

**THE IMPACT OF HIGHER EDUCATIONAL PROGRAMMES IN OFFENDERS
REHABILITATION: A PENOLOGICAL STUDY**

by

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January 2022

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A handwritten signature in black ink, appearing to read 'Petrus Ravele', written in a cursive style.

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ABSTRACT

The Department of Correctional Services (DCS) is experiencing recidivism and overcrowding concerns. In this study, the impact of higher education programmes on the rehabilitation of offenders within the South African DCS was examined. The purpose of this research was to explore the impact of higher education programs on offenders' rehabilitation within correctional facilities. This study used the exploratory method which is used in qualitative research to gain insight into and understand the research questions. Moreover, this study was conducted by analysing literature, observing, and reviewing documents as a form of data collection to compare to other studies conducted internationally and in the SADC region. A comparison was made of the impact of higher education programme on offender rehabilitation in South Africa with that of other countries. The proximity of the impact of higher educational programmes in offenders' rehabilitation was found to play the greatest role in the reduction of recidivism and overcrowding in correctional facilities. This study definitively answered the research questions regarding the impact of higher educational programmed in offenders' rehabilitation. The study recommends that correctional rehabilitation that is relevant to detainees – educate inmates on ways to improve their life after release. Correctional education programmes should address the needs and employment opportunities for offenders. More importantly, the government should resuscitate education programmes as a tool of rehabilitation in South African correctional facilities thereby improving the service delivery in our correctional system. Therefore, the DCS should partner with other departments to put wrongdoers whom they finished their education programs in a type of a learnership position in the working environment. Furthermore, the DCS must ensure that the educational programs are developed to align with the reason for which the offenders have been incarcerated. There should be an improvement in the criminal equity framework when handing down the judgment for the guilty party, and the department of correctional services should develop new facilities in order to reduce overcrowding.

KEY TERMS

Higher Educational Programmes; Offenders' Rehabilitation; Recidivism; Overcrowding; Offenders; Offenders' Education; and Vocational Education Training.

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ACRONYMS

ACHPR:	African Commission on Human and People's Rights
AET:	Adult Education and Training
AIDS:	Acquired Immunodeficiency Syndrome
AU:	African Union
BOP:	Bureau of Prisons
CAPS:	Curriculum and Assessment Policy Statement
CBT:	Cognitive Behaviour Therapy
CPAI:	Correctional Program Assessment Inventory
CSC:	Correctional Services of Canada
CSP:	Correctional Services Plan
DCS:	Department of Correctional Services
DHET:	Department of Higher Education and Training
DOH:	Department of Health
DRC:	Democratic Republic of Congo
ESL:	English Second Language
FCC:	Female Correctional Centre
FET:	Further Education and Training
HIV:	Human Immunodeficiency Virus
ICPS:	International Centre for Prison Studies
MRT:	Moral Recognition Therapy
NPGD:	National Policy on Gender and Development
NSFAS:	National Student Financial Aid Scheme
PAREP:	Prison Adult Remedial Educational Program

PPP:	Public-Private Partnership
PR:	Parole Board
PRI:	Prisoner Re-entry Initiative
PSCE:	Post-Secondary Correctional Education
PSE:	Post-Secondary Education
UAE:	United Arab Emirates
USA:	United States of America
USDE:	United States Department of Education
VET:	Vocational Education Training
SADC:	Southern African Development Community
TB:	tuberculosis
UN:	United Nations
UK:	United Kingdom

CHAPTER 1: GENERAL ORIENTATION

1.1 Introduction

The research examined the impact of higher educational programmes in offenders' rehabilitation. In South Africa there is inadequate amount of knowledge regarding the rate of recidivism, the role that reintegration and rehabilitation programmes offered to offenders of crime and the role that these programmes can play to reduce the high rate of recidivism. The Bill of Rights Section 29 (1) (a) stipulates that everyone has the right to basic education, including adult basic education, (b) to further education, which the state, through reasonable measures, must make progressively available and accessible. The Department of Correctional Services (DCS) offers offenders an opportunity to register for designated programmes for them to change their lives and those who are around them. The DCS has different programmes that offenders can enrol to improve their lives when they are released from correctional facilities. Some of the programmes offered by DCS are as follows: Early Childhood, Grade 12, National Senior Certificate, National Diploma and Degree.

Garland and Sparks (2000: 199) accentuate that the experience of high crime rates as being a normal part of life has led to a distinct culture which criminology and criminal policy operates. Rose, Reschenberg and Richards (2010: 49) argue that access to higher education is crucial to reducing recidivism because it provides an opportunity to acquire skills. After serving the necessary legal punishment, higher education offers a way out from destructive activities, such as crime. This enables inmates to divert their attention to more productive roles in a community. According to the Ministry of Justice, *Unlocking Potential: A Review of Education in correctional centres* (2016: 1) one of the means by which correctional facilities attempt to rehabilitate inmates is education. The review positioned education as one of the pillars of effective rehabilitation not only to improve the employment prospects of inmates but also their well-being and social capital.

According to Moon and Maxwell (2004) there has been a growing interest in rehabilitating offenders in correctional systems around the world. Stephen and Dudafa (2016) highlighted that effective rehabilitation and reformation is kept coupled with proper community reintegration that could prove pivotal in reducing the over increasing rate of recidivism. Unfortunately, research has shown that time spent in does not successfully rehabilitate most inmates and majority of criminals return to a life of crime almost immediately. Many argued that most offenders will actually learn new and better ways to commit crimes while they are

locked up with their fellow convicts. Correctional officials play an important role in the proper functioning of correctional institutions and directly impact on the behaviours of inmates.

Robinson and Crow (2009: 106) assert that rehabilitative programmes shared much in common with the notion of a curriculum in educational settings: it constitutes a circumscribed set of activities; it has a specific objective; and it consists of a number of interconnected elements. Thirdly, and more broadly still, all criminal justice interventions can be described as ‘programmes’. Stephen and Duda (2016: 5) explain that rehabilitation depends not only on the type of correctional programmes offered, but also the conditions under which it is delivered. The DCS has introduced a Pilot Programme on Substance Abuse in correctional centres. The Programme is offered to help offenders to change their lives as part of rehabilitation. The correctional facilities are more likely to contain those offenders with a medium to high risk of recidivism and therefore have a potential for more effective rehabilitation outcomes.

1.2 Background of the Study

According to Sowell (2001: 31), literature review provides the context for understanding of the research problem. The main aim of the literature is to connect the research problem with knowledge in the problem area. Rehabilitation of inmates differ from state-to-state across the nation. According to Wheeler and Patterson (2008: 145) cited by Francis provides that in 2004, President Bush signed a bill designed to help inmates upon release from correctional facilities called the “Offenders Re-entry Initiative (ORI)”. Along with education, other forms of assistance are being offered to inmates that include connecting inmates with outside public and private agencies to release to arrange for needed services. Mkosi (2013) avers that correction and development of offenders to reduce recidivism is prioritised within the DCS. Correction is the provisioning of services and programmes aimed at correcting the offenders to rehabilitate them. Development refers to the provisioning of services and programmes aimed at developing and enhancing competencies and skills that will enable the sentenced offenders to reintegrate into the community and reduce recidivism.

According to Gordan and Weldom (2003: 201), the concept of rehabilitation has been rooted in the notion that if enough rehabilitative services are provided the number of repeat offenders will be minimised. It refers to the result of a process that combines the correction of offending behaviour, human development and the promotion of social responsibility and

values. According to Dammer (1996:11-2), correctional centre there is unique environmental conditions in Germany that help to support the rehabilitative philosophy, including the physical location of the correctional centres, structural designs and the general atmosphere and interpersonal climate. Most inmates participate in work and training programmes. In the work programmes, inmates are employed in the maintenance of the institution or in correctional facilities factories that produce goods for consumption. In Germany, the inmates who enrol in the institutional training programmes can learn a number of professions such as electronics, plumbing, masonry, shoemaking, painting and etc.

There are two features about the work and training programmes in German correctional facilities that are different from the United States. First is the percentage of inmates who participate in the programmes. Between 50 per cent and 80 per cent of all inmates are involved with work or training programmes.

In Germany they have Community Re-integration Programmes which they use as form of rehabilitation. There are three types of these programmes: Home leave, Conjugal visiting and half open release programmes. In terms of correctional facilities Act of 1976, all inmates are eligible for up to 21 days a year of home leave. Inmates with this privilege are allowed to leave the correctional facilities for 1-2 days at a time to live with family or close friends. All inmates can receive home leave as long as they have not lost the privilege through poor correctional facilities behaviour. An inmate can receive private visits from his spouse for four hours every two months. Inmates obtain this privilege after being incarcerated for two to three months, and loses the conjugal visitation privilege only if he violates a serious correctional facilities rule or is involved with drugs.

The final programme that promotes rehabilitation and reintegration is called the half-open release programme. In this programme, inmates who have served at least one-half of their sentences can, if they meet the other selection criteria, leave the institution during the day for school or work and then return to the institution in the evening. Another reason why rehabilitation seems to work so well in German correctional facilities is the financial wealth of the country. Rehabilitation programmes are expensive and German government spends approximately \$4 million per year to take care of the inmates. According to Darby (2009; CSC, 2015b) cited by Dubois (2016), Correctional Service of Canada (CSC) offers a variety of educational opportunities to all offenders as part of its correctional programmes, spanning from basic literacy programmes to Postsecondary Education (PSE).

The findings from the research conducted by Galouzis (2008:1) in the USA reveal that more than half of all offenders serving a sentence of full-time custody were convicted of a violent offence or had displayed violent behaviour while in custody. Another factor that causes problems to address the educational needs of inmates is a shortage of qualified educator or other educational professionals in a correctional environment. Admission requirement for offenders in education programmes and circumstances when they are required to enrol differ. In the USA, the policy of the Department of Corrections that all offenders must be engaged in some type of work while incarcerated. One of Exception to the mandatory work policy is for those offenders who have not yet received a high school diploma.

According to Wade (2007: 28), the literature reveals that the best method of assessing correctional education programmes success revealed in research are recidivism and educational achievement. However, it has been argued that judging the effectiveness of correctional education programmes based on recidivism number is problematic. Since there are some other factors that cause the failure of correctional educational programmes such as overcrowding, insufficient budget and shortage of rehabilitative facilities. The White Paper that was launched in 2005 encourages engagement with the community in the rehabilitation process because it is clear that this is a societal responsibility and DCS would not be able to do it alone. Overall, purpose of the correctional system was to contribute to a just and peaceful society by enforcing the sentences of the courts, detaining all inmates in safe custody, mindful of their human dignity and promoting social responsibility and the human development of all offenders.

The DCS is “the state agency for rendering the tertiary and final level of Correction to offenders within correctional centre” (DCS, 2005: 97). The DCS therefore is utilising education as a rehabilitation tool for offenders or inmates. The word offenders or inmates refers to a person, whether convicted or not, who is detailed in custody in any correctional centre or who is being transferred in custody” (DCS, 2008:4). Griffin (2000: 20) asserts that rehabilitative environment covers all aspects of correctional environment, including regimes, programmes and correctional centre culture. Synergy between these different facets must be established and exploited to maximise the potential for successful rehabilitation. The idea of programme is to design and develop a series of planned and sequenced activities in which offenders could participate. Although there is still some debate about the effectiveness of rehabilitation, various literature reviews and meta-analysis demonstrate that correctional programmes can effectively change offenders (Andrews & Bonta 1994).

Brien (2010) provided that South Africa is among the countries offering vocational rehabilitation programmes to equip offenders with skill, values and knowledge. Vocational training offered to young adult offenders in South Africa entails much more than just the formal classes and curriculum offered to young adult offenders. Young adult offenders throughout South Africa are accorded the opportunity to be trained while serving their sentences as part of DCS task in ensuring the delivery of vocational rehabilitation programmes. The DCS in all nine provinces of South Africa is engaged in vocational rehabilitation programmes.

1.3 Problem Statement

The problem statement can be defined as a narrative of an issue presently existing which needs to be addressed. It provides the context for the research study and generates the questions which the research aims to response. The researcher would like to engage on the importance of educational programmes in offenders' rehabilitation and also find out the reasons for recidivism after the inmates have undergone rehabilitation programmes. When a person is arrested there is always a barrier that is created between the community and the offenders which makes life difficult for the offenders to be accepted in the society. The researcher will find out whether there is enough social workers and psychologist that should assist in the rehabilitation process to evaluate the offender if they are well rehabilitated. The DCS should hire more qualified educators to assist the offenders when they begin with their rehabilitation programmes.

It is vital important to know whether education for inmates discontinue them returning to a life of crime and eventually to correctional facilities. According to Esperion (2010:61), it is possible to change offender's behaviour through education in order for them to be taken as law abiding citizens and that will contribute to the welfare of society. Furthermore, Ekpenyong (2016) notes that there is considerable evidence indicating that some of the issues associated with the high crime rate and imprisonment include low education level, poor career training, unemployment, dysfunctional family, social life, mental health, substance abuse and inadequate housing or informal settlements tend to make people more prone to commit crime.

The DCS, Annual Report (2019/20) indicates that the department is faced with challenges such as human resource constraints, recidivism, overcrowding and increasing the budget for the rehabilitation programme. The operational portion canvassed the overall purpose of

rehabilitation, the basics of the various correctional programmes implemented and ancillary programmes contributing to rehabilitation. Lower recidivism would testify to the effectiveness of South African correctional system in terms of rehabilitating offenders to better their life.

Rehabilitation as one of the objectives of correctional measures must always be considered during the treatment of offenders. By finding and treating those personality aspects which led an offender to commit crime, the offender can be prevented from committing further crimes. Moreover, offenders must be provided with essential programmes aimed at their rehabilitation while they are detained. Rehabilitation remains one of the most important purposes of sending a person to a correctional centre. This is mainly attributable to all the programmes that are available to the offenders while they are incarcerated so that they can redeem themselves and return to their communities. Rehabilitation consists of education, skills training, sport, recreation, arts and culture opportunities, health care and psychological treatment, maintenance of family and community links, a safe and healthy detention environment and post release support to ensure that the offender is rehabilitated to prevent him or her from going out worse than he or she was when first coming into detention.

The purpose of the study was therefore to explore the impact of higher educational programmes in offenders' rehabilitation in the Johannesburg correctional centre within the DCS. In this study, the researcher sought to understand the impact of higher educational programmes in offenders' rehabilitation on what role does it play on reducing reoffending.

1.4 Aim of the Research

The aim of this study is to investigate the impact of higher educational programmes in offenders' rehabilitation. This research was conducted at Johannesburg Correctional Centre which is situated in the Gauteng Province in South Africa. This researcher interviewed the educationist to get their perspective on the impact of higher educational programmes in offenders' rehabilitation.

Batiuk, (1997) and Allen's (1988) research studies confirmed that the provision of education within the correctional facilities environment reduces recidivism, reengagement of inmates in delinquent activities and the use of force while contributing decisively to make correctional centre to be more humanised.

“The aim of the department is to contribute to maintaining and protecting a just, peaceful and safe society by enforcing the sentences of the courts in a manner prescribed by the correctional services Act 111 of 1998, detaining inmates in safe custody while ensuring their human dignity, and promoting the social responsibility and human development of inmates and people subject of community corrections”.

Jancic (1998 as cited in Rigoutsou, 2005) asserts that the international research experience shows that education in correctional centres has a positive impact on inmates and reduces the number of inmates who are put back in correctional facilities and the recurrence of the criminal action in significant numbers of offenders.

1.5 Objectives of the Research

- To evaluate the rehabilitation programmes offered by the DCS.
- To examine educational programmes as a form of offender rehabilitation.
- To examine international and African perspective on education and the rehabilitation of offenders.
- To examine the concept of education, from its origins to its implications on individual citizens.
- To identify the international standards required for the treatment of offenders.
- To outline offender education as a right and its impact on the rehabilitation of offenders.
- To determine the value of education as part of the rehabilitation process and its impact on the functioning of the South African DCS.

1.6 Research Questions

- What are the rehabilitation programmes offered to the offenders?
- What are the international and African perspectives of education and the rehabilitation of offenders?
- What are the implications of education on individual citizens?
- What are the international standards required for the treatment of offenders?
- Is offender education a right?

- What is the value of education as part of the rehabilitation process and its impact on the functioning of the South African DCS?

1.7 Purpose of the Research

- To ensure that offenders change their thinking capacity in order for them to improve their life outside correctional facilities.
- To ensure that all offenders attend programmes aimed at rehabilitation. It will educate the offenders to live a better life once they are released from the correctional centres without any wrongdoing. The purpose also was to ensure that offenders by attending educational programmes assist them to recuperate from whatever mistakes they might have committed, gone through or caused other people within the society.
- To offer in partnership with relevant stakeholders a variety of learning fields that are aimed at contributing towards the development of essential skills and knowledge that will form the foundation for better life to the inmates.
- To offer career orientated needs-driven, adaptable and market related education programmes that will assist inmates to change their behaviour and be able to be employable. Rose, et al. (2010: 49) assert that it has been argued that access to higher education is crucial to reducing recidivism because it provides an opportunity to acquire skills. After serving the necessary legal punishment, higher education offers a way out from destructive activities, such as crime. This enables a person to divert their attention to more productive roles in a community.

1.8 Definition of concepts

Correctional centre means any place established in terms of Correctional Services Act 111 of 1998

It is a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody, and all land, outbuildings and premises adjacent to any such place and used in correction therewith and all land, branches, outstations, camps, buildings, premises or places to which any such persons have been sent for purpose of incarceration, detention, protection, labour, treatment, or otherwise and all quarters of correctional officials used in connection with any such correctional centre, and for the purpose of Sec 115 and 117 includes every place used as a police Cell or lock-up.

An offender can be defined as a person who commits a criminal or illegal act in society. All lawbreakers are sent to correctional facilities to serve their sentence if convicted of such criminal activities.

Rotman (1990: 14) defines rehabilitation as a right to an opportunity to return to society with an improved chance of being a useful citizen and staying out of correctional facilities, the term may also be used to denote the actions of the state or private institutions in extending this opportunity. In accordance with Straus and Sherwin (1984: 168) it is stated that “in contemporary society, the correctional facilities are not only expected to act as a custodian for the convicted offender, but also to attempt to change or rehabilitate the inmates so that they become a law abiding member of the society”. Rehabilitation can be a treatment that is designed to facilitate the process of recovery by the offenders who are sentenced to correctional facilities in order to assist them to restore their dignity to ensure they become a better person when they return to the society.

