

STATE ^{OF} THE NATION



JCPS ACHIEVEMENTS OF THE 6TH ADMINISTRATION



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REPUBLIC OF SOUTH AFRICA



The focus of this administration from day one has been to bring hope and to build a better tomorrow for all.



The Justice, Crime Prevention and Security Cluster has focused on a number of priorities including:

- Reducing levels of fraud and corruption in the public and private sectors;
- Reducing serious, violent and organised crimes;
- Safe and secured communities including borders;
- Effective and modernised criminal; justice system;
- Secured cyberspace;
- Social integration of offenders; and
- Reducing violence against women, children and people with disabilities.

At the start of 2020 our country and indeed the world was thrown into turmoil because of the COVID-19 pandemic sweeping the world. The JCPS cluster would play a crucial role in the early days of the pandemic when there was still much uncertainty and fear.

With a focus on saving lives and protecting our nation and her people, the SAPS and SANDF undertook lockdown operations in March and April 2020, following the announcement of the National State of Disaster and lockdown to deal with the spread of COVID-19.

The cluster was also instrumental in operation to facilitate the repatriation of South Africans from Wuhan, in the Republic of China during in March 2020. Sixty South Africans were successfully repatriated following the work of a multi-disciplinary team comprising of Health, Social Development, SAPS, Home Affairs, DIRCO and the SANDF, under the leadership of the NATJOINTS.

Regrettably, the fight to save lives and livelihoods during COVID-19 also gave rise to corruption and tender irregularities. We however, acted swiftly once these were detected. President Cyril Ramaphosa signed a proclamation authorising the Special Investigating Unit (SIU) to investigate any unlawful or improper conduct relating to the misuse of COVID-19 funds across all spheres of the state. The SIU was also empowered to institute civil proceedings for the recovery of any damages or losses incurred by the state.

On 23 July 2020, President Cyril Ramaphosa announced the establishment of a multi-agency centre to strengthen efforts among law enforcement agencies to prevent, detect, investigate and prosecute COVID-19 related corruption.

This centre brings together nine state institutions: Financial Intelligence Centre, the Independent Police Investigative Directorate,

NPA, the Hawks, Crime Intelligence and the SAPS Detective Service, SARS, the SIU and SSA.

All of these actions have culminated in greater arrests, prosecutions and jail time for the corrupt. The Special Investigating Unit (SIU) was authorised to investigate allegations of unlawful conduct with respect to COVID-19 procurement by all state bodies during the National State of Disaster.

The SIU investigation into COVID-19 procurement has to date resulted in 456 referrals to accounting officers for disciplinary action. These referrals have so far resulted in 63 officials being found guilty. Of these, eight officials have been dismissed; one demoted; five suspended without pay for various lengths of time; 21 issued with written warnings; and one sent for corrective counselling. A further 26 officials have been found guilty, but sanction is still awaited.

The investigations have also resulted in the dismissal of two MECs and criminal charges being pursued against a mayor who resigned as a result of the allegations he faced. The SIU has to date made 476 referrals to the National Prosecuting Authority for possible criminal investigation and prosecution. The bulk of these are currently under investigation. The referrals have so far resulted in two guilty verdicts, 12 arrests, with eight more arrests currently outstanding. There are eight matters currently in court and a further three matters awaiting court dates.

In addition, 59 matters have been enrolled in the Special Tribunal because of the COVID-19 investigations. These actions have resulted in the recovery of R36 334 567 in cash or assets and contracts set aside to the value of R729 029 063. By October 2022, 47 Departments across all 9 provinces and 27 National Departments had rolled out lifestyle audits.

WE ARE DETERMINED TO BUILD A CORRUPTION FREE SOCIETY.

We acknowledge that many of the challenges we faced in this period stem from the shameful era of state capture, which threatened the very fabric of society. We also acknowledge that many of the challenges we now face were brought about by corruption and maladministration.

Given the magnitude of the task we faced we set out to bring about tangible change from day one. Firstly, we were resolute that corruption would not steal the future of our children and generations to come. We therefore adopted a zero tolerance stance towards corruption in the public and private sector.

