



PARLIAMENTARY
MONITORING GROUP

MONITOR

A monthly briefing sheet to keep communities informed about what is happening in Parliament

Did you know?	How do we treat our prisoners?
<p>The President recently launched the War on Leaks campaign. This campaign is aimed at dealing with water that is lost due to leaking taps and pipes and illegal connections. Through the project, young unemployed people will be trained as artisans, water agents and plumbers to fix leaking pipes in their own communities.</p> <p>The Municipal Demarcation Board has re-determined certain municipal boundaries in the country, ahead of the 2016 Local Elections. There are about 11 fewer municipalities. Visit www.demarcation.org.za to find out more.</p> <p>The Statistician-General announced that the number of indigent households receiving basic services from municipalities increased between 2013 and 2014. Statistics showed that there were 3.5 million indigent households in 2014, as identified and recorded by municipalities. Out of this, 2.5 million, or 70.6%, indigent households benefited from the indigent support system for water, while 2 million, or 58.8%, benefited from free basic electricity provided by municipalities.</p> <p>September is World Heart Month and November is World Diabetes Month. The Health Department, in collaboration with its private sector partners, will during these two months promote health screening services, specifically for diabetes and hypertension.</p>	<p>Civil society groups briefed MPs on the whether the country is compliant with international and domestic standards when dealing with offender management, offender rehabilitation and independent monitoring.</p> <p>They cited the Judicial Inspectorate for Correctional Services (JICS), which pointed out that there are large numbers of prisoners who allege that they have been assaulted by officials and this may constitute torture. This was despite the fact that the country had legislation banning torture. JICS further expressed concerns about the lack of prosecutions in cases where officials are implicated in the deaths of prisoners. Research has shown that there is a de facto culture of impunity within the Department and that it is rare that officials are prosecuted for assault or torture. There was a legislative obligation on the state to prevent torture and other ill treatment by conducting information and education campaigns on the prohibition of torture so that all officials involved in custody, interrogation or treatment are informed of this absolute prohibition. It was unclear why the Department did not view this as part of its legislative mandate and it created a gap in the policy. The lack of health care, serious over-crowding and staff shortages were issues that plague prisons across the country. There were even cases where prisoners kept in isolation cells were denied HIV and TB treatment.</p> <p>The organisations further identified the degrading ablution facilities in correctional centres, the skewed staff to inmate ratio, inadequate bedding and clothing and security issues that adversely affected the right of prisoners.</p> <p>It was observed that even though there is progressive legislation in place, there is still a challenge with children and juveniles being detained in correctional centres. Although there are children in facilities who have committed serious crimes, the law treats juvenile offenders differently and they should be housed in specialist facilities with specialist staff that are able to deal with this category of offenders. Children should not be in correctional centres and yet the JICS Report indicates that there are children as young as 14 in correctional centres, and in some cases some children as young as nine were in remand detention. Children had great rehabilitative potential, especially if they are not exposed to the adult system of incarceration.</p> <p>MPs were reminded that the 2006 Jali Commission of Enquiries Report stated that the "judicial inquiry into prison corruption concluded by the Office of the Inspecting Judge has been rendered ineffective by the removal of its independence and by making it appear as though it is an extension of the Department. According to international standards prison inspectorates are defined as 'organisations which are external to the prison systems they monitor and possess the statutory authority to visit and inspect such facilities'".</p> <p>Members acknowledged that it was true that an average correctional centre, particularly in the middle of the night, was likely to have only a skeleton staff in relation to a large number of inmates. However, many MPs felt that number of people employed by Correctional Services against the number of inmates compared favourably with international figures and the focus should be on how staff were being deployed. Overall, in evaluating the extent of SA's adherence to international standards, there seem to be good intentions, but it also shows a gap between implementation on the ground and what is contained in the law or policy. The Committee Chairperson also mentioned the proposed independence of JICS, but said there was really no indication of what warranted such independence.</p>