Correctional official is an employee of the DCS appointed under section 3 (4) of Correctional Services Act 111 of 1998.

Offender Reintegration, according to Padayachee (2011: 16), can be defined as a systematic and evidence-based process by which actions are taken to work with the offender in custody and on release so that communities are better protected from harm and reoffending is significantly reduced.

Recidivism, according to Esperian (2010: 61), can be defined as a return to criminal behaviour after being released from correctional facilities, and the effectiveness of corrections is usually measured by rates of recidivism. Some of recognised factors impact on recidivism rates. Among them are the socio-economic status effectiveness of post release supervision, length of time incarcerated, severity and seriousness of crime committed, access to data which varies from state to state and educational level of achievement of each individual.

1.9 Research Methodology

This is a literature review based on the qualitative method. The following methodology will be discussed:

1.9.1 Research Design

Research design is an outline that indicates how the researcher intended to conduct a research. According to Mouton (2001: 55), research design is defined as a plan or blueprint regarding how one intends to conduct research. This study is an exploratory descriptive design. Durrheim (2006:559) explains that exploratory studies are used to make preliminary investigations into relatively unknown areas of research. This type of research makes use of an open, flexible and inductive approach to research as it challenges researchers to look for new insight into phenomena. Exploratory research is generally classically done for three purposes:

- To satisfy the researcher's curiosity and desire for better understanding;
- To test the feasibility of undertaking a more extensive study;
- To develop the methods to be employed in any subsequent study (Babbie, 2007:67).

Since exploratory research does not pursue official research protocols and procedures, it was conducted prior to the study to gain insight into and understanding of the phenomenon (Zikmund, 1997:127).

The researcher used a qualitative approach. Babbie and Mouton (2002: 270) assert that qualitative research is especially appropriate to the study of those attitudes and behaviours best understood within their natural setting, as opposed to the somewhat artificial setting of experiments and surveys. Creswell (2014) posits that research designs are plans and procedures for research that span the steps from broad assumptions to detailed methods of data collection, analysis and interpretation.

In the same vein, Creswell and Plano Clark (2018) highlights that research designs are procedures for collecting, analysing, interpreting, and reporting data in a research study. It is a plan that helps the researcher to gather information from the participants and it is important to the researcher to consider the purpose of the research when emerging the research design (Welman and Kruger, 2001: 46). Leedy (1997: 195) defines research design as a plan which provides the overall framework for the collection of data by the researcher. There are things that must be considered and reviewed before undertaking the research. Wellman et al (2005) further explain that research design is "a plan according to which we obtain rich data from participants. It describes how the study was conducted. It summarises the procedures for conducting the study."

Durrheim (2004:29) argues that research design is a strategic framework for action that serves as a bridge between research questions and the executions, or implementation of the research strategy. Mudau (2004: 102) maintains that qualitative enquiry allows entry into the participants' experience by the researcher in order to gain different responses regarding particular aspects of concern in the research. Babbie (2017:119) explains that research design involves the set of decisions regarding “what topic is to be studied, among what population, with what research methods, for what purpose”.

1.9.2 Research Methodology

Research methodology can be defined as a systematically approach that can be used to collect information and data in order to solve the research problem. In this study, the researcher sought to understand the impact of higher educational programmes in offenders' rehabilitation on what role does it play on reducing reoffending. According to Schwardt (2007: 195), research methodology is a theory of just how a research should be conducted by the researcher. This chapter outlines methodology that has been utilised during data collection, analysis and also the sampling techniques that were used during the research.

This study utilised the qualitative approach to have an understanding of fundamental reasons, opinions, behaviour and generalised outcomes from the sample population. Leavy (2014) explains that qualitative research is generally characterised by inductive approaches to knowledge building aimed at generating meaning. Leavy (2014) further maintains that the researcher uses this type of approach to explore; to robustly investigate and learn about the social phenomenon; to unpack the meanings people ascribed to activities, situation, events, or artefacts; or to build a depth of understanding about some dimension of social life. The process of research involves emerging questions and procedures, data typically collected in the participants setting, data analysis inductively building from particulars to general themes, and the researcher making interpretations of the meaning of the data.

Payne and Payne (2004:175) indicate that qualitative methods share some certain features:

- “The core concern is to seek out and interpret the meanings that people bring to their own actions, rather than describing any regulatory or statistical association between variables;
- They treat actions as part of a holistic social process and context rather than as something that can be extracted and studied in isolation;

- They utilise non-representative, small samples of people rather than working from large representative samples to identify the broad sweep of national patterns;
- They focus on the details of human life rather than starting with theoretical hypotheses and trying to test them. They explore the data they encounter and allow ideas to emerge from them, i.e. using inductive and not deductive logic.”

According to Creswell and Creswell (2018: 41), the qualitative research method is defined as an approach for exploring and understanding the meaning the individuals or groups ascribe to a social or human problem. In the same vein, Hennink, M., et al (2011:9) concur with Creswell and they enhance that “qualitative researchers study people in their natural settings to identify how their experiences and behaviour are shaped by the context of their lives such as the social, economic, cultural or physical context in which they live”. According to Devers and Frankel (2000: 264) assert that in qualitative research, the researcher should make it more concrete and develop a sample frame that is capable of responding to the research questions. Leedy and Ormord (2010) asserts that qualitative approach is “an approach typically used to answer research questions about the complexity of phenomena.” In this study, the phenomenon being studied is the impact of higher educational programmes in offenders’ rehabilitation in the Johannesburg Correctional Centre, often with the purpose of describing and understanding the phenomena from participants’ point of view. The researcher used this approach with the desire to produce thick descriptive data in terms of how the educational programmes can impact the rehabilitation of offenders and how the program can help in regard to recidivism.

Denzin and Lincoln (2005) define qualitative research as a situated activity that locates the observer in the world. It involves an interpretive, naturalistic approach to the world, i.e. qualitative researchers study phenomena in their natural settings, attempting to make sense of interpreting phenomena in terms of the meanings people bring to them. Qualitative data collection plays an important role in providing useful information to understand the processes behind observed outcomes and assess changes in people’s perceptions of their well-being. Therefore, the researcher believes that the qualitative method will give a better understanding of the impact of higher educational programmes in offenders’ rehabilitation process within the DCS. This notion seems to be consistent with Creswell (2014: 218) who recommends the use of “qualitative data in determining the extent of changes needed for a marginalised group”.

This current research met the above requirements of qualitative research; therefore the qualitative method was followed as it provides a simple method of gathering data. Throughout the research, the researcher focused on educational programmes offered to ensure the rehabilitation of offenders rather than all programmes offered by the correctional centres. Offender rehabilitation forms an integral part of the correctional system, and therefore, it is imperative to have a proper understanding of offender treatment needs (rehabilitation) and the entire correctional system. This led to a better understanding of how correctional assessment facilitates the rehabilitation of offenders. The information obtained through the literature survey led to a better understanding of education as a rehabilitation tool within the correctional system, thereby resulting in new developments.

1.9.3 Sampling

Since this study utilised qualitative method, the sampling technique adopted was purposive sampling. Check and Schutt (2012) assert that when it comes to purposive sampling the sample elements are carefully chosen for purpose, frequently because of the unique position of the sample elements.

According to Payne and Payne (2004: 204), sampling involves selecting a subset of people or social phenomena that are going to be studied from a pool to which they belong as determined by anticipated techniques and how much variation there is believed to be in the universe. Morse (2010) and Patton (2015) highlight that sampling is a central feature of research design when purposeful approaches are used because the healthier the participants are located in relation to the topic, the wealthier the data will be.

According to Murray and Lawrence (2000: 140), purposeful sampling entails the researcher precise judgement about a feature or features of a group of people. Selection of a sample, therefore, is based on the visibility of the feature of central interest to the research. Purposive sampling is a type of non-probability sampling in which the units to be observed are selected on the basis of researchers' judgement about which ones will be the most suitable to the study/research (Babbie 2016:187). According to Sowell (2001: 52), purposeful sampling strategies are used in a qualitative research method because they provide rich data for answering their research questions.

The researcher used documents review/analysis that are aligned with the research title, research question and objectives. The researcher used the google scholar engine to search document that are relevant to the title in order to answer the research questions. The

secondary data that was used by the researcher are documents such as, the white paper on corrections 2005, Correctional Services Act 8 of 1959, Correctional Services Annual Reports from 2006-2020 financial year, Correctional Services Act, 111 of 1998. United Nations Standard Minimum Rules for the Treatment of Offenders 2015, The Bangkok Rules 2011, Universal Declaration of Human Rights, Swaziland Correctional Services 2017, Democratic Republic of Congo 2005, Constitution of the Federal Republic of Nigeria 1999, United Kingdom of 1215 with amendments 2013, Namibian Correctional Services 2015, Norwegian Ministry of Education 2004-2005, The Constitution of Botswana 2013, The Republic of South Africa Constitution, 106 of 1996, as well as various papers done by other scholars that are aligned with my research title as well as research questions and objectives.

Purposeful sampling is a technique that is widely used in a qualitative research for the identification and selection of information-rich cases for the most effective use of limited resources (Patton, 2002). Flick (2018) asserts that purposive sampling refers to a group of sampling strategies typically used in a qualitative research. Purposive sampling refers to a group of sampling strategies typically used in a qualitative research (Flick 2014). In the same vein, Creswell and Plano Clark (2011) accentuate that purposeful involves identifying and selecting individuals or groups of individuals that are especially knowledgeable about or have experience with the phenomenon of interest.

1.9.4 Data Collection

Surbhi (2016) indicates that data collection plays an important role in the statistical analysis. Athukorala (2009) describes data collection as a means of gathering information to answer research questions that are being addressed in the study. The study conducted by Kabir (2016) indicates that data collection is the process of gathering and measuring information variables of interest in an established systematic fashion that enables one to answer stated research questions, test hypotheses and evaluate outcomes.

Data collection is one of the most vital stages when coming to conducting a research. Due to the time of year and the difficulty of collecting data in an interview, focus group or observation, this study relies on secondary sources of data. The term secondary data refers to information that was collected by someone other than the primary researcher. Secondary data is information that was already in existence before the primary researcher collected it in order to answer the research questions.

Kothari (2004) describes primary data as data which are collected afresh and for the first time, and therefore, happen to be original in character. The secondary data, on the other hand, is the data that have been already collected by someone else and which have already been passed through the statistical process. The researcher collected data through various publications, websites of other international countries such as Canada, United Kingdom, USA, Australia, England and Germany, websites of other African country such as Botswana, Namibia, Swaziland, Nigeria, Congo, and DCS of South Africa website as well as electronic database.

This study used the document review/analysis to gather information and compare this study with the other studies that have been conducted by other scholars. Literature reveals that qualitative researchers often use different data collection instruments as part of processes called triangulation (Sowell 2001: 70). The researchers in this study collected different documents that are related to the study of this research in order to obtain findings. According to Wisker (2008: 320), document analysis is not just about reading and taking notes but, it is rather, the careful identification of key concerns, labels and themes. The researcher examined the documents collected at the DCS website and such documents include Annual Report 2017/18 and 2019/20. Creswell (2009: 230) provides that documents consist of public and private records that qualitative researchers obtain about a site or participants in a study and these include newspapers, minutes, personal journals, and letters.

These documents are valuable sources of information in helping researchers understand central phenomena in qualitative studies. In this study, the documents collected from the research site were utilised as a source of information with regard to impact of higher educational programmes in offenders' rehabilitation in the DCS. The researcher must always consider the purpose of the research, the situation in which the research is carried out, the theoretical paradigm informing the research and the research techniques used to collect and analyse all the data. The Correctional Services Act 111 of 1998, Correctional Services Amendment Act, No. 25 of 2008, Correctional Matters Amendment Act, No. 5 of 2011, White Paper on Corrections, Correctional Services B-Order as well as journals, official documents, articles were used in this research to describe the impact of education in the rehabilitation of offenders in correctional centres in South Africa.

1.9.5 Data analysis

According to Taylor (1994:9), the process of analysing data begins after collecting the data and double checking it. Data analysis in a qualitative inquiry necessitates a twofold approach. The first aspect involves data analysis at the research site during data collection. The second aspect involves data analysis away from the site, following a period of data collection. Moreover, the second aspect is conducted between site visits prior to as well as after completion of data collection. Qualitative data is analysed in two methods: social constructionist analysis, which involves the revealing of cultural material from which particular utterances, texts or events have been constructed, and interpretative analysis which involves the description of the characteristics, processes, transactions and contexts that are related to the phenomena that are being studied (Taylor, 1994:9).

1.10 Motivation of the study

1.10.1. Value for the administration of Correctional Services in South Africa

Education is one of the provisions in South Africa in terms of Sec 29 (1) of the Constitution of the Republic of South Africa 108 of 1996. that the latter stipulates that “everyone has a right (a) to basic education, and (b) to further education, which the state, through reasonable measures, must make progressively available and accessible. This research intended to build a better South Africa by ensuring that offenders are rehabilitated through education programmes, the community benefit from it once the inmates completed their rehabilitation programmes.

This study will benefits the DCS in terms of terms of the following aspects; policy, educational programme, research and practice:

Policy: Correctional educational programmes should address the needs and employment opportunities for offenders by ensuring that there is policy in place that assist ex-offenders with employment in order to reduce recidivism.

Educational Programme: Based on the findings, this study concludes that educational programmes enhance offenders rehabilitation and it helps reduce recidivism rate. The lower rates of recidivism in our correctional facilities, the lessor in terms of overcrowding in our correctional centres.

Practice: The study will benefits the DCS in the field of rehabilitation by providing offenders with contemporary information regarding different type of educational programmes such as

early childhood, literacy programme and vocational programme for offenders in the correctional centres.

Research: Based in the recommendation the DCS should conduct correctional rehabilitation that are relevant to detainees to educate inmates on ways to improve their life after release.

Educating the offenders is one of variety of measures that could be implemented to improve deal with the issue of overcrowding and recidivism in correctional centre. The main challenge with incarceration is monotony often leading to frustration. Community corrections programmes will also help in achieving the goals to ensure that there is less recidivism in our correctional centres will depend on the correctional resources available in the community to assist the offenders in seeking help and abiding by certain conditions. Helen and Anne (2015) argue that the paper investigates how the education of offenders can help improve reducing risk and recidivism in correctional centres. Community correctional programmes are more likely than correctional centre to offer rehabilitation programmes that meet the offender's court ordered conditions. It will also support in reducing the high rate of overcrowding in our correctional facilities.

The statistics on recidivism show that education has a serious impact on recidivism; however, it might not be constant in terms of percentage. According to Bednarowski (2010), the government should invest a great deal in the educational programmes for the inmates as educating an offender reduces recidivism dramatically and it also reduces the costs associated with long-term of housing incarcerated offenders.

Since the aim of the correctional system is to rehabilitate offenders, it is important to understand the effectiveness of the offender rehabilitation programmes. This will improve effective performance within the DCS in such a manner that the personal needs and risk of offenders will be addressed and rehabilitation programmes individualised to improve the development and management of offenders. The DCS can benefit from the research by relieving the overwhelming workload of correctional practitioners working with offenders, evaluating existing rehabilitation programmes and assisting parole boards in predicting reoffending through assessment.

1.10.2 Value to society

The research can assist society to understand its role in the integration of the offender into the community. Highlighting the importance of education can serve as a tool to rehabilitate

offenders to be released as law-abiding citizens. If everyone understands the functioning of the DCS, then people will understand that rehabilitation is not just a waste of time, since there are measures taken before offenders can be rehabilitated, such as assessment tools that are used during admission to correctional facilities.

1.10.3 Scientific value

As a result of this research, educational programs can be designed to assist youth in developing skills and staying away from crime and have a positive impact on the community. By participating in higher education programs, offenders will be able to find employment and the intensive programs will contribute to keeping them out of trouble. Providing basic education and training to adults, secondary education, vocational education, and computer training will improve the scientific value of the community, assisting Correctionalists, Criminologists, and Penologists in their ability to identify, analyse, compare, explain, and predict the educational needs of inmates, as well as have a positive impact on the scientific value of correctional officials. The outlining of the impact of education and the process of rehabilitation, as well as the recommendations made in this study can help the DCS to develop programmes aimed at the treatment of offenders. In this study, the researcher examines the lack of educational programs in correctional facilities. Furthermore, it addresses how the impact of higher education programmes, as well as recommendations made in this study can help the department of correctional services with rehabilitation. The purpose is to reduce recidivism and overcrowding in correctional facilities.

1.11 Limitations of the study

In this research the researcher had challenges of obtaining participants owing to COVID-19 regulation that prohibits face-to-face interview with the offenders as well as the administering of questionnaires. The researcher used observation to collect data and educationists were informally interviewed since the research has stated that it was difficult to interview offenders during the COVID-19 pandemic. Hove and Anda (2005:5) explain that in most instances the participant may not interact much during the interview and they end up not responding to questions fearing the consequences, see no reason or benefits in participating in the interview and co-operation

It is important to understand that before the researcher can conduct the research, he/she should acquire the permission from different organisation that he will be conducting the

research. Because the DCS is a security environment and before the application to conduct the research is considered by the Research Ethics Committee, Ethical Clearance Certificate must be attached in order for the researcher to gain access at Johannesburg Correctional Centre. It will have an impact on the research because the researcher will not have enough information about what he is researching and there will be a limited information to the research if no access to the correctional centres.

Limitations are the constraints on the application to practice in order to find the results. Some of the limitation that the researcher can come across is when you want to access the organisation to conduct research, longitudinal effects, cultural diversity can also play a major role in the limitation of the research, language problem in terms of where you should conduct a research. It is vital that methodological limitations which state the issue of sampling size, lack of available or reliable data and lack of research studies on the topic as well as measure used to collect data.

1.12 Method of trustworthiness

Chilisa and Preece (2005) and De Vos et al. (2011) identified four standard criteria for ensuring trustworthiness in qualitative studies. The criteria regarding credibility or authenticity, also refers to internal validity, transferability or external validity, dependability or reliability and conformity or objectivity. Using multiple techniques of data collecting, according to Nieuwenhuis (2013: 80), can contribute to credibility. In qualitative research, trustworthiness is analogous to validity and reliability in quantitative research. It's all about making sure the research actually measured what it was supposed to measure. Credibility, Dependability, transferability, and conformability are fundamental elements of trustworthiness, according to De Vos (2009: 346-347), and are briefly outlined below:

- **Dependability**

Tobin and Begley (2004) state that to ensure trustworthiness, the researcher must make sure the research process is logical, traceable, and clearly documented. The process of the research study the researcher relied on the secondary data to ensure trustworthiness as a way for a study to demonstrate dependability. Altheide and Johnson (1994) highlighted that dependability represents the truthfulness of the findings in this study.