Government has long since realised that corruption must be fought by any means necessary, and that we will only succeed if we have a united front. If we are to defeat this scourge, we need all sectors of society to play their part.

But we will not succeed without concrete actions. The National Anti-Corruption Strategy, which was endorsed by Cabinet on 18 November 2020, is our national blueprint for stamping out corruption. The National Anti-Corruption Strategy was the product of months of work and it was arrived at through extensive collaboration with civil society and social partners. It is our national plan and represents our best hope for ending the scourge of corruption.

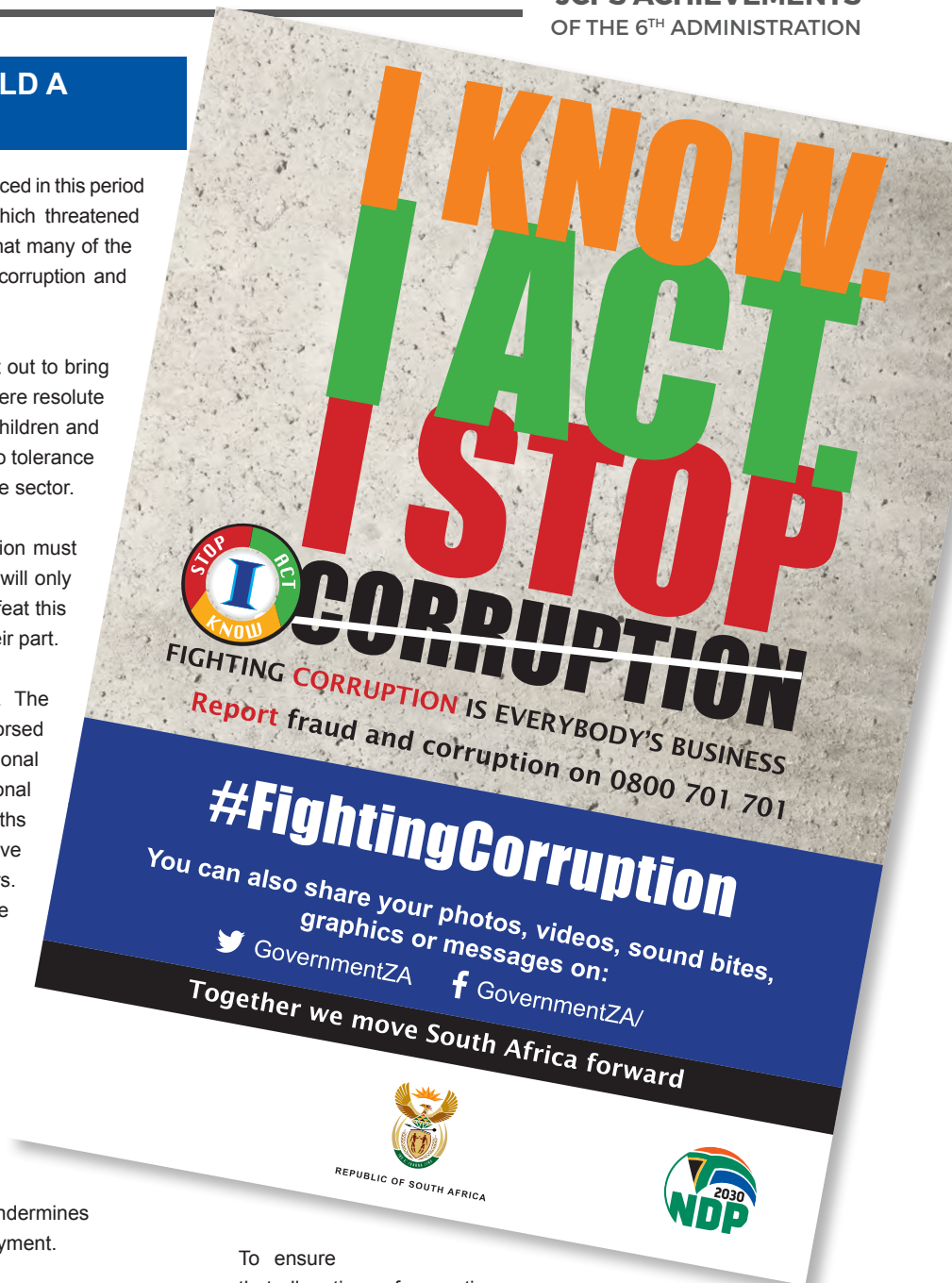
The dangers to society from corruption are a clear and present danger to our way of life. Nepotism robs our children of a fair chance to compete for a job. While Tax evasion robs our nation of better service delivery, and actions such as insurance fraud increases all our premiums. Corruption deprives people of quality education and job opportunities, and it undermines all efforts to fight poverty, inequality and unemployment.

