional centres are not only serving sentences as punishment but also for development and rehabilitation in preparation for reintegration into society. Incarceration in itself consists of loss of liberty. Therefore the circumstances of imprisonment should not be used as an additional punishment. Any adverse effects of imprisonment should be minimized.

The DCS acknowledges that life in correctional centres can never be normal, but also that conditions in a correctional centre should be as humanely normal as possible, subject to limitations imposed by the need for secure and proper administration of centres. Inmates are encouraged to build and maintain familial and social relations with the sole aim of strengthening sound family relationships and support systems.

The Department is also of the opinion that a person cannot be denied the right to marry simply because of the fact that he/she is serving a term of imprisonment. However, the rights of people serving sentences are subject to limitation in terms of section 36 of the Constitution. Conjugal rights, therefore, cannot be exercised in correctional centres.

The belief is that marriage can play a positive role in promoting the rehabilitation and reintegration of an offender into society. It can instill a sense of responsibility and belonging in offenders. Furthermore, it can enhance the building of relationships and strengthen the mental, personal and social support systems of the offender. Ultimately this marriage policy seeks to find expression in as well as build on moral and ethical values that underpin society.

The policy focuses on both civil and customary marriages as recognized in terms of the Marriage Act (1961) and the Recognition of Customary Marriages Act 198 (1998). The DCS is cognisant of the development regarding same-sex marriages and the ruling of the Constitutional Court on 1 December 2005.

Infants and mothers policy

The DCS regards all children as unique and consequently their needs have to be addressed specifically. The Department also endorses and respects the

rights of children as contained in the Constitution. The Department is committed to providing the best possible care to infants with their mothers in line with national and international norms and standards.

The policy on infants and mothers has to be read in conjunction with legislation and the policies. The purpose of the policy on infants and mothers is to promote their emotional well-being, assist in developing their personality and their mental and social functioning, as well as to ensure that the needs of infants are mainstreamed into development and care activities.

The White Paper on Corrections (2005) paved the way for the Directorate Social Work Services to develop a policy for infants and mothers and align itself to the strategic direction to ensure that care and treatment of young children in the Department is practiced in the correctional centres according to set standards.

Health care policy

Correctional centres are among the unhealthiest places in our societies. Within correctional centres, offenders are not only deprived of their freedom but they are also exposed to threats such as communicable/infectious diseases, addiction and violence. The capacity personally to manage these risks is severely constrained whilst in custody. Many of the persons who are incarcerated in correctional centres are already in poor health, and most will come into contact with other unhealthy offenders in overcrowded conditions. As a consequence of this, these offenders are constantly at risk of stress to their mental health and physical well-being due to factors such as overcrowding. Correctional health policy should be integrated into and be compatible with the national health policies and treatment guidelines.

Primary Health Care (PHC) is seen as the key component in the management and reduction of health-related risks in the DCS. Health services should be able to implement preventive and promotive programmes, and provide curative, rehabilitative and other relative care comparable to that enjoyed by the general public, within the available resources.

Health education programmes should aim at encouraging the development of healthy lifestyles and enabling offenders to make appropriate decisions regarding their own health while diminishing the risk of dependency. Offenders should be motivated to participate in health programmes where they are taught in a coherent manner the behaviour and strategies for minimizing risks to their health.