- **Credibility**

The purpose of using the credibility in this study is to show that the research was carried out in such a way that the secondary data were correctly identified and characterized. According to Guba and Lincoln (1989) claimed that credibility of the study is determined when the readers are confronted with the experience, they can recognize it. It has been suggested by Guba and Lincoln (1989) that the credibility of a study is determined when the readers are faced with the experience and can recognize it as credible. Furthermore, Aryt et al. (2002: 267) explain that credibility is the extent to which interpretations of data are warranted by the theories and evidence used. Altheide and John (1994) indicate that credibility of the study refers to the stability of funding.

- **Transferability**

A study designed with multiple cases, multiple informants, or more than one data collection method has the advantage of enhancing the study's utility in other settings (De Vos et al., 2011:420). Transferability of findings from a qualitative study can be difficult in that the sample size is often small and the public is not typical. This limits generalizing research findings from a qualitative study. The inclusion of several sources of data can enhance a study's generalisability, making it more useful in other situations by verifying its findings. Transferability is another aspect of trustworthiness that was considered in this qualitative study, according to Lincoln and Guba (1985). Patterns and descriptions from one context may be applicable to another, according to qualitative researchers. Similarly, creating new knowledge from emergent discovery-oriented qualitative research is valid and necessary. It's also beneficial to learn from other people's methodical qualitative research.

- **Conformability**

The researcher is attempting to capture some objectivity in the research investigation. The qualitative criterion is derived by questioning whether the data may help corroborate the general findings and lead to implications (De Vos, 2009: 346-347). Throughout the research process, the researcher was careful to interpret and analyse the data in a way that captured the essence of what was seen and felt. According to Savin-Baden and Major (2013), conformity or objectivity is an imperative characteristic of a qualitative researcher. Researchers should exercise reflection and reflexivity when handling secondary data in order to remain objective.

1.13 Ethical considerations

The researcher submitted the application and attached all necessary documents to University of South Africa (Unisa) Research Ethics Committee to be granted permission or approval to conduct the research. The approval was granted by Unisa. Roulston (2010: 97) indicates that gaining formal consent from ethical review boards and those in authority does not necessarily mean that access to settings will be secured. Leedy and Ormrod (2001) state that the majority of ethical issues are covered by either one of the following aspects: informed consent, protection from harm, honesty towards professional colleagues, and right to privacy, confidentiality and anonymity, and the right to equality, justice and withdrawing or refusing to participate if they wish to do so.

Bryman and Bell (2007) shared similar sentiment that participants must take part of the research voluntarily and the researcher should indicate to the participants that they have rights to withdraw from participation from the study at any time if they wish to do so. The respondents should participate on the basis of informed consent. The principle of informed consent involves researchers providing sufficient information and assurances about taking part to allow individuals to understand the implications of participation and to reach a fully informed, considered and freely given decision about whether or not to do so, without the exercise of any pressure or coercion. According to Devers and Frankel (2000: 266), the researcher must negotiate the entrance to the research fields from the authorities since it is important for the collection of data.

According to Rossman and Rallis (2003: 74), obtaining informed consent of participants is crucial for the ethical conduct of the research. It is important for participants to give their consent before the researcher can proceed with the research. Devers and Frankel (2002: 265) argue that if the researcher cannot find research participants, she or he may not proceed. In this study, the researcher relied on the secondary data due to covid-19 regulations that prohibit the research to conduct interview and focus group.

1.14 Chapter layout

Chapter 1: The Research

Chapter 2: Background on offender rehabilitation

Chapter 3: Educational programme as a form of rehabilitation

Chapter 4: International and African perspective on education and the rehabilitation of offenders

Chapter 5: Assessing the Impact of Higher Educational Programmes in Offenders Rehabilitation in the correctional centre

Chapter 6: Findings, recommendations and conclusions

1.15 Conclusion

This chapter describes an overview of the general orientation of the study presented in this research, along with a description of the aims and objectives of the study. The impact of higher education programmes can be effective in rehabilitation only when all participants, including the offender, are fully committed. This chapter provides an overview of the research methodology that was used for collecting data, this includes a description of the research design, the sampling technique, and the data collection techniques as well as data analysis.

CHAPTER 2: BACKGROUND ON OFFENDER'S REHABILITATION

2.1 Introduction

The purpose of this chapter is to analyse and outline the importance of rehabilitation programme in correctional facilities. In South Africa there is an inadequate knowledge regarding the rate of recidivism, the role that rehabilitation programme offered to offenders of crime and the role that this can play to restraint the high rate of recidivism. According to Garland and Sparks (2000: 199), the experience of high crime rates as being a normal part of life has led to a distinct culture which ultimately changes the way in which criminology and criminal policy operates. It is also important to provide an overview of the rehabilitation programmes available to offenders in South Africa. In order for us to do that as a country is to ensure that we have an indication and understanding of correctional statistics in the country.

Mohajane (1998, 8) explains that the commitment of the DCS in 1998 to rehabilitate offenders and facilitate their social reintegration. The services and programmes have been scrutinised, adjusted and changed to suit the vision and mission of the department. The objectives of the rehabilitation process as summarised in the White Paper on Corrections in South Africa, firstly, focus on correcting offending behaviour, secondly, enhancing human development, and thirdly, promoting social responsibility and positive social value among offenders.

2.2 Reconciliation of Offenders and Family's Victim as form of Rehabilitation

Rehabilitation process prepares inmates to become a better people to the society or community once they have served their jail term. It is vital for the inmates to reach out to the people they have wronged in order to get recuperate and be able to forgive themselves and it also gives them an opportunity to meet with the victims' family to ask for forgiveness in order for the offenders to make peace and be accepted by the community once their jail term has ended. In most cases, rehabilitation helps inmates to return to the society with skills so that they do not repeat the same mistakes that they have committed.

According to Umbreit (2001), restorative justice is a philosophical approach to crime aimed at repairing the harm caused by a criminal act to victims and the community. As an alternative to the system that advocates retributive justice, restorative justice seeks to elevate

the role of crime victims and the community members; hold offenders directly accountable to the people they have violated; and restore, to the extent possible, the emotional and material losses of victims by providing a range of opportunities for dialogue, negotiation and problem solving. Melton (1995) asserts that the tendency to philosophically pair restorative justice with forgiveness and reconciliation reflects its roots, which can be traced to Aboriginal traditions that use the principles of healing and living in harmony with all beings and with nature as the basis for mending damaged personal and communal relationships. Witvliet et al. (2001) highlight that forgiveness refers to offender reinstatement and specifically to transformed meaning that reduces forgiveness in the victim. Forgiveness, in the context of restorative justice dialogue, is a derivative of a bilateral process that requires the victim and offender to be emotionally available to each other. Notwithstanding the foregoing comments, restorative justice advocates also recognise and accept that many persons initiate and choose to forgive because granting forgiveness is congruent with their personal or religious beliefs. If a victim elects to offer unconditional forgiveness to an offender, the mediator supports the victims' decision and helps facilitate the interchange.

2.3 Historical Background on the Development of Correctional Services in South Africa

This chapter will discuss the origin and development of DCS from the colonial era to apartheid era and democratic South Africa. The chapter seeks to give a clear indication on how correctional services was established during apartheid era into the democratic South Africa. The purpose of this research is to determine the impact of higher educational programmes in offenders' rehabilitation. It is important to acknowledge that the correctional facilities system in South Africa did not develop separately from the Western ways of punishment. The South African correctional facilities system has a European ancestry even though segregation in Europe was not encouraged in the early 1600 (Coetzee et al. 1995: 4). Snyman (1989: 9) reports that when Jan van Riebeeck arrived in the Cape established the first refreshment post at the Cape of Good Hope for ships in April 1652, as an official of the Dutch East India Company, which functions under a charter approved by the State General of the Republic of United Netherlands. The Roman Dutch Law was the legal system that was in use during their stay in the Cape.

Dissel and Ellis (2002) provide that apartheid has been widely recognised to have been largely an exercise in classifying and mapping, assigning different populations. It is been defined on the basis of race and ethnicity to designated areas with their own legal and

administrative norms. This chapter will also focus on the concept of punishment and the theories of punishment. In 1959 new legislation (Act 8 of 1959) was established and it was based on the policy of apartheid and entrenched the racial segregation of correctional centres. Although the new legislation took the cognisance of the United Nations' Standard Minimum Rules for the Treatment of Inmates as far as the emphasis on rehabilitation was concerned, it ignored other crucial aspects, such as the prohibition of corporal punishment for correctional facilities offences. Recently, South African DCS operated on the understanding that correctional facilities were places of punishment which were executed through forced correctional facilities labour. Gillespie (2008) accentuates that the determination of the historic task of extricating South Africa from imbedded conditions of apartheid could not have been starker. The centuries of colonial and decades of apartheid rule had produced a society in which extreme economic inequality, organised by means of a white supremacist racial hierarchy, required immediate dismantling by the country's new leaders. Du Preez (2003: 28) indicates that during biblical times, one of the features of punishment was the manner in which the inmates was incarcerated. Inmates were housed together in one big space and there were no single cells. Offenders had limited freedom of movement and they were also responsible for their own maintenance inside the correctional facilities. Moreover, Geltner (2008: 11) highlights that correctional facilities were designed with official holding rooms. Beneath the roof of the palace's eastern wing, several cells were assembled consecutively, including the ward for female offenders, whom until then were correctional facilities in close proximity monasteries.

The Former president Nelson Mandela commented during his time of incarceration that:

Correctional facilities not only rob you of your freedom, it attempts to take away your identity. It is by definition a purely authorization state that tolerates no independence and individuality. As a freedom fighter and as a man, one must fight against the correctional facilities' attempt to rob one of these qualities.

Schmallegger, (1997: 432) indicates that the history of criminal justice as fear over crime grew the concern with community protection reached a crescendo by 1996 worldwide, leading to rates of correctional facilities previously unheralded. Correctional facilities populations quickly reached breaking point, although few realised that the use of correctional facilities, as places where convicted offenders serve their time as punishment for breaking the law, is a relatively new development in the handling of offenders. In 1910 which was the year of unification of South Africa, there was endeavour at creating a penal and correctional facilities

policy for the country as a whole. An attempt at this was embodied in the correctional facilities and Reformatory Act, (Act 13 of 1911), and in the institution of the DCS. The Correctional Services Board was instituted under section 45 of the Correctional Services and Reformatories Act No 13 of 1911, to guarantee more effective treatment of convicts and inmates and to provide better direction concerning the conditions on which inmates should be granted remission of sentence (DCS, Annual Report 2006/2007). Section 25(3) of the new Act made provision for the isolation of inmates' awaiting-trial and their subjection to mechanical restraint 'if the isolation or restraint is requested by the police authorities in the interests of justice'. Van Zyl Smit (1992: 24) notes that the Correctional Services and Reformatories Act, 1911 consolidated earlier colonial legislation, and strict segregation was enforced throughout the system. Some of the most punitive features of correctional facilities systems of the four colonies survived unscathed.

2.4 Definition of Punishment

Filippi (2011) defines punishment as the expression of a distinct regime of power-knowledge disseminated by local authorities such as judges and psychiatrists. The aim was to explore the extent to which the implementation of the categories of insane, political and criminal offenders during apartheid was based on the delimitation of deviancy as issued by diverse authorities of power. According to Palermo and White (1998: 177), the word punishment comes from the Latin word called penitence, which means to repent, to search for godly pardon, to be remorseful towards persons wronged, to be on your own to consider the sympathy of a persons' sins. Johnson and Toch (1982: 15) describe punishment as an aim that requires that every offence experience embarrassment. According to Clark et al. (2008: 4), punishment has been defined as the consequence of an offence committed by an offender. Punishing a person is to inflict injury on the offender who committed the crime. Singh (2005: 17) indicates that the kind of punishment used for offenders was directed at the body-public executions by firing squads and public crucifixion. The correctional facilities of convicted persons and the use of such persons for manual labour did not appear to be prioritised. Van Zyl Smit (1992: 8) reports that convicted persons were occasionally held in chains in the Dutch East India Company's slave lodge and made to labour in public works and attempts were made to extract labour from convicts deported to Robben Island. Deportation removed the criminal from a society which did not have much interest in his welfare. The punishment imposed on the offenders must be justified regardless of the offence that the offender committed.

Van Zyl Smit (1992: 40) points out some important factors which brought about drastic amendments in the correctional facilities legislation, among others is the removal of racial discrimination and apartheid in the correctional facilities system. Bartollas (2002: 27) explains that the concept of punishment has been justified in a variety of social contexts. Punishment can be justified on one or more of the following; i.e. retribution, deterrence, incapacitation and rehabilitation. Rabie et al. (1994: 19) the justification of punishment belongs to one of two groups, namely; absolute theory or relative theory. Now I will discuss the popular theories that have been used throughout history to explain the reasons behind punishment. The theories are as follows: retribution, deterrence, incapacitation, and rehabilitation.

2.5 Theories of Punishment

Schmallegger (2003: 391) indicates that each goal represents a quasi-independent sentencing philosophy, since each holds implications for sentencing practice. These justifications of punishment belong to one of the two groups, namely; absolute theory or relative theory. These philosophies of punishment or goals are also similar within Islamic law. The multiple purposes of Islamic Criminal Law are reflected in the nature and magnitude of different types of punishment for offences and prohibited behaviour (Miethe and Lu 2005: 165). Pritikin (2006: 718) explains that the justifications for punishment are divided between two concepts which is “deontological”- inflicting pain for its own sake, that is, retribution and “teleological” or utilitarian – inflicting punishment to achieve some benefits, that is deterrence, incapacitation and rehabilitation. Magobotiti (2009: 17-22) asserts that sentencing and punishment is as ancient as society. Seeing that the application of punishment in society is unavoidable, it is therefore suggested that the use of punishment should be correctly balanced so as to avoid inconsistent sentences. Punishment has therefore recently been seen as justifiable when it hits a balance between the rights of the criminal and the victims of societies with the application of the Bill of Rights. Chapter 2 of the constitution of the Republic of South Africa emphasises that the Bill of Rights is described as the “cornerstone of democracy in South Africa (The Constitution of the RSA, 1996).

2.5.1 Retribution Theory

Retribution is regarded as the oldest justification of punishment in a correctional centre. According to Bartollas (2002: 71), retribution was the most important motive of punishing criminals. Schmallegger and Smykla (2001: 37) refer to retribution as a process whereby an

offender gets what he/she deserves. According to Schmalleger and Smykla (2001: 486), retribution is a philosophy of punishment that has to do with vengeance against one who has committed a crime. Matshaba (2006: 21) explains that the justification for retribution was usually based on the following three basic principles:

- Punishment should be imposed on the person who has committed an offence.
- The extreme form of punishment should match the state of the offence.
- The degree of punishment specified is independent on the actual or predicted consequences of the punitive measure.

Muntingh (2001) defines retribution as a punishment of crime that the offenders have committed and therefore an offence against the state and its legislation. The retributive justice indicates the punishment that the offender get must fit the offence and, in such manner, it will prevent other offenders to commit crime. Dissel (2000) highlights that retributive justice approach defines crime as an offence against a person and a relationship and that the main purpose of such justice is to restore the rights of the victim and the relationship. Retribution is also based on the just deserts theory which implies that punishment must be suitable for the crime (Birzer and Robertson 2004: 35). The determination of the punishment is to make offenders feel pain and if the punishment is about incarceration, delinquents sacrifice their freedom the only acceptable commodity they own which is of value is the payoff.

2.5.2 Deterrence Theory

Dissel (2000) and Muntingh (2001) believe that the theory aims to prevent commissioning or re-commissioning of crime through threats of the negative outcomes that may result from the commission of crime. However, research has not proven any significant theory on crime levels. This research argues that this deterrence alone cannot make offenders fear the punishment or reduce crime committed by inmates or people in the community. Deterrence theory postulates that people are coherent and are in control of their lives and feelings. Farabee (2005: 58) identifies three components that determine the effectiveness of deterrence, namely; certainty, swiftness and severity. If punishment is more certain, swift and severe for the criminal act, then people will refrain from committing that criminal act. Cornelius (2001: 5) expresses that “in order for the crime to be deterred by punishment, the punishment must be swift and visible to people in the community. It must also be very closely linked to the crime; so, potential offenders can relate the offence to the punishment”. Cavadino (1997: 34) stresses out that “catching and punishing offenders stigmatises them as criminals.” The

labelling could be viewed as a possible deterrent effect but on the other hand might turn out as a detriment to deterrence. Matshaba (2006: 19) avers that deterrence means that punishing an offender can prevent future criminal behaviour and the effects of punishment will serve as a deterrent to other criminals. Bartollas (2002: 492) shared similar sentiment that deterrence is a crime control strategy that uses punishment to prevent others from committing similar crimes.

Deterrence is made up of two types, i.e. general and specific deterrence.

General deterrence applies when an individual other than those who are punished avoid any criminal activity because they are afraid of the actions that might be taken against them.

Specific deterrence applies to the offender who is being punished for the crimes he/she committed in a sense that the punishment will make him or her stay away from criminal activities because of a bad experience with previous offences. Muntingh (2001) points out that the threat of punishment also does not appear to have any significant impact in terms of preventing people from committing offences. The fact that so many current inmates are recidivists and have been in correctional facilities before clearly shows that the deterrence approach does not hold much promise as a crime reduction strategy. According to Ellis and Sowers (2001: 145), the history of the correctional system indicates that correctional facilities were meant to be beneficial because they were to deter citizens from future criminal activities as a result of severe punishment that offenders received while they were incarcerated. In the 18th and 19th centuries, Beccaria and Bentham defined the concept of deterrence as a way of controlling crime (Stinchcomb and Fox 1999: 20). Snarr (1996: 57) indicates that Beccaria revealed that punishment should be done quickly and immediately because of the greatest deterrence that was offered by swift punishment and he advocated for a balance between deterrence and prevention. The researcher argues that punishment must be justified and predominantly by reference to deterrence.