The National Anti-Corruption Strategy is being driven amongst others by the Anti-Corruption Task Team (ACTT). The ACTT case management committee was revived and serious corruption cases, in cooperation with all other stakeholders, are being addressed in various projects.

As at May 2021, 128 cases were registered with 91 cases under investigation, 19 were closed, and 18 cases are currently before court with 35 accused persons. A total of 25 new cases were included on the list of ACTT Priority corruption cases.

Also in this period, several other concrete actions were taken to stamp out corruption and to advance an era of accountability. In doing so, President Cyril Ramaphosa appointed various commissions to deal with corruption and restore trust.

These included the Zondo Commission of Inquiry into State Capture, Commissions of Inquiry into Tax Administration and Governance at the South African Revenue Service, as well as the Commission of Inquiry into the PIC to investigate governance at the corporation.



To ensure that allegations of corruption from commissions of inquiry are properly investigated, government established an Investigating Directorate in the Office of the National Director of Public Prosecutions.

This directorate works closely with the Special Investigating Unit (SIU), the SIU Special Tribunal and the Directorate of Priority Crimes Investigations (DPCI) in ensuring speedy prosecution and the recovery and return of stolen assets.

WE ARE WORKING TO ENSURE THAT THE SHAMEFUL CORRUPTION OF THE STATE CAPTURE ERA IS NEVER REPEATED.

Our nation is taking decisive steps to combat corruption and rebuild our institutions. The work of the Commission has highlighted areas of concern and presents us with a clear pathway to rebuild trust in institutions. The weaknesses and vulnerabilities in our system are being strengthened through additional checks and balances.

In October 2022, President Cyril Ramaphosa submitted to Parliament his response to the recommendations of the Judicial Commission of Inquiry into State Capture. He outlined critical actions that government is taking and highlighted work that has already been done, to give effect to its recommendations.



We have since 2018 appointed new leadership at the Directorate for Priority Crime Investigation and it has since then, secured 4,500 convictions for corruption and other priority crimes. We have appointed a new National Director of Public Prosecutions at the NPA and established its Investigating Directorate to prosecute state capture and other significant corruption cases.

This Investigating Directorate has to date enrolled 26 cases and 165 accused persons have appeared in court for alleged state capture-related offences. We have also appointed the SIU Special Tribunal to expedite the recovery of stolen funds and has since its establishment recovered over R8.6 billion.

We appointed new leadership at the South African Revenue Service and are rebuilding the institution. Our law enforcement agencies have since 2018 granted freezing or preservation orders to the value of R12.9 billion. A total of R2.9 billion has been recovered and returned to the affected entities and SARS has collected R4.8 billion in unpaid taxes. Additionally the Financial Intelligence Centre has identified a further 595 individuals and 1,044 entities that may be implicated in the flow of funds from state capture.

The Public Procurement Bill is expected to be finalised and submitted to Parliament by March 2023 and will address many of the Commission's recommendations. The new leadership of several SOEs, like Eskom, Denel and Transnet have halted corrupt practices, initiated disciplinary and criminal actions against people alleged to be involved in corruption, and have recovered large sums of money spent irregularly.