Socio-Economic Rights for All

■ The Minister of Health provided an update to MPs about the **National Health Insurance (NHI) pilot project**. He reported that the first five-year pilot phase of the plan, which involved preparatory work and improving the quality of services, is coming to an end. The next phase is to build infrastructure and the final phase is about establishing the NHI itself. The Minister admitted that one of the problems that they still faced in the implementation of the pilot project was attracting general practitioners to work for clinics, especially in rural areas. However, this concern had been reduced after partnering with an independent service provider to hire and pay the general practitioners. Further, he mentioned that community healthcare workers had an important role to play in the provision of primary healthcare services under the NHI, but integrating them into the health service posed a challenge as many of them had no formal qualifications. He presented the design for an ideal clinic and highlighted that efforts are also underway to address the critical issues of wait times and school health care services. He also emphasised the importance of infrastructure development and efficiency in human resources management in building up the public health sector. The Committee generally praised the Department's efforts and its focus on primary healthcare. Members asked questions about the influence of business on public health, oversight of and budgeting for programme spending, the Department's ability to build public confidence in the programme, school healthcare services, and doctor recruitment as well as specific questions about x-ray machines in clinics, examples of clinic construction projects being behind schedule, recruiting doctors from SADC countries, and clinic security. MPs were informed that the funding issues would be clarified in the soon-to-be-released White Paper and there will be further meetings on this matter.

■ The Department of Human Settlements (DHS) said it was developing a land identification and acquisition framework **to acquire more land for housing projects**. The lack of a framework was regarded as the main contributing factor in creating unintended consequences and imposing high costs on households and the economy. The Minister of Human Settlements had instructed the Department to develop a practice note for this framework, which has several objectives:

1. To ensure that provinces and municipalities coordinated the activities of land identification and acquisition that remained fragmented across provinces and municipalities.
2. To facilitate the process of the identification and acquisition of well located land and eliminate the acquisition of land at exorbitant prices that was done outside the mandate of the Housing Development Agency (HDA).
3. To improve coordination with various sector departments that are expected to contribute to a coherent land acquisition programme that seeks to enhance the delivery of sustainable human settlements, including the land reform programme of South Africa.
4. To eliminate the practice of disposing suitable and well-located municipal land with the expectation that the Department and the Housing Development Agency would later acquire such land for human settlements development.

The Housing Development Agency informed lawmakers that currently provinces and municipalities were not doing medium to long term planning for land acquisition, and only allocated about 1% of their Human Settlements Development Grant (HSDG) funding for land acquisition.

MPs asked when the policy framework was expected to be ready; how the practice note was going to be applied to land owned by state entities; how the Department had been dealing with land claims and land issues that had arisen; how the Department dealt with some communities that took land that had not been used for a long time. Regarding the update on provincial and municipal land identification and acquisition, they asked how DHS interacted with provinces to ensure their percentage use of the HSDG was higher; who was going to settle the outstanding debts of the hostels that were planned for upgrades; and were there other methods of acquiring land.

■ The Department of Energy (DoE) gave a briefing on its new responsibility, the **Solar Water Heater programme**, which in January 2015 was moved from Eskom to DoE. In 2008 Eskom was mandated to install one million solar water heating systems by 2013 using a conditional grant with the objectives of reducing electricity demand, protecting the poor from electricity tariff increases and facilitating local manufacturing industries and creating employment. However to date, only 400 000 heaters have been installed in residential areas. Eskom's mandate to implement the revised National Solar Water Heating (NSWH) programme was terminated and the Department has centralised and re-worked the programme. The DoE would subsidise new installations for low-income groups. Faulty geysers would be replaced with new ones under the insurance claim. The Department is seeking approval to re-appropriate the unspent Eskom funds to the DoE. Members asked if the country has enough raw materials and local manufacturers for the programme, had the process of recruitment and training started for installation and maintenance; how reliable were the insurance companies, and did these insurance companies cover RDP houses.

Legislation under consideration....

Cabinet approved the submission of the **Foreign Service Bill** to Parliament. The Bill provides for a single Foreign Service system and creates an enabling legislative framework through which the current Foreign Service will be managed and regulated by the Department of International Relations and Cooperation.