2.5.3 Rehabilitation

Dissel (2000) stresses that rehabilitation sometimes is used interchangeably with reintegration. South Africa is been cited as an exemplary country in driving the rehabilitation and reintegration processes in the continent; much work still needs to be done. The question was whether the reintegration programmes attempt to change individuals or whether the theory tries to undo the effects of incarceration. The debate continues to develop and

interrogates the effectiveness of the theories in bringing about true rehabilitation of offenders (Muntingh 2001). In the USA, rehabilitation has been the well-known correctional philosophy for many years (Mays and Winfree 2005: 6). Clear and Cole (2000: 77) posit that the use of rehabilitation has continuously been endorsed as a main correctional goal in every correctional institution. The term 'rehabilitation' can be described as a process of changing the current criminal behaviour of an offender through some form of vocational, educational or therapeutic treatment. According to Balfour (2003: 46), offenders are encouraged to learn sound work skills and go through educational programmes that will ensure their effective reintegration into the society. Rehabilitation programmes help offenders not to go back to their criminal activities.

Schwartz and Travis (1997: 11) indicate that the DCS plays a vital role in this goal as punishment is intended to fit the needs of the individual applying correctional resources. It helps the offenders to change their behaviour or attitude when they return to the society. Boyes-Watson (2003: 244) posits that criminal justice of our time accepts an idea of these goals, to a certain extent, yet these goals also compete with one another and the justice system has generally only embraced one or two of these goals throughout history. Cullen and Gendreau (2000) describe rehabilitation as social relations with others, education and vocational skills, and employment. The intervention is intended to make the offender less likely to break the law in the future or to reduce recidivism. The importance of rehabilitation is to ensure that offenders are given another chance with the aim that they will live as a law abiding citizen.

The White Paper in Corrections (2005: 64) describes that the Correctional Sentence Plan must find the correct balance to adequately and comprehensively applying the laments of the six key service delivery areas when addressing the unique needs of every single offenders in the correctional centre. The White Paper must recommend that the DCS should develop an individualised offenders specific Correctional Sentence Plan that will help to take such a specific correctional setting- correctional centre or probation or community correctional supervision into consideration. This Correctional Sentence Plan will focus on the total needs of the specific offender. These needs are as follows:

- Needs in terms of correcting offending behaviour (Corrections Plan);
- Security needs taking into account the human rights of the individual (Security Plan);
- Needs in terms of the physical and emotional well-being of the offender (Care Plan);

- Education and training needs (Development Plan);
- Needs in terms of allocated physical accommodation (Facilities Plan);
- Needs in terms of the support required for the successful social reintegration of the offender (After-Care Plan).

Edga and Newell (2006: 11) describe rehabilitation as a treatment programme where correctional officials have interventions with offenders. Glick and Goldstein (1995: 463) define rehabilitation as a “psychological and educational assistance or career training to inmates to make them less likely to engage in future criminal activities”. Falshaw et al (2004) argue that rehabilitation is in its simplest form the process of dealing with convicted offenders following sentence and through various processes of training capacity building and psycho-social support, re-introducing offenders back into communities after the completion of their sentences.

2.5.4 Incapacitation

Dissel (2008: 156) highlights that this punishment is about detaining offenders who committed crime and it prevents them from committing further crimes by his or her removal from the society and incarcerate him to correctional facilities. This punishment serves as a strategy to separate offenders from society and is also referred to as the “lock them up approach” (Schmallegger 1996). Muthaphuli (2008: 49) has identified three of incapacitation, i.e. collective incapacitation, selective incapacitation and criminal career incapacitation:

- Collective incapacitation means that offenders who have been convicted for the same offence should be given the same sentence.
- Selective incapacitation means that sentences are based on forecasts of crimes that convicted offenders will be responsible for committing (Silverman and Vega, 1996: 22).
- Criminal careers incapacitation means selecting those criminals who have a high rate of crime.

Bartollas (2002: 75) maintains that the advantage of selective incapacitation is that the rate of crime will be reduced by aiming at offenders who are regarded as high risk. The researcher is of the view that incapacitation prevents future crime by removing the defendant from the society

2.6 Historical Development of Correctional Facilities in a New Democratic South Africa

In 1998 the DCS adopted the newly established Correctional Services Act, 1998 to replace the old Correctional Facilities Act, 1959 which was based in a policy of apartheid regime. The establishment of the new Correctional Services Act, 1998 came into being or effect after South African democratic elections in 1994. It is by then when South Africa introduced the Constitution of 1996 which is the supremacy law of the country and it personified the fundamental rights of the citizens of South Africa as well as those of the inmates who are incarcerated, (The White Paper on Corrections; DCS 2005). According to Singh (2005: 31), the construction and development, introduced in 1994 was the policy on which such a transformation would be based. Despite the fact that the document highlighted the need for the implementation of non-racial and non-existent principles, it also focused on human rights, the rehabilitation of offenders, as well as the effective implementation of demilitarisation. Section 2 of the Correctional Services Act, 111 of 1998 articulates three objectives for the South African correctional facilities system which are: to implement the sentences of the court in the prescribed manner stipulated by the Correctional Services Act; to detain all inmates in safe custody while ensuring their human dignity; and to promote the social responsibility and human development of all inmates and persons under community corrections. Section 35 of the Constitution of the Republic of South Africa Act, 1996 provides for the rights of detained, arrested and accused persons to the extent that they have the right to:

- Be informed promptly of the reason for detention;
- Be detained under conditions that are congruent with human dignity;
- Consult with a legal practitioner;
- Communicate with and be visited by a spouse or partner, next of kin, religious counsellor, and medical practitioner of the inmates' own choice; and
- Challenge the unlawfulness of his or her detention before a court of law.

In 1994 the DCS introduced the White Paper on the policy of correctional services in the new South Africa. The aim of the White Paper was to stimulate debate on the correctional matters and redefine priorities that will eventually lead to where we should be, coming to grips with a correctional model for the new South Africa. The White Paper on Corrections, 2005 is a document that is intended to guide the management of correctional services and offering of services and it is for the first time in the history of South Africa that the Department has a

document that expands on the work of corrections and understand the necessity of the corrections as a duty which is not exclusively that of the DCS but also stands directly on the support of society (The White Paper on Correction, 2005:6).

The White Paper on Corrections was approved by the Cabinet in 2004 to replace the White Paper on Correctional Services, 1994. This White Paper on Corrections in South Africa arises out of a need for a long-term strategic policy and operational framework that recognises corrections as a societal responsibility. The main focus area of this White Paper is to ensure that it serves rehabilitation through delivery of appropriate programmes so that when offenders leave correctional centres have appropriate attitudes and are competencies that enables them to successfully reintegrate back to the society as a law-abiding citizen and productive citizens. The focus of this White Paper is the necessity to identify corrections as a societal responsibility and also to undertake all departmental tasks to achieve a rehabilitation mission (DCS, 2005: 6). The researcher contends that to understand this focus area the personnel working at the correctional services must be able to understand them first. Having a better understanding of the White Paper contributes effectively in the societal level and contribute effectively in all the departmental strategic plans that are geared towards rehabilitation. The researcher is of the view that prior to 1994, the trend in South African correctional facilities was primarily to remove offenders from society and to detain them for the duration of their sentence and the services offered by the DCS were not responsive to the actual corrections and developmental needs of offenders.

The fundamentals of this White Paper on Corrections are also derived from the 1996 Constitution of South Africa, the Correctional Services Act, 1998 (Act 111 of 1998) and integrated justice system. Hassen (2003: 33) asserts that the aim of the integrated justice system was to increase the efficiency and effectiveness of the entire criminal justice process by increasing the probability of successful investigation, prosecution, punishment for priority crimes and ultimately rehabilitation of offenders. The White Paper on Corrections in South Africa presents a vision and mission for the DCS in which the centrality of rehabilitation, as a commitment for the DCS features (DCS, 2005).

The causes to replace 1994 White Paper on Corrections in South Africa

The White Paper on Corrections in South Africa, (2005) replaces the 1994 White Paper owing to the following reasons:

- “The 1994 White Paper was based on the 1993 interim Constitution (RSA 1993) and the challenges that democratisation and the human rights culture posed in respect of a punitive and paramilitary penal institution and consequently, the constitutional and statutory framework has bypassed the 1994 White Paper;
- The Bill of Rights in the Constitution of the Republic of South Africa (Act 108 of 1996) determines the human rights environment that the DCS operates in, particularly in relation to (s) 35 and the section dealing with children’s rights (s) 28(g), and the right to education (s) 29(1).
- Section 35 of the Constitution specifically provides for the rights to detained, arrested and accused persons to the extent that they have the right to:
 - Be informed promptly of the reason for detention;
 - Be detained under conditions that are congruent with human dignity;
 - Consult with a legal practitioner;
 - Communicate with and be visited by a spouse or partner, next of kin, religious counsellor and medical practitioner of the correctional facilities’ own choice; and to
 - Challenge the lawfulness of his or her detention before a court of law.
- The Correctional Services Act (Act 111 of 1998) has bypassed the 1994 White Paper. This has resulted in some policy issues being addressed within the legislation before being enshrined in policy. The Correctional Services Act of 1998 defined the purpose of the South African correctional system, which served as one of the key starting points in relation to policy development in the DCS during the period 1999-2003:

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

- Enforcing sentences of the courts in the manner prescribed by this Act;
- Detaining all inmates in safe custody while ensuring their human dignity; and
- Promoting the social responsibility and human development of all inmates and persons subject to community corrections. (Correctional Services Act, No 111 of 1998, s(2))

- The 1994 White Paper is not aligned with currently key government policies. i.e. it is inadequate in contextualising correction in the African Renaissance and in the approach to African multilateral relations and the restructuring of the SADC.

- The 1994 White Paper did not rise above the departmental mandate to address the South African situation in respect of the committal of crime, and its impact on correction and rehabilitation.
- The 1994 White Paper only addresses the mandate of the DCS. It fails to identify rehabilitation and correction as a societal responsibility necessitating community and society involvement in social crime prevention and moral regeneration.

The 1994 White Paper fails to provide an appropriate framework for areas of key services delivery policy, such as:

- Comprehensive health care;
- Primary health care;
- The HIV/AIDS policy;
- The interpretation of constitutional imperatives;
- The role of the Department of Health;
- Facilities procurement, building and management;
- Government's PPP policy in relation to infrastructure and facilities;
- Appropriate human resource provisioning, career development and the personnel retention strategy; and
- The role of policy personnel, administrative personnel, professional and other correctional officials within the DCS.
- The 1994 White Paper on Corrections in South Africa did not define the core business of the DCS as safe custody and the humane treatment of offenders, whereas the core business is now understood to be correction within a safe, secure and humane environment to achieve the desired outcome of rehabilitation”.

2.7 Participation of Community in Offenders Rehabilitation

The community's participation in crime prevention represents the public acceptance of its common responsibility with the official sector of crime prevention. It proceeds from the view that the root causes of crime such as unemployment, poverty and illiteracy are not within the control of any one constituent of the criminal justice system. It is the responsibility of the community to support overcome these challenges. Community involvement has been one of the vital constituents of the criminal justice system to achieve the successful rehabilitation and treatment of criminal offenders. Nowadays, many jurisdictions put much emphasis on support from the community in providing various services as well as in understanding the

difficult work involved in both institutional and community based treatments of criminal offenders. In Japan, all matters regarding corrections are within the jurisdiction of the Ministry of Justice. The Correction Bureau, an interior organ of the Ministry of Justice has direct control over the correctional administration concerning the institutional treatment of both adult and juvenile offenders.

The Rehabilitation Bureau introduced the Community Participation Programme in 1992 as an educational measure for juvenile offenders to broaden their perspective of society, and not as a punishment by depriving them of liberty.

- To develop client's sense of responsibility as a member of society and enhance his sense of self-esteem;
- To know different types of people in the community and learn their way of life and value sense as an identifiable role model; and
- To learn how to develop sound interpersonal relationships with others.

The programme is also categorised into these four groups:

- Community service in social welfare institutions such as for the elderly or physically disabled people in the community;
- Work experiences on farms or in public areas;
- Observation tour of historical spots, public facilities or construction areas; and
- Recreational activities such as skilling, soccer, cooking, fishing and camping.

In most instances, you find that offenders were under the influence of alcohol when they commit a crime or an offence and some blame alcohol to have played a major role in their correctional facilities. Roberson and Birzer (2004: 37) cited by Muthaphuli assert that within a rehabilitation approach, offenders are assigned to programmes which were designed to prepare them for readjustment of reintegration into the community. The fact that offenders have to return to the community after incarcerated it makes the community the vital part of the rehabilitation programme and it gives the community to accept them back to the society.

Bailey and Ekiyor (2006: 27) assert that the DCS supports community participation in correctional matters through the following as part of rehabilitation process:

- The DCS drafted a community participation policy that outlines the guidelines for community involvement, which are in line with the departmental rehabilitation strategy.

- The DCS encourages greater community participation as a means of reducing crime to promote good relationships among community members.
- It offers support to both offenders and the victim.
- It offers support in all activities aimed at integrating offenders into the community.
- It offers offenders opportunities for remorse, forgiveness, reconciliation, and offenders to make amends.

Community corrections is exercised by the DCS which deals with the offenders in the community. It provides services and intermediations that will contribute to the rehabilitation of offenders as a law abiding citizens into the community to ensure that probationers are rehabilitated, monitored and accepted by the communities. The role of community is of vital importance to offenders during their incarceration to ensure that offenders feel the essence of the community. There should be a policy in place that will enable the community to be involved or to be part of the rehabilitation of offenders.

2.8 Categories of Offenders in Rehabilitation

This section will deal with the rehabilitation of female offenders, elderly offenders, young offenders, mental illness offenders, offenders with disability and HIV/AIDS offenders. It is important to know that everyone has right to be treated equally and fairly; the same applies to offenders regardless of the offence they committed. This section will also give the description in all categories and policies are put in place to ensure successful rehabilitation. The DCS must ensure that all offenders are treated equally and fairly to ensure that offenders are rehabilitated.

2.8.1 Female Offenders

Pollock (1998: 143) emphasises that owing to the growth of female offenders' population over the years, certain adjustments had to be made to ensure the effective rehabilitation of woman. Female offenders encounter all the socio-economic classes, races and background and it is important that while they are in correctional facilities, they are prepared to reintegrate successfully into their community.

Freedman (1987: 53) made the following recommendations regarding the treatment of female offenders:

- Men and women offenders can never be detained in the same facilities, so separate facilities must be built for female offenders. As indicated in the Standard Minimum

Rules for the Treatment of Prisoners, men and women should never be detained in the same facilities and women require special accommodation from the correctional system. Rehabilitation programmes developed for women will be implemented successfully if female offenders are detained in facilities that suit their requirements.

- Only female correctional officers must be responsible for the day-to-day running of the female facilities because men are regarded as a disruptive influence. Only females will best understand the needs of other females. In implementing the rehabilitation programmes, female officials will ensure that these programmes are fit for females. It is inappropriate to keep men and women in one facility in order to evade difficulties in the rehabilitation process.
- Special training programmes have to be designed for women in every institution. The state must ensure that female offenders participate in training programmes that will ensure their rehabilitation. Moreover, female offenders must be provided with the special skills that will ensure that they reintegrate successfully into the community, e.g. knitting and sewing.

According to Bloom (1999: 23), the following are the principles to be followed when designing female programmes within the correctional system:

- When it comes to equality of women, it does not mean that they should have access to those rehabilitation programmes designed for men, rather, they should have programmes that are relevant to their gender.
- These kinds of rehabilitation programmes must not be 'women only' programmes designed for men also.
- Female offenders must be empowered through the promotion of their self-esteem.
- The level of security for female offenders must depend on the rehabilitation for such offenders, must ensure public safety and also offer the required rehabilitation programmes.

Scott and Flynn (2014: 3) illustrate that *Women in Correctional facilities* was formed by ex-Offenders Chris Tchaikovsky in October 1983 to campaign specifically around women correctional facilities. The formation of the women's movement was because there are relatively fewer women than men in correctional facilities. Moreover, the differential sentencing, pains and discrimination of women have been largely ignored or marginalised among mainstream penal pressure groups.

The Parliamentary Assembly of the Council of Europe recommended the following regarding the mothers and babies in correctional facilities:

- Developing and using community-based penalties for mothers of young children and avoiding the use of correctional facilities custody;
- Developing education programmes for criminal justice professionals on the issue of mothers and young children;
- Developing small-scale secure and semi-secure units with social service support for the small number of mothers who do require such custody, where children can be cared for in a child-friendly environment and where the best interests of the child will be paramount, while guaranteeing public security;
- Ensuring that fathers have more flexible visiting rights so that the child may spend a little time with its parents;
- Ensuring that staff have appropriate training in child care;
- Developing appropriate guidelines for courts whereby they would only consider custodial sentences for pregnant women and nursing mothers when the offence was serious and violent and the woman represented a continuing danger.

2.8.2 Offenders with HIV/AIDS

The DCS has to find a way of controlling the diseases such as HIV/AIDS, TB and diabetes to avoid the spread of such diseases to other offenders in the correctional facilities. The DCS should have a special cell that they keep offenders infected by the diseases. To ensure the effective management of inmates infected with HIV/AIDS, the following should happen to have effective rehabilitation (Schmallegger, *et al.* 2005: 430):

- New offenders should undergo screening upon admission to the correctional facilities to check their status. It is important to know the status of all offenders admitted to correctional system owing to the high risk of homosexuality among offenders inside the correctional centres to avoid them to infect other inmates. An infected offender should be identified as soon as possible so that precautions can be put in place to help them get the necessary support and the medication.
- Health specialist should be accessible for treatment and regular medical check-ups. The services of a medical practitioner must always be available when needed for the treatment of HIV/AIDS to offenders infected by the diseases.

- Issues related to HIV/AIDS should be made known to staff and inmates. Offenders as well as officials must be provided with enough information regarding HIV/AIDS so they know how to approach the issue. Understanding the disease by staff members will also ensure that they do not discriminate against those affected when it comes to the implementation of the rehabilitation programmes and they will treat them like other offenders.
- The DCS should allocate enough budget to assist the offenders infected by HIV/AIDS to be treated to avoid spread of the disease to other inmates to ensure a healthy correctional environment.

2.8.3 Offenders with Mental Illness

Because it is difficult to identify offenders with mentally illness problem, a professional help should always be available to identify those inmates with the problem of mentally unstable. According to Cohen (1998), the correctional system must provide the following to ensure the effective rehabilitation of mental health problem:

- All offenders should be screened to identify those who might need a special treatment. It is important to keep track of the older offenders' progress because of their unstable health conditions. It will help those responsible for the development of rehabilitation programmes to develop programmes that are effective for this group of offenders.
- Professionals with a knowledge of mental health must be made available. Only psychologists must be used for the treatment of offenders with mental illness because an offender can be dealt with and they will determine which rehabilitation programmes will be effective.
- It must be assured that the treatment programmes are accurate, complete and confidential. To avoid additional problems regarding the offenders' illness, only the required treatment must be provided. The rehabilitation of offenders with mental illness has to be confidential to avoid victimisation during their time in correctional facilities.