WE HAVE MADE PROGRESS IN ENSURING THAT THOSE WHO BREAK THE LAW HAVE NO PLACE TO HIDE.

All provinces now have dedicated Specialised Commercial Crime Courts (SCCCs). All the new SCCC established during the 2020/2021 and 2021/2022 financial years were further resourced by support court staff posts being converted into permanent posts.

The NPA Investigating Directorate has registered 26 state capture cases and is investigating 89 other matters. Decisive actions are being taken against those who are involved in corruption, and 165 accused persons have already appeared in court. We are also working to recuperate the ill-gotten gains from state capture, and have recovered R2.9 billion thus far.

SARS has also collected R4.8 billion in unpaid taxes arising from the work of the Commission, and law enforcement agencies have been granted freezing or preservation orders to the value of R12.9 billion to date. The Financial Intelligence Centre has identified 595 individuals and 1,044 entities that may be implicated in the flow of funds from state capture.

CORRUPT OFFICIALS WILL BE FOUND OUT.

The Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (TAU) deals with corruption, fraud and unethical conduct in the Public Service. It works together with the Fusion Centre to identify those that need to be investigated by law enforcement authorities.

Lifestyle audits are conducted and monitored and where corruption and unexplained wealth is recorded, these cases are referred to the South African Police Service. TAU also ensures that public servants involved in corruption are held accountable through institutional mechanisms in the public service.

In 2021 we launched a new Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit to deal with corruption in the public sector. The unit is building capacity within public bodies to institute disciplinary proceedings in cases of misconduct and cooperate with other organs of state in holding those responsible to account.

It refers corruption cases to government's Anti-Corruption Task Team and follows up with departments to ensure criminal cases involving public servants translate into disciplinary cases. The unit has already begun to identify public servants involved in cases related to COVID-19 procurement, the special COVID-19 grant and Unemployment Insurance Fund fraud.

Working with the multi-agency Fusion Centre, the unit will help identify employees in priority cases investigated by law enforcement authorities. It will also monitor the conduct of lifestyle audits of public service employees and refer corruption and unexplained wealth to SAPS.

WE ARE TAKING STEPS TO ADDRESS WEAKNESSES IDENTIFIED BY THE EXPERT PANEL INTO JULY 2021 CIVIL UNREST.

We are taking steps to safeguard our democracy, protect our economic infrastructure and build safer communities for all. These include filling vacancies at the SSA, and the SAPS (Public Order Policing Unit) and strengthening their capacity to better coordinate their work.

In the 2022/23 financial year, 4 000 posts have been allocated to capacitate Public Order Policing. We are also ensuring that POP members and frontline officers, who are first responders, will continue to undergo refresher-training courses in crowd control management. Additional funds have also been allocated to the modernisation of the POP unit, including procurement of armoured vehicles and aircraft, while more money has also been set aside for protective gear.

Another area that is receiving immediate attention is the re-establishment of community policing forums to improve relations and coordination between local police and residents of the areas they serve. There were 1150 functional CPFs in 1152 police stations at the end of 2021/22.

We have also started the process to develop a National Security Strategy, which is one of the recommendations of the Expert Panel Report.

THE SAPS IS RECRUITING MORE POLICE OFFICERS TO DEAL WITH CRIME IN THE COUNTRY.



We have made significant progress in our commitment to recruit and train an additional 12,000 new police personnel. 10 358 new police trainees were enlisted in the 2022/2023 financial year while 10 000 new police trainees will be enlisted in the 2023/2024 financial year.

Furthermore, posts for the re-enlistment of 200 former members on the ranks of Constable, Sergeant and Warrant Officer were advertised, in March 2022. A total of 168 (62 Constables, 76 Sergeants and 30 Warrant Officers) were re-enlisted.



WHISTLE BLOWERS WERE INSTRUMENTAL IN EXPOSING CORRUPTION AND WE MUST DO MORE TO PROTECT THEM.