Cabinet also approved the tabling of the **Traditional and Khoisan Leadership Bill** in Parliament. Amongst other issues, it proposes the establishment of an Advisory Committee on Khoisan matters which will assist government with the recognition process relating to Khoisan communities and leaders.

A [draft Cybercrimes and Cybersecurity Bill](#) was released for public comment. The proposed law creates offences and prescribes penalties; provides for the establishment of various structures to deal with cyber security and imposes obligations on electronic communications service providers on aspects impacting on cybersecurity.

The ANC announced that an amendment of the **Extension of the Security Tenure Act (ESTA)** would be finalised soon and be tabled in Parliament by September 2015.

Cabinet approved the publishing of the following draft Bills for public comment: The **Border Management Agency (BMA) Bill** seeks to establish the BMA that will balance secure cross-border travel, trade facilitation and national security imperatives, within the context of South Africa's regional, African and international obligations. The **Refugees Amendment Bill** seeks to create a more efficient and effective functioning application process for asylum seekers. The **Local Government: Municipal Electoral Amendment Bill** amends the Local Government: Municipal Electoral Act.

The Department of Justice and Correctional Services is currently preparing an **International Arbitration Bill**. The main objective of the Bill is to adopt the United Nations Commission on International Trade Law (UNCITRAL), Model Law as the cornerstone of the international arbitration regime in South Africa. The Department will consult with experts and stakeholders and table the bill in Parliament during the 2015 session.

The [Prevention and Combating of Trafficking in Persons Act](#) and the [Employment Services Act](#) came into effect on 9 August 2015.

The Financial Sector Regulation Bill is expected to be tabled in Parliament in September 2015. According to National Treasury, it does not differ substantively from a [draft Bill](#) published in December 2014.

Public hearings on the [Children's Amendment Bill](#), the [Children's 2nd Amendment Bill](#) and the [Promotion and Protection of Investment Bill](#) will be held in Parliament in September.

Cabinet approved the submission of the **Films and Publications Amendment Bill** to Parliament. The Bill provides for technological advances, especially online and social-media platforms, in order to protect children from being exposed to disturbing and harmful media content in all platforms (physical and online). Critics claim that the proposed law will force people to classify their pictures and videos before posting them on social media.

The National Assembly approved the [Medicines and Related Substances Amendment Bill](#) and submitted it to the National Council of Provinces for concurrency.

National Treasury said the draft **Carbon Tax Bill** will be released for comment 'within the next month or two'.

Civil society bodies made oral submissions to Parliament on the [Judicial Matters Amendment Bill \(B2-2015\)](#). They pointed out that the proposed amendments would water down the reporting provisions on the Sexual Offences Act and Child Justice Act and would rob Parliament and society of the opportunity to be comprehensively appraised of the effect of programmes and spending towards the implementation of these two important Acts.

MPs received a briefing on the [Criminal Matters Amendment Bill](#). It creates a new offence to criminalise damage to essential infrastructure caused by tampering or interfering with the functioning of basic services such as theft of cable and telephone lines. Stricter provisions are provided for the granting of bail and sentencing of offenders. You can comment on this Bill by 18 September 2015 by emailing vramaano@parliament.gov.za

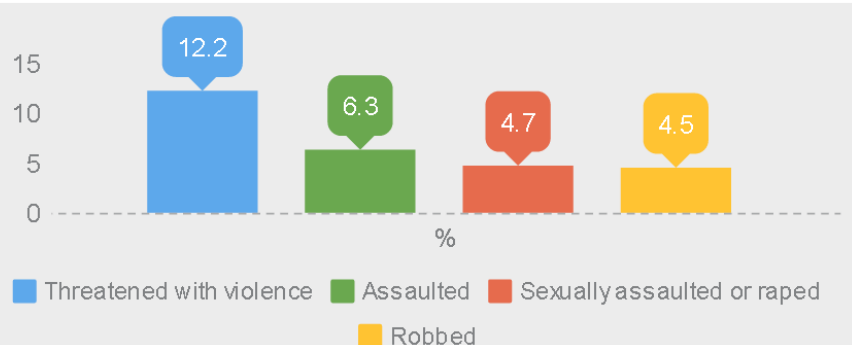
CONTACT PMG: Phone 021 465 8885, e-mail info@pmg.org.za