According to Nelson Mandela Rule as stated in rule 39, para.3 shows that correctional facilities authorities must not sanction any conduct of an inmate that is considered to be the direct result of his or her mental illness or intellectual disability. Rule 25, para. 2 of Nelson Mandela Rules postulate that a proficient diagnosis of mental disabilities and subsequent treatment or other interventions requires a careful (psychiatric) assessment be conducted by a

qualified mental health professional. Furthermore, the Nelson Mandela Rules require the correctional facilities health-care service to include sufficient expertise in psychology and psychiatry. Once the mental illness inmates are released from correctional facilities to reintegrate with the community, they are susceptible to encounter some unique problems and they sometimes experience extreme social isolation and often encounter considerable difficulties in finding suitable accommodation and securing employment.

Offenders with mental health disorders are often affected by co-occurring substance use disorders. Evaluations of enhanced treatment programmes for offenders with mental illness who have substance use problem, for instance;

- integrated treatment and care for mental health and substance disorders constitute the recommended approach to addressing health disorders and improving the quality of life of people affected by these often co-morbid disorders;
- comprehensive models of treatment and care provide diverse evidence-based treatment options in a continuum of care that are tailored to the needs of the person with mental health and substance use disorder; and
- Likely any other health intervention, treatment of substance use disorder is aimed at the highest attainable level of health.

2.8.4 Elderly Offenders

It appears that most elderly offenders are likely to be those sentenced for a long time sentenced and those who are sentenced while they were already senior citizens. According to US Department of Justice (2004) posits that there is no clear consensus in terms of defining an age beyond which one is considered old in terms of criminological research. Mara (2002) and US Department of Justice (2004) mention that older adult offenders require more attention in the area of chronic illness, nursing, diet, medication and physical therapy than younger offenders or inmates. Such health problems require physical therapy, skilled nursing care, special diets and other supportive services.

It is important that the DCS must ensure that they build facilities that will also accommodate adults or elderly inmates during their incarceration in order to have an effective rehabilitation. The White Paper on Corrections (DCS, 2005b: 80) provides that there are elements of case management of elderly offenders that need to be considered:

- it deals with the provision of recreational activities that are suitable for elderly;

- the facilities that can ease the physical demands on elderly people; and
- the provision of appropriate medical care for elderly people must all be integrated into the case management system.

The DCS must ensure that they have special programmes that are desired for adult elderly offenders to ensure that rehabilitation programmes are achievable and successful. Early release for elderly ill offenders will save the state more money because most of them might need things like wheelchair and ventilator to be able to survive in correctional facilities with their conditions and their age.

2.8.5 Young Offenders

The DCS must ensure that young offenders are kept in their own juvenile correctional facilities. Young offenders must also have their rehabilitation programmes for them to change their behaviour when they return to the community as a better person with the rightful skills and knowledge to become a better person. The DCS must ensure that policy related to young offenders established that will help them in terms of service delivery and correction of offenders in their age. The White Paper on Corrections (DCS, 2005b: 78) are regarded as young offenders as someone who is in the age of between 18 and 25.

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty should be adopted as a minimum standard with which correctional centres for the youth should comply. Correctional centres for the youth should be designed to accommodate the building and strengthening of family ties. In relation to young offenders Matza (1964) cited by Barry (2006: 13) argues that the lack of adequate parenting or socialisation as children, the influence of peer pressure, the vagaries of the labour market or a delayed transition to adulthood may result in a tendency to 'drift' between mainstream conventionality and subcultural delinquency.

The study conducted by Burfeind and Bartusch (2006: 639) reports that the juvenile court disposition is the gateway to corrections because it legally establishes how the court desires to deal with a case. Regardless of whether a case is adjudicated or not, juvenile court disposition seeks correctional options that are individualised, rehabilitative and least restrictive. Reflecting the rehabilitative ideal, juvenile court disposition has traditionally involved a wide range of correctional options.

According to Dugmore et al. (2006), in 1908, there was no separate court which dealt with young offenders. The Children Act 1908 was developed and this led to the creation of the juvenile courts. However, these courts were presided over by the same magistrates who sat in the adult courts and their formation showed very little understanding of the reasons why children and young people commit crime and also that the needs of children and young people who stand before the courts may be different from those of adults. It was also argued that there was some confusion which arose at the inception stage between the different approaches which needed to be used when dealing with those children and young people who had committed offences and also those who were just in need of care.

Bateman et al (2005) suggest that the argument of rehabilitation is that the correctional facilities should be able to deal with the underlying problems in a way that offenders who remain in the community cannot be dealt with. It is further suggested that the presence and use of custodial institutions will prevent young people from committing crimes that might send them to serve custodial sentences. According to the individual form, it is expected that custody will discourage those who experience it from committing any more crime so that they can avoid further incarceration. The person who commits the crime is punished for the crime they committed. However, it is the belief that there is little effect in punishment unless it changes a person's subsequent behaviour. The National Audit Office (2010) postulates that the legislation governing the youth justice system is the Crime and Disorder Act 1998, which sets out the system's primary aim to prevent offending and re-offending by children and young people. The 1998 Act developed the Youth Justice Board and also the Youth Offending Teams which can be found in every local authority in England and Wales.

According to Dugmore (2006), the Act was passed as a result of the Maloney Committee (Home Office, 1927) which contained a blend of positivist and classicist explanations in children and young people. It is stated that law breaking was seen as a deliberate act of defiance, which had to be dealt with in the formality of the court and its sanctions. However, it is recognised that delinquent behaviour may be caused by environmental and psychological factors that were beyond the young person control. Section 44 of the Act is still regarded as very important for children and young people in court proceedings this is because it stipulates in this section that the court "shall have regard to the welfare of the child or young person who stands before it." This principle also applies to the crown prosecution service and it is considered to be a weak principle compared to the "paramountcy principle" which is in 1989 Children Act.

It is of vital importance that for the programmes of rehabilitation to be successful, it should meet the needs of youth and intervention should be made accordingly. The programmes should start in an earlier stage during the development of behaviour problem for the prevention of any wrongdoing by young offenders. To have a successful programme, it will need the involvement of parents to educate young people to become better persons and to ensure that young people participate in different programmes allocated to them for their development.

2.9 The Provision of the Constitution, Legislatives and Policy Mandate as Form of Rehabilitation

2.9.1 Constitutional Mandate

The DCS must comply with Chapter 2: Bill of Rights of the Constitution of the Republic of South Africa, Act 108 of 1996 on how offenders should be treated. Just to discuss some of the sections stated in the Bill of Rights that protects everyone living in the country which also includes people arrested for different criminal activities. The Constitution compels the DCS to comply with the following sections stated in the Bill of Rights and offenders' rehabilitation as a right will be discussed under the following section:

2.9.1.1 Equality

Section 9 of the Bill of Rights states as follows:

- “Everyone is equal before the law and has right to equal protection and benefit of the law.
- Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or category of persons, disadvantaged by unfair discrimination may be taken.
- The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

- Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.”

Every citizen should be treated equally and they should never be discriminated against as mentioned in subsection (3). In other words, rehabilitation programmes must be developed in a manner that all offenders get equal opportunities to participate without any restriction or difficulties. Everyone in correctional facilities should have equal access to facilities around the correctional facilities such as education, job opportunities and etc. Allowing everyone to have equal rights and protection in correctional facilities helps in effective rehabilitation and failure to that will lead to ineffectiveness of correctional system. According to article 7 of the Universal Declaration of Human Rights, all inmates have equal protection under the law against discrimination (Universal Declaration of Human Rights, 1948).

2.9.1.2 Human Dignity

Section 10 of the Bill of Rights states the following:

“Everyone has inherent dignity and the right to have their dignity respected and protected.”

The Constitution of the Republic of South Africa recognised everyone’s dignity as important and that is why it should be respected and protected. Before South Africa was governed by the apartheid regime that is why everyone’s dignity was not respected and protected. It is against this that when the DCS implements the rehabilitation programmes for offenders, they should never be compromised or sacrificed. Whichever programmes that offenders should participate in the correctional system their dignity should be put first to ensure that there is no violation of offenders’ rights.

2.9.1.3 Freedom and Security of the person

Section 12 of the Rights provides the following:

(1) “everyone has the right to freedom and security of the person, which includes the right-

- (a) Not to be deprived of freedom arbitrarily or without just cause;
- (b) Not to be detained without trial;
- (c) To be free from all forms of violence from either public or private sources;
- (d) Not to be tortured in anyway, and
- (e) Not to be treated or punished in a cruel, inhuman or degrading way.

(2) Everyone has the right to bodily and psychological integrity, which includes the right-

(a) To make decision concerning reproduction;

(b) To security in and control over their body;

(c) Not to be subjected to medical or scientific experiments without their informed consent.”

It has been indicated in section 12(1) of the Constitution, which assurance everyone the right to freedom and security of the person which prohibits anyone from prohibiting another person without a reason to do so. A safe environment will motivate the offenders to participate in the rehabilitation programmes without fear of being violated of their rights. The DCS must also ensure that the path to preserve discipline does not constitute cruel, inhumane or degrading treatment of offenders because that generous treatment hampers offenders to participate in the rehabilitation programmes.

2.9.1.4 Right to Privacy

In terms of section 14 of the Bill of Rights:

“Everyone has the right to privacy, which includes the rights not to have;-

- their person or home searched;
- their property searched;
- their possessions seized; or
- The privacy of their communications infringed.”

According to section 14 the privacy of anyone has to be respected and no one can search another person’s property without that person consent. According to Devenish (2005), violation of privacy is twofold, namely; the unauthorised invasion of someone else’s private life and disclosing someone else’s information without their authorisation. The offenders’ privacy should also be considered when correctional officials have to search them to ensure that their rights are not infringed with and treated with respect.

According to Fisher (1990: 1064), the correspondence between offenders and their family members is important and can sometimes motivate the offenders to participate in the rehabilitation programmes. For this reason, it should be always be respected. An offender will focus on programmes that will try by all means necessary not to disappoint them again. However, the correctional officials may, if necessary, restrict any personal correspondence of

offenders if the purpose is to ensure the security as well as the rehabilitation of such offenders.

2.9.1.5 Freedom of Religion, Belief and Opinion

Section 15 of the Bill of Rights encapsulates the following:

- (1) “everyone has right to freedom of conscience, religion, thought, belief and opinion.
- (2) Religious observances may be conducted at state or state-aided institutions, provided that-
 - (a) those observances follow rules made by the appropriate public authorities;
 - (b) they are conducted on an equitable basis; and
 - (c) Attendance at them is free and voluntary.
- (3) (a) this section does not prevent legislation recognising-
 - (i) Marriages concluded under any tradition, or a system of religious, personal or family law; or
 - (ii) Systems of personal and family law under any trading or adhered to by persons professing a particular religion.
- (b) Recognition in terms of paragraph (a) must be consistent with this section and the other provisions of the Constitution.

All South Africans are protected by section 15 of the Constitution of the republic and the same protection apply to the offenders during their rehabilitation processes. The inmates have the rights to attend the religion of their choice without any infringement of their rights. It is well known that rehabilitation of offenders is essential to reduce the recidivism rate of inmates in correctional facilities. Offenders should not feel oppressed when practising the religion of their choice during rehabilitation but they should be encouraged to choose the religion of their choice where they will feel free for the effective rehabilitation programmes. According to Ahdar and Leigh (2005: 60), religion forms an important part of personal identity such as “political affiliation, racial or ethnic background, profession, occupation or marital status”. Religion helps offenders to learn one or more things and allow offenders to teach each other to change their behaviour. If one combined the two then one will realise that the two work together to have a successful rehabilitation. According to Rule 65 of the

Standard Minimum Rules for the Treatment of Inmates, each inmate is allowed to participate in the religion of their choice. According to Article 18 of the Universal Declaration of Human Rights, every person has the right to freedom of conscience, religion, and thought, which includes the freedom to change religion (Universal Declaration of Human Rights, 1948). Section 14 of the Correctional Services Act, 1998 postulates that inmates should be allowed freedom of conscience, religion, thought, belief, and opinion. They should be able to attend religious services held within the correction facilities freely and voluntarily (Correctional Services Act, 1998).

2.9.1.6 Freedom of Expression

- (1) “Everyone has the right to freedom of expression, which includes-
 - (a) freedom of the press and other media;
 - (b) freedom to receive or impart information or ideas;
 - (c) freedom of artistic creativity; and
 - (d) Academic freedom and freedom of scientific research.
- (2) The right in subsection (1) does not extend to-
 - (a) Propaganda for war;
 - (b) Incitement of imminent violence; or
 - (c) Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm”.

Mubangizi (2004: 87) mentioned that as long as it does not promote hatred among other races, ethnicity, genders or religion, Section 16 of the Constitution guarantees freedom of expression for every citizen. It gives everyone the power of free speech and the following reasons were mentioned as constitutional protection:

- It is an instrument of democracy in a sense that it promotes free political speech which comes with any parliamentary democracy and ensures the participation of the public.
- It is an instrument of truth in a sense that it promotes open discussion which ensures that the society participates in finding the true facts and judgements.

- It is an instrument of truth in a sense that there are no boundaries as to what a person should or should not say.

The implications of the section are in line with those of Article 19 of the Universal Declaration of Human Rights. This section will also allow the offenders to have their say and what they will require as rehabilitation programmes to change their lives and become part of the community. Offenders as the people who committed an offence will be the ones who will be the right people to lead the rehabilitation programmes knowing what will be needed or what is important to them that can help them not to return to criminal activities after an effective rehabilitation programme. In accordance with Article 19 of the Universal Declaration of Human Rights stipulates that all inmates have the right to Freedom of Opinion and Expression, which means they have the right to have their opinion respected (Universal Declaration of Human Rights, 1948).

2.9.1.7 Political Rights

Section 19 of the Bill of Rights encapsulates the following:

- (1) “Every citizen is free to make political choices, which includes the right-
 - (a) To form a political party;
 - (b) To participate in the activities of, or recruit members for, a political party; and
 - (c) To campaign for a political party or cause.
- (2) Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
- (3) Every adult citizen has the right-
 - (a) To vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
 - (b) To stand for public office and, if elected, to hold office”.

Section 19 of the Constitution indicates that every citizen of the republic has the right to be part of a political movement or party of their choice. In addition, every citizen has the right to cast his/her vote for the party of their choice; the same applies to offenders who also have the right to vote and join the political party of their choice without infringement of their right. Devenish (2005: 112) asserts that every South African citizen is entitled to political rights

irrespective of their race, colour, gender, or origin. Mbodla (2002: 92) explains that in a case of August and another V Electoral Commission and others 1999 (3) SA 1 (CC), the Constitutional Court made the following rulings in favour of offenders:

- Offenders who were incarcerated during the period of registration are allowed to register.
- All those offenders who appear on the voters' roll are allowed to vote and the Electoral Commission is obligated to make sure that it happens.

2.9.1.8 Right to Health care, food, water and Social Security

Section 27 of the Bill of Rights states the following:

“(1) everyone has the rights to have access to-

- (a) Health care services, including reproductive health care;
 - (b) Sufficient food and water; and
 - (c) Social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.
- (3) No one may be refused emergency medical treatment.

Everyone is entitled to health care, food, water and social security as well as medical care as specified in Article 25 of the Universal Declaration of Human Rights. Section 12 indicates that DCS must ensure that offenders are provided with proper medical treatment to ensure that inmates are living a healthy life while incarcerated and it will help in order to ensure effective and successful rehabilitation. In a case where the offender has enough food, water as well as in a good health will be more effective during the rehabilitation programmes than the offenders who will participate in a rehabilitation programmes with bad healthy condition, who does not have food and water. It is important to ensure that offenders are treated equally and fairly to avoid the negative impact of rehabilitation programmes.

2.9.1.9 Right to Education

Section 29 of the Bill of Rights states the following:

- (1) “everyone has the right-

- (a) To a basic education, including adult basic education; and
 - (b) To further education, which the state, through reasonable measures, must make progressively available and accessible.
- (2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. To ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account-
- (a) Equity;
 - (b) Practicability; and
 - (c) The need to redress the results of past racially discriminatory laws and practices.
- (3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that-
- (a) Do not discriminate on the basis of race;
 - (b) Are registered with the state; and
 - (c) Maintain standards that are not inferior to standards at comparable public educational institutions.
- (4) Subsection (3) does not preclude state subsidies for independent educational institutions.”

Article 26 indicates that no one should be denied access to education as a form of their human rights as stated in terms of the Universal Declaration of Human Rights. Both education and culture have been closely related because it has to ensure that the culture is transmitted from one generation to the other, and education has to be provided. It is important that the DCS should make sure that offenders are given an opportunity to be involved in an educational activity while in correctional facilities as part of their rights that has been endorsed in the constitution. Offenders must be able to access educational programmes as part of their rights in a language they will understand and it should not be in a manner in which the offenders will feel discriminated and their rights being violated in whatever manner.

A study conducted by Plaatjies (2005: 202) emphasises that educators within correctional services can play an important role in teaching offenders alternative life skills, since the once they had led them to the correctional centres. Education plays a major role in terms of rehabilitating the offenders by giving them skills that will help them become the better persons when returning back to the community again. The DCS must ensure that educators treat all offenders equally when providing skills during the rehabilitation programmes.

2.9.1.10 Right to Just Administrative Action

Section 33 of the Bill of Rights states that-

- (1) “Everyone has the right to administrative Action that is lawful, reasonable and procedurally fair.
- (2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.
- (3) National legislation must be enacted to give effect to these rights, and must
 - (a) Provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
 - (b) Impose a duty on the state to give effect to the rights in subsection (1) and (2); and
 - (c) Promote an efficient administration.”

Burns (1998: 7) emphasises that with Section 33 of the Bill of Rights, individuals are protected from the abuse of power since every action has to be reasonable and fair. The following Administrative Justice Action clause has the following implications:

- It promotes the principle of lawfulness, the principle of procedural fairness as well as the principle of justifiability and reasonableness.
- It gives the power to challenge any violation of the right in the Constitution.
- It requires that significant reasons for any action have to be furnished.
- When performing the action, the section requires that the principle of legality be applied all the time.