We acknowledge that Whistle-blowing is as an essential weapon in the fight against corruption, and the actions of whistle-blowers were vital in exposing the rot of state capture. The Department of Justice and Constitutional Development is reviewing the Protected Disclosures Act and Witness Protection Act to ensure better protection for whistle-blowers.

This will, among other things ensure that whistle-blowers receive the protection afforded by the UN Convention Against Corruption. It will also ensure that whistle-blowers have immunity from criminal or civil action arising from honest disclosures.

A comparative study was conducted on other jurisdictions to strengthen whistle-blower protection. Lessons were also captured from the Organisation for Economic Co-operation and Development, United Nations Convention Against Corruption, and Transparency International, which are being incorporated into the South African system.



WE ARE RESPONDING TO THE CONCERNS OF COMMUNITIES ON GBVF.

The Emergency Action Plan to deal with the scourge of gender-based violence and femicide was unveiled in 2019 in response to pressure from civil society and women's organisations for urgent action. Government reprioritised R1.6 billion for the plan, which focuses on improving access to justice for survivors of violence and prevention campaigns to change attitudes and behaviour.

It involved measures to strengthen the criminal justice process and to prioritise the creation of economic opportunities for women who are vulnerable to abuse. We have also increased the number of shelters and care centres for survivors and improved the capacity of our police to deal with crimes of gender-based violence.

In 2020 we also developed the National Strategic Plan which serves as a roadmap to realise a South Africa free from gender-based violence and femicide and it was one of the key decisions of the Presidential Summit. The National Strategic Plan is a government and civil society's multi-sectoral initiative and R21 billion has been allocated to drive its implementation.

WE HAVE INTRODUCED A NUMBER OF NEW LAWS TO BETTER PROTECT VICTIMS OF VIOLENT DOMESTIC RELATIONSHIPS.

In 2022, President Cyril Ramaphosa signed into law three pieces of legislation to strengthen the criminal justice system, promote accountability across the state and support survivors. The enacted laws are: The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act 13 of 2022, The Criminal and Related Matters Amendment Act 12 of 2022, and The Domestic Violence Amendment Act 14 of 2022.

The new laws enhance protection for victims of gender-based violence and crack down on perpetrators. They ensure that the needs of victims are at the forefront of any response by the criminal justice system, and have given the NPA and the SAPS more power to act decisively.

The new laws includes the tightening of bail conditions, strengthening parole conditions, ensuring consequences for contravening a protection order, as well as increasing the minimum sentence for perpetrators of sexual offences. It is now also easier for complainants to obtain protection orders and these can now be applied for online.

WE ARE MODERNISING THE ENTIRE CRIMINAL JUSTICE SYSTEM.

We have rolled out the Person Identification and Verification Application (PIVA) system at police stations. The system enables the identity of arrested individuals to be verified using their fingerprints and checked against the Department of Home Affairs records.

WE ARE WORKING TO ENHANCE THE PROTECTION OF OUR BORDERS.

Work to establish the Border Management Agency (BMA) continues and it is planned that the Border Management Authority is going to be fully operational from 1 April 2023. The BMA will be a single authority to enhance security and management of the border environment, covering air, sea and land ports of entry.



Presently, the responsibilities for border management are split between various organs of state at South Africa's 72 official ports of entry. These include SARS, SAPS, the SANDF and the Departments of Health, Home Affairs, and Agriculture, Forestry and Fisheries.

Once operational, the powers and functions from these entities will fall under the authority of the Border Management Agency, which will handle all aspects of border control, from security to customs, immigration and inspection. Having a single authority at ports of entry will tighten border control, and ensure an integrated and coordinated approach to border management.

The effective control and management of our border security is critical to reduce illegal activities along the borderline. The agency will secure all land, air and maritime ports of entry and support the efforts of the South African National Defence Force to address threats to our borderline.

Government continues to fight the high levels of crime through the National Crime Prevention Strategy (NCPS) which requires a shift in emphasis from reactive 'crime control' towards proactive 'crime prevention' aimed at preventing crime from occurring at all. In line with the National Development Plan, government continues to implement plans to, among other things, strengthen the criminal justice system, create a professional police service and use an integrated approach to safety.