Basic Education: School safety, violence and bullying



Violence in schools: Current data

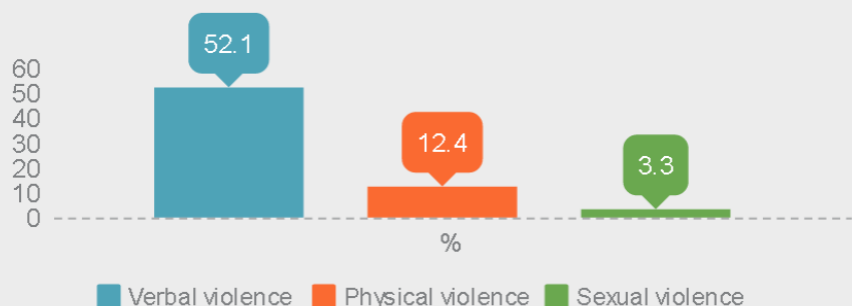
According to the National School Violence Study conducted for 2012/13, more than a fifth of learners have experienced violence at schools:



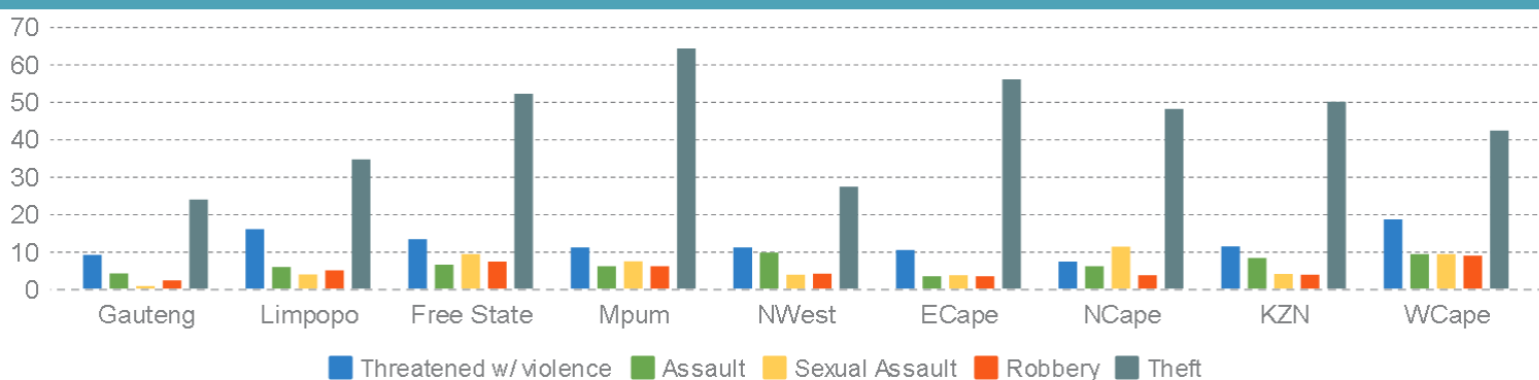
More:

- 20% of learners had experienced some sort of cyber bullying
- Violence at schools is often not once-off, and are not limited to incidents between learners
- the classroom is the primary site of victimisation and violence
- Communities with high neighbourhood crime and violence experience higher levels of crime and violence in their schools.

Educators are also often victims of:



Experiences of violence, by province 2012 (%):



Western Cape, Limpopo and Free State have the highest frequency of threats of violence in 2012. The Free State and Western Cape also have the highest rates of robberies. Western Cape once again emerged as the province with the highest rate of assault and sexual assault.

The high level of violence in Western Cape schools could be attributed to an upsurge in gang-related activities.



Most school violence happens, but is not limited to the classroom. Common locations also include the playing field, corridors and toilets.



Learners are the main perpetrators - responsible for almost most incidents are school violence. Types of violence include assault, sexual assault, robbery and threats