The Constitution of South Africa, Section 33, postulates that it is necessary for correctional officials to make fair and legitimate decisions for all inmates and offenders to be aware of the reasons for their detention. In accordance with fair administrative procedures, prison inmates should have the opportunity to speak their minds if their rights have been violated. It is

important for inmates to ensure that the decisions made in terms of section 33 are fair and rational (RSA Constitution, 1996).

2.9.2 The legislative mandate that should be considered when dealing with the rehabilitation of offenders

2.9.2.1 The Correctional Services Act 111 of 1998

This Act provide for “the a correctional system; the establishment, function and control of the DCS; the custody of all offenders under conditions of human dignity; the rights and obligations of sentenced inmates; the rights and obligations of sentenced inmates; a system of community corrections; release from correctional facilities and placement under correctional supervision, on day parole and parole; a National Council for Correctional Services; a Judicial Inspectorate; Independent Correctional facilities Visitors; an Internal Service Evaluation; officials of the department; joint venture inmates; penalties for offences; the repeal and amendment of certain laws; and matters connected therewith.”

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

- “Enforcing sentences of the courts in the manner prescribed by this Act;
- (b) Detaining all inmates in safe custody while ensuring their human dignity;
- Promoting the social responsibility and human development of all inmates and persons subject to community corrections”.

Chapter 3 of the Correctional Services Act set out the following general requirement to ensure that all offenders are detained under the condition of human dignity and some of those requirements are discussed as follows:

- Approach to safe custody (Sec 4)

The safety of offenders in correctional facilities is very crucial and it’s important for offenders to follow the rules that they are given by the commissioners and correctional officials of the Department. It is the priority of the DCS that security and safety of the offenders are maintained at all times to ensure that rehabilitation process is successful. If the offenders feel safe in the custody, it will give them courage to participate in the rehabilitation system which is the good course in terms of reducing the number of inmates returning to correctional facilities.

- Admission (Sec 6)

The Commissioner of the DCS as stated by this Act has the power to detain any offenders by means of a valid warrant. During the admission the offender must be provided with a written explanation in a language he or she will understand and must have access to a legal representative, If he or she cannot afford one the state must provide one for him or her. In a case where offenders are illiterate the state must appoint an interpreter to explain the written information to the inmates. To ensure that rehabilitation of offenders is successful, the DCS must ensure that all security measures, health conditions and educational facilities are put in place in order to meet the offenders' need. Every correctional facility must have the register record the information concerning the identity of the offender; the reason for the committal and the authority thereof; the day and hour of admission and release.

- Accommodation (Sec 7)

The accommodation of offenders should meet the standard requirement of the DCS and it should have enough space, lighting, ventilation, sanitary installations, and health conditions. The correctional environment must be adequate for the detention under the condition of human dignity. The Act has highlighted the fact that offenders must be separated to avoid victimisation in correctional facilities. Moreover, sentenced inmates must be kept separate from unsentenced inmates; male inmates kept separate from female inmates; children must be kept from adult inmates. Failure to provide enough space for accommodation to offenders will not only harm the wellbeing of offenders, but will also have the negative impact in the implementation of rehabilitation programmes. The DCS has to ensure that accommodation met the requirement and the needs of the offenders.

- Nutrition (Sec 8)

According to this Act, offenders must be provided with an adequate food at all time. Female and juvenile offenders require a well-balanced nutrition for the rehabilitation programme to have a positive impact. Healthy food should be considered by the DCS as one of the priorities because failure to provide the required nutrition will have a major impact on rehabilitation programmes. Moreover, the DCS must ensure that nutritional requirements of offenders are met by providing healthy food to all inmates of different religion, female and children.

- Hygiene (Sec 9)

The DCS must ensure that they provide necessary majors established to ensure that inmates clothing, bed and cell are always clean and tidy at all time.

- Clothing and Bedding (Sec 10)

The DCS must provide all offenders with adequate clothing and bedding in order to meet the requirement of hygiene.

2.9.2.2 Criminal Procedure Act 51 of 1977

This Act provides that offenders must be detained in accordance with the Criminal Procedures Act. The granting of parole and the conversion of the sentences to correctional supervision is also done in accordance to Criminal Procedures Act and Correctional Services Act. The DCS must ensure that all inmates that have to appear in court via video link are well informed to ensure that they are available during their trial.

2.9.2.3 Child Justice Act 75 of 2008

The Child Justice Act helps us identify who should be taken to the Child Justice System for prosecution. It represents rights of children who are accused of committing a crime and to ensure that children are also accountable for the crime they have committed. It helps in sentencing of children, restorative of justice and promote safety to the society and what type of sanctioned should be imposed to the children.

2.9.2.4 The Promotion of Administrative Justice Act 3 of 2000

This Act emphasises that Administrative Justice System is effective and inmates are accountable for their actions. The DCS must ensure that they provide administrative justice that is lawful, reasonable and fair. The offenders who feel that their rights have been adversely affected by administration of justice have the right to be given written reasons. Section 5 (1) provides that any person whose rights have been materially and adversely affected by administrative action and who have been given reasons for the action may, within 90 days after the date on which that person become aware of the action or might reasonably have been expected to have become aware of the action, request that the administrator concerned furnish written reasons for the action. To succeed with the rehabilitation programmes, the rights of offenders must also be protected in terms of the Act.

2.9.2.5 The Health Act 61 of 2003

This Act provides that The DCS must ensure that all inmates are given proper health care system. In addition, the DCS must ensure that no one is denied treatment and everyone has a

right to an environment that is not harmful to his/her health. The purpose of this Act is to legalise mental health care so that possible treatment and rehabilitation programmes could be provided. More importantly, the DCS must ensure that all inmates are treated in accordance with the Act. All information concerning offenders, which includes information relating to his health status, treatment must be kept confidential.

2.9.3 Historical Background on the White Paper on Corrections in regard with rehabilitation

The DCS (2005b: 9) provides that 1994 White Paper has been replaced by newly drafted 2005 White Paper on Corrections and the following shortcoming has been stipulated:

- The White Paper did not focus on corrections and rehabilitation in South Africa, and in particular the role of the DCS.
- It was not aligned with key current government policies and a broader range of other public service regulations.
- It did not provide an appropriate basis for the formulation of a departmental policy that fully integrates the causes and unique nature of crime in South Africa within a correction and rehabilitation framework.
- It did not have the long-term vision on policy with regards to issues such as the Public-Private Partnership Policy.
- It is stated that the 1994 White Paper did not speak about the significant issues relating to Human Resources that are critical to the implementation of the DCS's new rehabilitation centred system
- It lacked consistency in the use and understanding of key terminology and definitions in the way that is user-friendly.

According to Sekhonyane (2004), the White Paper in 2005b focuses on the correction of offending behaviour, development of the offenders, security of both offenders and officials, care of offenders (health, physical and psychological needs), facilities and after care. The South African yearbook (2006: 415) highlights that the White Paper 2005b on Corrections is based on the concept of rehabilitation as well as social reintegration remain the responsibility of the society. Moreover, the White Paper 2005b provides an analysis of the history of correctional system in South Africa and the change that has happened in our correctional system during the past century.

According to Nesor (1993: 66), the first correctional facility to be established in South Africa was Robben Island, which characterised by severe punishment. The first correctional facilities in the Cape was established in 1781 and 1848, which 22 correctional facilities had already been developed around the Cape. In Natal the first correctional facilities were established between 1838 and 1842 in Pietermaritzburg and after 1854, the Orange Free State and Bloemfontein also built their own correctional facilities. The first correctional facility in Pretoria was established in 1865. By 1873, there were already 33 correctional facilities in the Transvaal.

The White Paper on Corrections 2005b provides that rehabilitation should be viewed not merely as a strategy to prevent crime, but rather as a holistic phenomenon incorporating and encouraging:

- Social responsibility;
- Social justice;
- Active participation in democratic activities;
- Empowerment with life-skills and other skills; and
- A contribution to making South Africa a better place to live in.

The White Paper on Correction (DCS 2005b: 40) provides that the DCS must take the following principles into consideration to underlie the approach to restorative of correctional centre:

- To address offences committed and assisting the offenders to take accountability for such offence, which may include restoration of relations with victims where appropriate;
- To address offences suffered and assisting the victim to reach a stage of forgiveness;
- Addressing anti-social additions and anti-social habits and therefore promote rational thinking, good decision-making and positive behaviour;
- The promotion of restoration of the offender as a member of the family;
- The promotion of restoration of communities and community institutions and good governance and enhanced social cohesion.

2.10 The Historical Overview of the Correctional System in South Africa

The following aspects will be discussed regarding the correctional system in South Africa will be discussed:

2.10.1 South African Correctional facilities in the early 1900s

According to Van Zyl Smit (1992: 20), the unification of South Africa that took place on the 30 May 1910 led to many changes regarding the operations of correctional facilities. Many changes started after Jacob de Villiers Roos, who had at the time been working as the Director of Correctional Facilities for the Transvaal since 1908, was appointed as the Secretary of Justice and Director of Correctional Facilities for the Union. The White Paper on Correction (DCS 2005b: 25) postulates that the correctional facilities and Reformatories Act 13 of 1911 were introduced after Unionisation in 1910.

The White Paper on Correction (DCS 2005b: 25) posits that inmates who behave well in correctional facilities were allowed an early release from correctional facilities by way of probation, either directly into the community or work colony or similar institution which are used for rehabilitation. The system was introduced for the remission on the part of correctional facilities sentences. The punishment for transgressions within correctional centres was harsh and it included whippings, solitary confinement, dietary punishment and additional labour. Racial segregation within correctional centres was prescribed by legislation and it was vigorously enforced throughout the country.

2.10.2 The 1945 Lansdowne Commission on Penal and Correctional facilities Reform.

The White Paper On Correction (DCS 2005b, 25), In 1945 there was a development of what we call it The Lansdowne Commission on Penal and Correctional Facilities Reform which has found that Correctional Facilities and Reformatories Act of 1911 had not introduced a new era in South Africa correctional facilities but that it had in fact been a way for maintaining the previous harsh and inequitable correctional facilities system that preceded it. The Commission held that offenders should not be hired out to outsiders and they asked for an increase in the emphasis on rehabilitation and the need to extend literacy among offenders particularly black offenders. Because nothing much was done by Lansdowne Commission, there permission was granted for “Bona Fide Farmers Associations” to build correctional facilities farm outstations to facilitate the extended use of correctional facilities labour by farmers.

Coetzee et al (1995: 31) mentioned that the Commission had the mandate to investigate the following:

- The whole structure of the Department of Correctional Facilities.

- Methods of recruitment used by the Department as well as the qualifications of the correctional facilities officials.
- Classification and control of correctional facilities.
- Methods of punishment which were being used in various correctional facilities.
- Various forms of programmes aimed at educating and training offenders in various skills.
- The remuneration of offenders for the work that they did.
- The use of offenders for labour by private institutions or individuals.
- The transfer of offenders from correctional facilities to society.

2.10.3 The South African Correctional facilities in the 1959 and beyond

The White Paper on Corrections (DCS, 2005b: 26) provides that the Correctional Facilities and Reformatories Act 13 of 1911 was replaced by the new Correctional Facilities Act 8 of 1959 which highlighted the following:

- It reflected little on the transformation of the correctional facilities system.
- It contained the racial segregation within correctional facilities in line with the national policy of “differential development” signalled in by apartheid.
- It abandoned the correctional facilities labour scheme that were used previously in correctional department and replace it with the system of parole.
- It entrenched the military character of the correctional facilities management and made provision for commissioned and non-commissioned offers.

The Correctional Facilities Act 8 of 1959 was influenced by the Standard Minimum Rules by United Nation for the Treatment of Correctional Facilities in regard with Rehabilitation Programmes. According to Van Zyl Smit (1992: 31), the racial segregation of offenders continued even after the introduction of the 1959 Act, which was supposed to be a replacement of the 1911 Act. In addition, corporal punishment was retained as a means of reprimand for disciplinary offences committed by male offenders, even though the Standard Minimum Rules strictly opposed this type of punishment. The Act did not promote the principle of transformation in the correctional facilities system either.

According to Van Zyl Smit (1992: 39), the segregation of white offenders from non-white offenders and domination of white people in the management of correctional facilities are some of the examples of the apartheid rule. However, the reversal of racial segregation which

had been part of South African correctional facilities for more than a century began in 1988 owing to amendment to a number of regulations that referred to race. The correctional facilities legislation changed after the separation of correctional facilities services from Department of Justice and renamed the DCS during the 1990s. The White Paper on Corrections (DCS 2005b: 27) highlights that the Department revisited the system of Remission and Release policy of inmates and introduced a new system which inmates will earn points/ credit for good behaviour in correctional facilities.

2.11 Key Objectives of the Correctional System in regard with Rehabilitation

The White Paper on Corrections (DCS 2005b: 38) stipulates that the following key objectives must be taken into account in regard with the rehabilitation of offenders:

- **Implementation of Sentences of the Courts:** Rehabilitation needs to be understood in the courts by those sentenced and by correctional officials as the key reason for sentencing. The DCS is obliged to provide correctional and development opportunities to all offenders, both in and out of correctional centres.
- **Breaking the Cycle of Crime:** The purpose of correctional system in South Africa is not a punishment, but protection of the public, promotion of social responsibility and enhancing of human development in order to prevent repeat offending or the return to crime. Breaking the cycle of crime could be achieved in regard with rehabilitation and not punishment in order to reduce crime.
- **Security Risk Management:** The correctional system must ensure that it provides appropriate measures to protect the public from offenders. Security Risk Management and needs-based correction inform incarceration classifications and the community correctional supervision classifications of the offenders
- **Providing an environment for controlled and phased rehabilitation interventions:** The function of incarceration or correctional supervision is to create a controlled environment for intense and needs-based rehabilitation, correction and development.
- **Providing guidance and support to probationers and parolees within the community:** The community correctional supervision covers all non-custodial measures and forms of supervision. The function of community correctional supervision is to provide an alternative route to rehabilitation other than through a correctional centre. Community correctional supervision also ensures that the reintegration of offenders back into the

community is a supervised process and that the necessary services are available to the individual.

- Provision of correction and development measures to the offenders: The DCS must address the reconciliation of the offenders with the community and heal the relationship that the offenders have with the victims. Non-reconciliation with the community increases the risk of recidivism and the offenders remain alienated from the community.
- Enhancement of the productive capacity offenders: Empowerment and making a contribution to the wealth of the community by means of production is a key component rehabilitation and the prevention of recidivism. The DCS has the responsibility to ensure that offenders are appropriately skilled in market-related skills. This will enable offenders to take their place in the economically active and gainfully be employed upon their release.
- Promotion of Healthy Family Relations: The Constitution obliges correctional officials to ensure contact between inmates and their families. The achievement of rehabilitation is promised on the building of healthy family relations. The importance of these external relations to both inmates and family is of such importance that disciplinary measures should not be used as either a punishment or a privilege and visits should only be limited by the available resources.
- Assertion of discipline within the correctional environment: This should aim to reinforce and not undermine the objective of correction and rehabilitation. The most important thing is to ensure that restorative justice approach and self-discipline is instilled on all offenders. The sanction within a correctional centre environment should take the form of community service directed towards other inmates.

2.12 Rehabilitation of Detained Offenders who are Foreign Nationals

The White Paper on Corrections (DCS 2005b: 81) stated that the objective of the DCS is to rehabilitate offenders and to ensure their successful reintegration into their communities. This is not achievable in relation to foreign nationals who are sentenced by South African Courts to incarceration in correctional centres. Continuity in relation to education and training cannot be achieved when the foreign nationals are to be deported to their countries once they are released on parole or complete their sentences. The Department will also not be able to adequately understand the causes of the crime, the nature of the community of origin, the family and social environment from which the offender came and to which they will return.

It will be very difficult, if not impossible, for the DCS to achieve its core business of rehabilitation and correction in a secure and safe environment with regard to foreign nationals in South African facilities. It has been argued that the DCS should enter into offenders' exchange treaties with the countries from which most foreign nationals who contravene South African law originate. Rehabilitation of offenders is resource intensive and thus it is not justifiable to use the limited resources for offenders who may not benefit from them. Therefore, it is important to use the rehabilitation programmes in an effective way that will assist offenders not to return to correctional facilities.

2.13 Conclusion

This chapter discussed the changes that occurred in South Africa since the early 1990s which led to the new development and the functionality of the correctional services and the entire justice system. This chapter highlighted the background on the development of correctional services and the introduction of the new Correctional Services Act 111 of 1998. It also discussed the application of the White Paper in Correction of 2005. This chapter shows the importance of the human rights of offenders' in the correctional centres and determining any discrimination and inequality within the correctional facilities.

CHAPTER 3: EDUCATIONAL PROGRAMMES AS A FORM OF REHABILITATION

3.1 Introduction

The purpose of this chapter is to provide an exploration concerning educational programmes within the DCS in South Africa. Currently educational programmes are rendered voluntarily to those offenders who show interest in education. According to Griffin (2000: 18), in the USA, correctional centre programmes were presented only if offenders required them and are interested to attend. Research affirms that offenders who succeed in voluntary academic programming appear to have a lower rate of recidivism than those who do not enter programming (Hall 1990: 6). However, the South African DCS ensures that educational programmes are accessible to all incarcerated people as one of the rehabilitation tools. According to Rozani (2010: 4), the Prison's Act No 8 of 1959 that governed correctional centres in the Republic of South Africa during the apartheid era was characterised by an emphasis on the punishment of offenders and gross human rights violation.

Some of the concerns related with high crime rate and correctional facilities include poverty, unemployment, and dysfunctional family and so on. The DCS in compliance with Section 29 (1) of the Constitution of the Republic of South Africa is providing education programmes to offenders according to the specific needs and as a rehabilitation tool. According to Tolbert (2002: 7), more research is needed to verify the role of correctional education in reducing recidivism rate. A study funded by USA's Department of Education discovered that participating in state correctional educational programmes reduces the likelihood of re-incarceration by 29 per cent. Rehabilitation programmes help offenders to forgive themselves and feel more welcomed by the society once they are released in correctional facilities. It helps them to come out and express their feelings regarding the crime they have committed and allow the people they have persecuted to absolve them.

The aim is to ensure that the department continues to contribute to the maintaining and protecting a just, peaceful and safe society by enforcing the sentences of the courts in a manner prescribed by the Correctional Services Act of 1998, detaining offenders in safe custody while ensuring their human dignity, and promoting the social responsibility and human development of inmates and people subject to community corrections.