ADDITIONAL NOTABLE ACHIEVEMENTS ACROSS THE JCPS CLUSTER

{ 2019 }

Cabinet approved the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance on 27 February 2019. The Cluster developed and implemented a safety and security plan in support of the 6th General Elections which took place on the 8th of May 2019.

The SANDF began a three-month deployment (starting from July 2019 to September 2019) in Philippi East, Mannenburg and Hanover Park to deal with murders and gang violence in the areas.

GCIS implemented a robust education and awareness campaign on corruption and ethical conduct for the general public, and Cabinet approved the Cybersecurity Policy Framework.

{ 2020 }

The ACTT established the Fusion Centre to address fraud, corruption, maladministration, money laundering and priority crimes related to the government's COVID-19 pandemic relief efforts. An Inter-Ministerial Committee to investigate the COVID-19 relief funds and procurement of Personal Protective Equipment (PPE) was established under the leadership of Minister of Justice.

The Minister of Police launched the IPID toll free number on 12 October 2020. The purpose of the toll-free line was to allow members of the community to lodge complaints on misconduct by police officers.

Cabinet approved the National Anti-Corruption Strategy in November 2020, and the Cannabis Masterplan was developed by the Department of Agriculture, Land Reform and Rural Development to commercialize cannabis and related products in order to increase economic growth, create jobs and alleviate poverty.

{ 2021 }

The Special Investigating Unit (SIU) released a report, which revealed a number of offences in the procurement of personal protective equipment (PPE) in the country in February 2021.

In March 2021, the South African Defence Force (SANDF) lent logistical support and intervened in the crisis in Cabo Delgado, Mozambique where armed insurgence linked to Islamic State (ISIS) attacked and killed civilians. The South African citizens caught in the fight were repatriated back to the country and the High Commission in Mozambique assisted the South African citizens in Mozambique with emergency medical care, obtaining emergency travel documents and evacuation to South Africa.

In July 2021, the JCPS Cluster successfully responded to the violence, looting and destruction of 200 shopping malls, 3 000 shops, 200 banks and ATMs, 11 warehouses, 7 factories, 161 liquor outlets in KwaZulu-Natal and Gauteng.

On 20 September 2021, the Minister of Public Service and Administration launched the Public Administration Ethics Integrity and Disciplinary Technical Assistance Unit to deal corruption and ethics in public service.

The Appointment of the Commissioner and Deputy Commissioner of the Border Management Authority was made in October 2021

{ 2022 }

The Department of Justice and Constitutional Development tabled the Amendment of the Domestic Violence Act, 14 of 2021. In April 2022 the JCPS Cluster outlined plans to restore, and the relief measures in place in various municipal areas of KwaZulu-Natal, Eastern Cape and other provinces that were affected by floods.

In 2022 NATJOINTS drafted the National Response Plan on Counter-Terrorism, and the Minister of Home Affairs announced the first cohort of 200 border guards for the BMA. The Border Management Authority also started consulting internal employees on the Change Management Strategy, which will ensure a smooth transition in the transfer of the functions, employees and funds into the BMA.

President Ramaphosa appointed eight commissioners to be part of the National Advisory Council, which is expected to implement the National Anti-Corruption Strategy.

{ 2023 }

NATJOINTS established a priority committee on Safety and Security to deal with crime, investigations and prosecutions of perpetrators of suspected sabotage and theft at Eskom. This priority committee is part of a National Plan to deal with Energy Crisis.



WE ARE DETERMINED TO DO BETTER.

Although we have faltered at times, South Africa has always been a nation committed to the Constitution and the rule of law. Separation of powers and the independence of the judiciary are the bedrock of our Constitution.

Through the JCPS Cluster we have worked to protect and uphold the rights of all people, while working to ensure that people are and feel safe. We are resolute that we will not allow criminals and crime to deprive us of our democratic space, and we will fight to ensure a safer and better country for all.