This section will deal with the educational programmes as form of rehabilitation, employment and counselling of offenders, behavioural therapy of offenders as well as

vocational programmes of offenders. Education and skills development are vital and essential in order to have a successful rehabilitation of offenders and they also make the reintegration into the society easier after the offenders are released from correctional facilities. It is important to ensure that all range of programmes within the correctional centres are efficient and effective to reduce the cost and risk of unsuccessful rehabilitation programmes and some of the things that can lead to failure of rehabilitation programmes are as follows:

- The anti-corruption unit is being amalgamated with the office of the inspecting judge.
- Community corrections are being emphasised and reinforced through the use of electronic monitoring technology.
- Public-private partnerships are used strategically in the control of the correctional facilities population.
- Partner departments in the integrated justice system are cooperating to reduce the burden on DCS arising from delays in the criminal justice process.

3.2 Programmes aimed at Rehabilitation of Offenders

3.2.1 Correctional education and rehabilitation

Jovanic (2011, 79) reports that in Serbia, “just like in South Africa the legislation in criminal law that was passed in 2006 opened up the opportunities for new solutions to many of the challenges in the field of correctional education. Equal opportunities policies allow the realisation of guaranteed rights to all citizens in Serbia”. In terms of the law in Serbia, “any offender has the rights to primary and secondary education, which should be organised under the general regulations of the institution. Research reveals that correctional education assists in the rehabilitation of offenders, lower recidivism rate, reduces crime and prepares offenders for reintegration in the communities.

The research reveals that education can improve social psychological development through development of cognitive thinking. It is believed that involvement in education programmes can make a correctional centre a more tolerable experience, allowing offenders’ time in a structured and safer environment than the correctional centre court yard; therefore keeping them mentally and physically stimulated (O’Neill, Mackenzi & Bierie 2007, 314). According to Burton (1993, 1), correctional education is one of many policies that can be and should be used to reduce recidivism. “Recidivism is defined as a return to criminal offending after release from incarceration, re-arrest, re-conviction and re-incarceration”.

According to Burton (1993, 9), correctional education started in the USA. Educational programmes for offenders have been operating in the correctional system for more than 200 years. The first government sponsored American correctional centre started in Philadelphia in 1791. Offender education programmes were introduced to this correctional centre in 1798. Nowadays, correctional centres have functions beyond punishing the convicted criminals, such as taking on educational mission while serving punishment (Ozdemir 2010, 394). According to Flanagan (1994, 10), literature reveals that educational programmes are prevalent, but observers have questioned the impact of these programmes on offenders both during incarceration and upon release.

As we all know that inmates have to return to the community after serving their term in the correctional centre. It is important that they undergo rehabilitation programmes to ensure that when they are released, they are equipped with skills such as vocational to ensure that they become a better person in future and they can be able to add value to the society and earn themselves some money with the skills they have acquired when they're in correctional facilities.

According to Ryan (1984), 67 per cent of the articles were reported that education had a positive effect on the rate of recidivism and the majority of articles that showed a negative relationship were descriptive and had no supportive evidence for their claims. The Correctional Education Association examined 75 articles and studies found that almost all showed that education was effective in lowering the rate of recidivism.

The Prison's Act No 8 of 1959 that governed correctional centres in the Republic of South Africa during the apartheid era was characterised by emphasis on the punishment of offenders and gross human rights violation (Rozani 2010: 4). According to Goyer (2004: 79), rehabilitation and reintegration were not considered an important part of the mandate of South African correctional system, the idea of putting chairs, desks and classrooms inside correctional centres was lost on correctional centre designers at the time. According to Rozani (2010: 1), the DCS in South Africa "is no longer about locking offenders away from society and enforcing punishment given by the courts". The DCS role is to correct offending behaviour through rehabilitation and environment that promotes the human treatment and human dignity of offenders. Biswalo (2011: 73) asserts that in Swaziland, the provision of development and "rehabilitation services form the cornerstone of the DCS objective since offenders are exposed to education and training which is aimed at providing them with

academic, social and technically oriented vocational skills as well as the establishment of a learning culture and the promotion of work ethics.”

Van Voorhis, et al. (2004: 13) emphasise that correctional education should meet some standard developed by the United Nations Economic and Social Council so that all offenders can reach their full potential. Some of those standards are as follows:

- Education should be accessible to all offenders.
- Literacy programmes, basic education, vocational training, creative, religious and cultural activities, recreational education and activities social education higher education and library facilities must be available to all offenders.
- There must be a huge support of education by all parties responsible for the functioning of the correctional centre.
- The community has to be involved in education that takes place inside the correctional centre.
- Vocational training must be aimed at the development of the offenders and must adapt to the conditions of the market.
- Cultural activities should also be encouraged to ensure that offenders know what is expected from them.
- Educational programmes should consider the offenders social, economic and cultural background.

3.2.2 Correctional Employment and Counselling for Inmates

The research reveals that the inmates who have the opportunity to engage in the correctional work programmes while incarcerated have an easier time to get a work once they are released. It has been proven time to time that the more you have education the more you become employable. The inability to find and maintain work is a main factor in recidivism across the nation. When former inmates return to society without marketable skills, a domino effect occurs that often leads to another offence. During correctional times, many inmates should be given an opportunity to participate in working related programmes to prepare them mentally when they are released in the correctional facilities to work with the society once they complete with their jail time.

Correctional counsellors also play an imperative role in terms of rehabilitation of inmates. These professionals provide guidance to inmates with regard to their mental state and also

help them not to repeat similar criminal activities that put them in jail. The support that counsellors may provide to inmates can be hands on counselling such as, vocational, academic, social and personal. The counsellors also play an important role in terms of helping offenders that find it difficult to adjust to the correctional facilities life or within the correctional institution. It gives them time to engage with offenders regarding the rehabilitation programmes and how it can help them when they return to the society.

Lester (2004: 15) mentions that these programmes make room for the effective running of the institutional and other programmes aimed at the rehabilitation of offenders. The correctional counsellors undertake group sessions where problems such as drug abuse, sexual offending and suicide prevention are tackled. The role of counsellors make is to try by all means to help offenders adjust within the correctional institution with less frustration and deterioration. Szymanski (1985) asserts that rehabilitation counsellors therefore must be prepared to assist individuals with disabilities in adapting to the environment, assist environment in accommodating the needs of individuals and the work towards full participation of individuals with disabilities in all aspects of society.

3.2.3 Behavioural Change/Therapy

According to Bartollas (2002: 312), behavioural therapy uses positive and negative reinforcements to encourage desirable behaviour and at the same time discourage undesirable behaviour. Positive reinforces comprise attention, praise, money and privileges, whereas negative reinforces comprise threats, confinement, punishment, and ridicule. The behavioural therapy programmes help the offenders to change their behaviour towards others in the correctional centre and it helps them to treat other offenders with respect and also identify problems they might have encounter during their correctional time.

According to Roper (2005: 4), literature reveals that the purpose of sentencing is not to punish the offenders, but to help them deal with the causes of the offending behaviour and offenders reintegration in communities. Therefore, a good environment is very conducive to rehabilitation and behavioural change and the health of offenders needs to be prioritised. Costelloe (2014: 31) highlights that in correctional centres, offenders are equipped with skills and capabilities of becoming open-minded and abstain from previously held misconceptions of offending behaviour.

In the same vein, Salaam (2013: 447) concurs that education does not only equip individual offenders with basic skills to enter the labour market but could develop a sense of self-efficacy and accomplishment in released inmates. For instance, in Ghana, education and training serve as avenues for social mobility to help ex-offenders to get rid of the negative attributes that pose challenges to their reintegration. It has been argued by Burfeind and Bartusch (2006) that the role of the family in delinquent behaviour seems to be a more mysterious phenomenon than it is to parents, the public, or juvenile justice officials. The family is generally considered to be the most important component of children's social development, and it has been argued that the family plays a key role in delinquent behaviour. Delinquent behaviour is associated with broken families or broken homes in most studies. However, these studies were conducted in an unsophisticated manner, comparing the proportion of broken houses among delinquents with the proportion of the control group.

3.2.4 Recreational programmes

The recreational programmes offer a distinct advantage over other treatment programmes. For instance, one does not have to be able to read and write in order to participate in and learn from recreational programmes. The “treatment versus security” dilemma is nowhere more evident than in the area of correctional recreation. If the correctional institution does not utilise a varied and comprehensive recreation programme, inmates are left with a substantial amount of idle time and very few appropriate outlets for venting any frustrations or tensions they might be experiencing. Inadequate and ineffective supervision could result in a security and treatment nightmare. According to Castellano and Soderstrom (1992), a number of innovations have occurred in recreation and related programmes that have implications for corrections. The programmes provide a rugged outdoor experience, usually of one or two weeks in duration, in which youth engage in:

- Physical conditioning;
- Technical training;
- Safety training; and
- Team training.

Recreational programmes help offenders to improve their life style, physical and mental health. The DCS must ensure that all offenders are taking part in recreational activities happening in correctional facilities to avoid things like depression, cholesterol, stress and it helps them to be more self-reliant and self-discipline in order to have effective rehabilitation.

Participating in various recreational activities happening around the correctional centre will help offenders to forget what brought them in correctional facilities and focus on rehabilitation to become better citizen when they return to the society. This type of programmes in the progress of the offenders physically and mentally as well as the implementation of the rehabilitation programmes.

3.3 Development of the Educational Programmes in the Correctional Centres

The DCS must develop programmes that will empower both young and old inmates to assist them not to return to the correctional facilities and gain knowledge so that they become better persons. The DCS provides educational programmes such as Formal Educational Programmes and Informal Educational Programmes. According to Sutherland and Cressey (1978: 578), educational programmes have existed in the correctional facilities for many years. In the early 1800s, inmates were given instruction in religious matters by visiting or resident chaplains to make religious studies more effective, secular education programmes in reading and writing grew out of the desire to enable the inmates to read the Bible and other religious literature. Policy makers must ensure that programmes implemented in the correctional centres must benefit the offenders and the public.

Utheim (2005: 102) asserts that for inmates who have access to correctional education, the role of structured learning can prove invaluable in reconciling them with their past, present and future as well as in preparing them for lasting reintegration into society once they are released. Successful re-entry into society is essential for reducing the risk of recidivism and the associated cost to society. The DCS in partnered higher education provides vast learning potential that, ideally should reach a much broader audience. The DCS must ensure that all educational programmes offered are aligned with the educational system of the country to ensure that offenders are equipped with the new skills. The following are the Formal Educational Programmes that are offered by Department Correctional Services:

3.3.1 Early Childhood Development

Goshin and Byrne (2009: 290) reveal that DCS provides Early Childhood Development (ECD) in South Africa in partnership with the Department of Basic Education (DBE) to young children who are incarcerated with their mothers in the correctional centre to ensure that they get enough opportunities in regard with their development in their early age to ensure that they obtain the necessary skills that will assist them when they return to the

community. It is preferably offered to babies up to the age of two years who are incarcerated with their mothers. According to Goshin and Byrne (2009: 271), an ECD Centre “is a living arrangement located within a correctional facility in which an incarcerated mother and her infant can consistently co-reside with the mother as primary caregiver during some or the mother’s entire sentence”. These programmes have the potential of “promoting rehabilitation of incarcerated mothers, while also providing the physical closeness and supportive environment necessary for the development of secure attachment between mothers and their infants”.

The DCS in South Africa recognises that although the primary focus of education in most correctional centres is on incarcerated people, they have a responsibility to ensure that babies within the correctional centres are given the best start in life, through education, to prepare them for proper placement in ECD centres within their communities (Goshin and Byrne 2009: 288). The implementation of ECD should focus on creating environments that support age-appropriate development instead of just keeping the babies while their mothers are serving their sentences since attachment is directly linked with child development. Moreover, Goshin and Byrne (ibid) mentioned that partnership within the DBE in South Africa helps with the payment of salaries to the ECD Practitioners in some correctional centres while they render services within DCS. Similarly, in the USA correctional officials managing ECD programmes sometimes draft a contract between community service providers “specialising in infant and toddler care and development”. This civilian professional expertise helps to ensure that children are raised according to community standards within correctional mandates.

3.3.2 Literacy Programmes

According to Bhatti (2010: 31), “Basic literacy and numeracy skills are offered to adults who were socially marginalised and economically disadvantaged prior to incarceration”. The DCS in South Africa offers literacy programmes in partnership with the DBE through “Kha Ri Gude Mass Literacy Campaign” to offenders who cannot read or write. “The Kha Ri Gude Mass Literacy Campaign was launched in February 2008 by the DBE to assist youth and adult learners who have little or no education to become literate and numerate” (Republic of South Africa, The DBE Website: 16 November 2012).

Vacca (2004: 303) asserts that it is therefore believed that correctional centre literacy programmes should provide opportunities for offenders to see themselves in roles other than

that of offenders. Furthermore, correctional centre literacy programmes should be offender learner centred and designed to meet the needs of the correctional centre culture. Vacca (2004: 300-302) maintains that the majority of offenders within the South African DCS participate in literacy programmes since they cannot read and write. Research also affirms that “more than half of the adults incarcerated in American Federal and State correctional centres can neither read nor write, and they have less than eighth-grade education”. Therefore, literacy programmes give offenders skills that will help them to secure jobs when they leave correctional centres. Offenders released from correctional centres “are frequently unable to find jobs because they either lack experience or literacy skills. With the high cost of incarceration and the large increase in the correctional centre population, it seems that mastery of literacy skills may be a proactive way to address the problem of re-incarceration”.

Ozdemir (2010: 387) asserts that correctional centres render literacy programmes to offenders in preparations for reintegration in communities. For example, in Juveniles and Youth Closed Correctional Centre in Turkey, first and second grade literacy courses are some of the programmes offered together with supportive courses for open elementary education, open high school education and the faculty of open education, computer operation course, garden design course and welding business course.

3.3.3 Adult Education and Training (AET)

The DCS offered the Adult Education and Training (AET) programmes in partnership with the Department of Higher Education and Training (DHET) to ensure that offenders are provided with rightful skills in order for the correctional services to achieve its goal of successful rehabilitation of offenders and AET level are from 1-4 in some correctional centres. “Adult Education and Training (AET) is an outcomes-based programme that aims to provide basic learning tools, knowledge and skills, such as reading, writing and numeracy to participants” (South African Corrections in South Africa, 2008: 12). According to Noad (1998: 94), “adult education in corrections goes further to address offender behaviour and their successful re-entry into the community”.

Currently, about 97 correctional centres are registered as AET examination centres with DHET within DCS. The DHET deploys AET practitioners and pays them monthly salaries while working in some correctional centres within DCS. This initiative is an attempt to address human resource shortages and also ensures that quality education is rendered within the DCS just like in other AET centres within South Africa. “The Adult Education and

Training programmes has attracted strong support from offenders to the extent that some had to be put on the waiting lists for enrolment in some correctional centres” (South African Corrections in South Africa, 2008: 12).

3.3.4 Further Education and Training (FET)

FET programmes are offered by the DCS in partnership with the DBE to all juveniles and adult in correctional facilities to ensure the effective success of rehabilitation programme. The programmes help the offenders to become a better citizen when they return to the community. The DCS has the training programmes for youth offenders who would like to further their education especially those who want to complete their grade 10-12. So far there are nine full-time registered schools with the DBE and these full-time schools are streamlined according to the needs of offenders which is market related skills in order for inmates to be reintegrated with the community. The newly implemented Curriculum and Assessment Policy Statement (CAPS) allows all grade 10 educators within the DCS to undergo training. The objectives are to ensure that school curriculum within the DCS is aligned with the development that are taking place in other schools within the country.

3.3.5 Higher Education and Training (HET)

This means all courses of higher institutions and DCS does encourage offenders who are interested to further their studies in tertiary institutions on a part-time basis. Offenders who register with tertiary institution do that voluntarily since it is vital for inmates to get necessary skills in order to be employable when they realised from a correctional centre. Anders and Noblit (2011: 91) report that the findings from the research conducted at the North Carolina Workplace and Community Transition Youth Offender Programme affirm that offenders also understand that being incarcerated will make it hard to reintegrate into mainstream society. As a result, the majority of inmates gets job more quickly owing to the courses they enrol when they are in correctional facilities.

Winterfield et al (2009: 9) explain that the most common long-term benefit to offenders reported was the perceived success and accomplishments in Post-Secondary Education which positively changes their self-concept and increases pride, often because many did poorly in school prior to incarceration. It is noteworthy to indicate that the offenders who are furthering their studies are responsible for paying their fees, others are assisted by families and National

Student Financial Aid Scheme (NSFAS) which assist students who are in need of financial assistance.

It is therefore believed that tertiary education helps offenders to secure jobs when they exit the correctional centre and therefore, lower recidivism rates. Offenders who have low skills encounter difficulties in securing jobs since post-secondary education degree or certificates are required. Research findings reveal that even offenders believed that participation in post-secondary education would increase their employment prospects after release (U.S. Department of Education, 2009: 5).

In most instances, it has been found that “through correctional education, inmates should find the way of continue with their studies while in the correctional facilities and they may be able to improve their chances of staying out of correctional facilities after completing their courses” (Ubah & Robinson, 2003: 119). Being employed as an offender after going through the rehabilitation processes proves that the rehabilitation does play a major role in our society. To this effect, Ellis et al (2008: 207) as argue that the enhancement of correctional education may be accomplished by increasing research and production of literature.

3.3.6 Computer Based Training

The DCS has established Computer Based Training Centres for Young and Adult offenders in some correctional centres. The aim is to empower young and adult offenders with new technology and software to support them to be more independent and be able to contribute positively to the society. Noad (1998: 94) furthered explains that literature reveals that it is necessary to supply technology equipment in supporting programmes appropriate to offenders reintegrated to the community. “This includes computers, with the related software, along with equipment for ceramics and vocational art”. The programme will assist offenders with the rehabilitation and prepare them to reintegrate with the community and help them to know how to use a computer. One participant offender at Ankara Juvenile and Youth Closed Correctional facilities in Turkey testified that education activities in the correctional centre are beneficial. “He learnt how to use a computer and was awarded the computer operation certificate while serving his sentence” (Ozdemir, 2010: 393).

Davis et al. (2013: 1) highlight that the use of Computer Based Training Programmes is gradually increasing in correctional centres. But access to live internet by inmates’ students and the use of internet based instruction is limited. Computer Based Training equips

offenders with market-related skills, in preparation for reintegration in communities. As a result, a computer has been regarded as one of the libraries enabling instant access to a wide spectrum of information resources. This becomes a challenge since higher education students cannot work effectively without modern technologies, and the largest barrier to offender learning is the digital divide (Watts, 2010: 61).

3.4 The Concept of Education from Its Origin to Its Implications on Individual Citizens

In South Africa, the history of the correctional system reveals that correctional centres have analogically been considered landfills for unwanted residents. In spite of this, the current variations may have ensured that correctional systems no longer constitute severe retribution directed at offenders, such as hard labour and torture, which could violate human rights in certain circumstances. The Constitution of South Africa was adopted by Parliament in 1996 and was based on the values of human dignity, the realisation of justice, and the promotion and advancement of human rights. Morodi (2004) explains that the purpose of the prison system is to contribute to the maintenance and protection of a just, peaceful, and safe society by-

- “(a) enforcing sentences of the courts in the manner prescribed by the Act;
- (b) detaining all inmates in safe custody while ensuring their human dignity; and
- (c) promoting the social responsibility and human development of all inmates and persons subject to community corrections (Correctional Services Act, 111 of 1998, S(2))”.

3.5 Offenders Education as a Right

The right to education is highlighted by the Constitution of the Republic of South Africa, Section 29(1) of the Constitution of the Republic of South Africa stipulates that “everyone has the right (a) to a basic education, including adult basic education; and (b) to further education, which the state, through reasonable measures, must make progressively available and accessible” (RSA Constitution, 1996). In Section 19 of the Correctional Services Act, 1998, children's rights are protected and they are subject to compulsory educational programmes, and they must have access to education. In addition, the Commissioner must make sure that children's inmates are provided with all the necessary support, such as social work services, religious care, recreational programmes and psychological services, and that they are not denied contact with their families (Correctional Services Act, 1998).

Brewster and Sharp (2002) argue that educational programmes have been and will continue to dominate reform rehabilitation. Since inmates are a serious failure, providing educational programmes that address all educational challenges can generally benefit society. These findings were supported by the fact that inmates participating in educational programmes have a low recidivism rate and good adaptation to the community. Gowdy, Travis and Sutton (2003: 14) reveal that providing inmates with programmes that include communication skills, general education, basic academic achievement, general equivalence preparation, professional training, higher education, and improvements to other educational programmes required by delinquents. As a result of this study, correctional centres are very important in the rehabilitation of inmates and reform of social justice. It is also part of the criminal justice system responsible for verifying, reforming and rehabilitating offenders so that they become better citizens when they are released.

Education should be accessible to all offenders within the correctional facilities. Article 26 of the Universal Declaration of Human Rights highlighted that; “1. Everyone has the right to education.” The purpose of this article is to ensure that the state provides basic education to all children, youth, and adults. According to the 1948 Universal Declaration of Human Rights, each state is responsible for improving its educational system, and ensuring that all citizens participate in the learning process. Section 29 and Article 26 are in line with Rule 104 of the Standard Minimum Rules for the Treatment of Inmates which allows inmates to further their education so that they can be able to find jobs and inmates should be able to attend the religious activities of their choice. It is imperative that correctional officials arrange for illiterate inmates to attend compulsory programmes that will improve their lives.

3.6 Conclusion

In this chapter the researcher highlighted the impact of educational programmes in regard with the rehabilitation of offenders in the correctional centre. The DCS (2007b:10) indicates that “rehabilitation comprises education, skills training, sport, recreation, arts and culture opportunities, health care and psychological treatment, maintenance of family and community links, a safe and healthy detention environment and post release support to ensure that offenders are rehabilitated to prevent him or her from going outside worse than he or she was when he or she came into detention”.

4. CHAPTER 4: ASSESSING THE IMPACT OF HIGHER EDUCATIONAL PROGRAMMES IN OFFENDERS' REHABILITATION IN THE CORRECTIONAL CENTRE

4.1 Introduction

This chapter will outline the Impact of Higher Educational Programmes in Offenders Rehabilitation in a correctional centre. The literature review will be divided into three sections and those are as follows: The Background on Offenders Rehabilitation, Education as a form of Rehabilitation and International Perspectives on Education and Rehabilitation. According to Goyer (2004: 79), the study conducted in the Republic of South Africa indicates that Correctional Education has been in operation for a long period; e.g., during the apartheid era, despite the fact that offenders' education was not co-ordinated, offenders studied on their own through distance education. The DCS (2005: 16) provides that after 1994, the focuses were on the implementation of rehabilitation programmes to all incarcerated inmates within the correctional facilities in South Africa. According to the DCS Annual Report (2016:12), the Minister of Justice and Correctional Services Advocate Michael Masutha has indicated that during 2016/2017 financial year the DCS will accelerate delivery and place humane and safe detention at the forefront of our work to rehabilitate and successfully reintegrate offenders, which will result in the reduction of repeat offending". The White Paper in Correction (2005: 61) postulates that there should be a Standard Minimum Rules on the Rehabilitation of offenders in correctional centres, as prescribed in Rule 66 (1) of the Standard Minimum Rules as:

"To these ends, all appropriate means shall be used, including religious care in the countries where there is possible, education, vocational guidance and training, social casework, employment, counselling, physical development and strengthening of moral character, in accordance with the individual needs of each offenders, taking into account his/her social and criminal history, physical and mental capacity and aptitudes, his personal temperament, the length of his or her substance and her prospects after release."

The DCS Act, 111, 1998, Sec 41 provides that "the department must provide or give access to a full range of programmes and activities, including needs-based programmes, as is practicable to meet the educational and training needs of sentenced offenders". Meyer and Randel (2013: 224) highlight that educational programmes such as high school, career and

technical, and post-secondary programmes provides inmates with skills and knowledge for successful life upon their release from correctional facilities. According to O'Brien (2010), the South African DCS is among other countries that engage in vocational programmes to equip inmates with skills, values and knowledge in order to rehabilitate them so that when they return to the community they feel as part of that society at large. Vocational Rehabilitation Programmes are offered in accordance with the national legislation and policies of the education in the country.

There are Informal Education Programmes consist of technical programmes that require technical training and those technical training are such as, vocational training, occupational skills and computer-based training. Some of the training that forms part of the training is Adult Based Education (DCS 2012). Halverson (1990: 341) posits that all countries are expected to comply with the international laws by declaring education as a human right to offenders, and this should be incorporated into legislations which are translated into policies for implementation. These views were shared by Declaration of Human Rights Article 26 which specifies "the right to education while the covenant states further that the state is the main actor responsible for maintaining this right". Vorhaus (2014: 168) asserts that because education is perceived as a human right by international law, non-compliance is regarded as violation of international law, and government have to take responsibility.

The views are shared by other international scholars conducted in England, Wales and Serbia by Munoz (2009: 21) stated that a number of states in the USA are in a process of developing education policies for incarcerated people, but, other states have progressed even though some are still trying to build on what happened in the past. UN Nation Standard Minimum Rules for Treatment of Offenders (Nelson Mandela Rules, 1955: rule 77) stipulated that "education of inmates shall be integrated with the educational system of the country so that after their release they may continue their education without difficulties".

This chapter will deal with the educational programmes offered by DCS in South Africa and will be discussed as follows:

- To explore the rehabilitation programmes offered by the DCS.
- Possible intervention to enhance rehabilitation programmes to empower inmates with necessary skills.
- To ensure that there is low recidivism in our correctional centre.

- To assess whether offenders who participated in Correctional Education change their behaviour when they return to their communities.
- To ensure that DCS adopts rehabilitation programmes consistently in order to reduce recidivism.

According to Stephens (1990), studies conducted at international countries revealed that 220 male inmates in New York State Maximum Security correctional facilities found that 79 per cent of the inmates' population were high school dropouts. The reason for dropout of school includes grade retention, school transfers, and misbehaviour and so on.

4.2 To Explore Rehabilitation Programmes Offered By Department of Correctional Services to the Inmates

The literature reveals that it is important to consider whether the educational programmes offered to the inmates in correctional facilities do play a major role in changing the behaviour of inmates when they are released from correctional facilities. Moon and Maxwell (2004) indicate that correctional officers play an important role in the proper functioning of correctional institutions and have a direct impact on the behaviours of inmates through their daily contacts with them. The Department of Health and Human Services in the USA (2005) describes the Evaluation Programme as a “systematic collection of information about the activities, characteristics, and outcomes of the programmes to make judgements about the programmes, improve program effectiveness and inform decisions about future program development”. The evaluation of rehabilitation programmes is very critical to the DCS to ensure that material resources, such as, time, activities as well as money are not misused and are allocated in a most efficient and effective manner.

Parker (1990) accentuates that “While recidivism is the prime criterion for evaluating any correctional facilities programme, using repeat crime statistics causes some fundamental difficulties because there are methodological problems of measuring and tracking recidivism”. Blackburn (1979) conducted a study on the objective of Maryland Correctional Training Centre's PSCE (Post-Secondary Correctional Educational) Programmes. He reported the involvement has a positive impact reducing recidivism among participants”. Gibbons (1999: 274) conducted a study whose main purpose was to assess the empirical status of correctional rehabilitation and whether programmes offered by the DCS benefit the inmates. Latessa (1998: 22) is of the view that one of the important concerns regarding the correctional officials is the design and operation of effective correctional intervention

programmes. It is relevant meanwhile there is consistent evidence that the public supports the rehabilitation programmes for offenders. The research has also revealed that the support of public protection as vital for corrections. Consequently, there was also a disagreement arising regarding the focus on what the best methods to achieve these and other correctional goals. The evaluation of rehabilitation programmes is done by way of goal evaluation, process evaluation and outcome evaluation.

- **Goal-Based Evaluation**

It can be explained as a “methods or technique that is used to determine the actual outcome of the project when comparing to the goals that was set to achieve. It will help the correctional centre to evaluate and successfully develop programmes that will be crucial to inmates and reconfigure unsuccessful ones. It is important to the DCS to have in place policies that will help it to achieve its goal of rehabilitating the offenders. The same goes to the inmates who will also set goals for themselves to achieve educational programmes so that when they return to the public, they place a major role and add value”.

- **Process Evaluation**

According to Bess, G., *et al* (2004: 109) Federal Bureau of Administration describes Process Evaluation as focusing on how the programmes was implemented and operates. It identifies the procedure that has been undertaken and the decision that been made in developing the programmes. However, “by additionally documenting the programmes development and operation, process evaluation assesses reasons for successful or unsuccessful performance, and provides information for potential replication”.

The Process Evaluation helps the DCS to see how the outcomes or impact was achieved. If there is problem with the programmes that were implemented, it will give an indication on the outcome whether it needs to be replaced or resolved.

- **Outcome Evaluation**

This type of evaluation is to assess whether the programmes that were implemented to rehabilitate offenders are working or not. And also to ensure that the programme is effective in changing the behaviour of inmates when they are released from correctional facilities. The outcomes help the correctional centre to know which programmes they should continue with and which one to replace to ensure that the department achieves its goal on rehabilitating the offenders.

Rehabilitation of offenders in correctional facilities is very important in order to reduce recidivism and one of the programmes that is vital in rehabilitation is life skills program and it will be discussed below:

- **Life Skills Programmes**

According to Ramey (1984), the state of Florida has introduced the life skills programme in order to deal with the rehabilitation programme. The Florida governors' Advisory Committee on Corrections has stated that the primary mission of the Florida Department of Corrections is the protection of society:

“By incarcerating convicted offenders and supervising offenders in the community on probation and parole supervision. The Department’s secondary mission is to offer every offender the education, training, work experience, religious opportunities, counselling necessary to enable each offender to return to society as a productive and law-abiding citizen”.

Ryan (1982) indicates that the goal of the Florida Life Skills Program is not unlike the goals of other programmes currently under development, such as the Individualised Adult Life Skills System being utilised in Georgia Correctional Institutions, the process of development, the focus, format, techniques, and materials vary significantly. Ramey (1984) provides that there are four Florida Community Colleges that participated in an early pilot project at four correctional facilities sites with both male and female inmates and the life skills programmes are served as a basic curriculum guide.

The life skills programmes assist the offenders to equip themselves with specific social skills. It educates the inmates about the behaviour pattern once they are released from correctional facilities. The life skills programmes consist of variety skills knowledge that the inmates required such as, communication, hygiene, job skills, family affairs, economical skills and etc. Because in most cases, inmates are not aware of what the rehabilitation means but life skills programmes educate them to understand the important of rehabilitation and why it is vital to participate in the educational correctional programmes.

Anthony and Wain (1973) highlight that research has been conducted on the effectiveness of life skills training in teaching interpersonal and problem-solving skills. Ramey (1984: 50) asserts that life skills programme is designed to offer the opportunity to Florida offenders to learn the skills of personal goal setting, problem-solving, interpersonal communications and relationships and other skills necessary to accept personal responsibility for quality and

direction of their own lives. It is the goal of the DCS to ensure that the programmes equip the inmates with the necessary skills to function effectively when they return to the society and not only to train them how they should conduct themselves.

4.3 Possible Intervention to Enhance Rehabilitation Programmes to Empower Inmates.

This part of the research will dissect the intervention on what should be done to improve the rehabilitation programmes within the correctional centres. The main factor is to ensure that programmes offered by the DCS play a major role in improving the life of inmates. According to Herbig and Hesselink (2012: 29) aver that South Africa has one of the highest crimes and recidivism rates in the world. Poverty and unemployment play a major role in the rehabilitation process because without a proper employment the offenders will then reoffend and find themselves in correctional facilities again. The articles are addressing the issue of South African needs-based offenders' rehabilitation in a systemic and diagnostic manner by aligning theory with relevant case scenarios in order to expose the essence of the therapeutic challenges in the South African custodial environment. This part of the research will discuss things like Needs-Based Rehabilitation. White Paper on Correction (2005: 61) postulates that needs-based intervention are types of interventions that specifically balance the causal factors with the unique offence profile of the individual offender. Some of the programmes that the department believes that it can contribute to the rehabilitation of offenders are as follows:

- Basic Academic Education
- Vocational Education Training
- Capacity Building
- Psychological Treatment
- Literacy Programme.

The rehabilitation programmes must be able to address the history of an individual in order to be successful. In that case, anyone would want to be rehabilitated must give his/her full commitment and voluntarily participate in the programmes. The above-mentioned programmes will now be discussed next.

4.3.1 Basic Academic Education

According to Bruyns and Nieuwenhuizen (2003: 4), educational programmes are among other many programmes offered by correctional services to prepare offenders to become productive and law-abiding citizens. In terms of the South African Correctional Services Act

111 of 1998, Section 41 provides that the treatment, development support services of inmates is very important:

- The Department must provide or give access to as a full of a range of programmes and activities as is practicable to meet the education and training needs of sentenced inmates.
- Sentenced inmates who are illiterate or children may be compelled to take part in the educational programmes offered in terms of subsection (1)
- The department must provide social and psychological services in order to develop and support sentenced inmates by promoting their social functioning and mental health.
- The department must provide as far as practicable other development and support programmes which meet specific needs of sentenced inmates.
- Programmes must be responsive to special needs of women and they must ensure that women are not disadvantaged.

According to Langley (1991: 1), education is an instrument that assists in fixing crime, since the statistics has shown that lack of education is a primary cause of crime. Research reveals that rehabilitation success can be measured by “completion, obtaining employment after release and reduce recidivism (U.S Department of Education, 2007: 4). The DCS (2005: 163) has the “provision of rehabilitation or correctional services delivery focusing on human development and education and training for the young adult to prevent recidivism. Bruyns and Nieuwenhuizen (2003: 13) report that correctional services should provide concrete evidence that they are effective and they should add value to the socio-economic reconstruction of the country. Education enables inmates to start their life and have skills to start business and stay away from crime.

According to Hourani, and Litz, (2018:33), the Educational Care Centre in Abu Dhabi provides the scholastic services for juveniles in the United Arab Emirates (UAE). The case study conducted investigates relevant Abu Dhabi school policies to determine missing links in policies in order to attain educational equity on the praxis level for juvenile offenders in Abu Dhabi. The research revealed that juveniles typically came from the same schools. In addition, the academic discontinuity and dropouts, students’ institutional transfer, lack of support, follow-up systems, counselling, behaviour modification and institutional

partnerships were tracked as contributors to recidivism, educational exclusion and absence of equity.

The study conducted in Serbia revealed that the country has a policy that allows everyone to have equal opportunities to participate in the educational programmes. The new legislation that came into operation in Serbia resolved many problems that most of the inmates come across within the country regarding correctional facilities education and the new legislation allows education programmes in correctional facilities even though it was not the new concept in Serbia. The sentiment was also shared in an International Commission on Criminal Justice and Panel Institutions that was held in London in 1872 which discusses that education in correctional facilities should be diversified so that inmates get necessary training in order for them to live an honest life in the community when they are released in correctional facilities (Jovanic, 2011: 1).

Jovanic (2011: 4) revealed that the effectiveness of the inmate education programmes will be determined by the recidivism rate of those inmates who participated and out of those who participated how many has returned to correctional facilities. It is very important if assessing of effectiveness of the educational programmes can be measured by way of positive change and behaviour of inmates that occurred during the time of education in correctional facilities because recidivism can be affected by numerous factors that can be unrelated to the educational programmes. Mears et al (2014: 159) indicate that US Criminal Justice System plays a significant part in providing formal education programmes to correctional facilities people. The DCS gives offenders a chance to participate in a formal education programmes such as “Literacy, General Education and Training, Further Education and Training, Higher Education and Training Band, and Computer Based Training Programmes” (Mkosi 2013: 61).

Sutherland and Cressey (1978: 578) cited by Linden and Perry (1983: 44) indicated that educational programmes have existed in correctional facilities for many years. In the early 1800s, inmates were given instruction in religious matters by visiting or resident chaplains. Making the programmes in reading and writing grew out of the desire to enable the inmates to read the Bible and other religious literature. Education was believed to be rehabilitative insofar as it enabled the inmates to become more spiritually enlightened. The basic academic and vocational education programmes have been common in correctional facilities for a number of years, post-secondary programmes are a relatively recent development.

4.3.2 Vocational Education Training

Dubin et al (2009: 14) define vocational programme as a training that involves the offenders in definite expertise sets to be used in future occupations upon their release from correctional facilities. However, Houle (2006: 2) defines vocational programme as “the process by which inmates seek to improve their life or their society by increasing their skills, knowledge or sensitivity or any process by which individuals, groups or institutions try to help adults to improve their ways”.

According to Gus (2003), vocational rehabilitation programmes can be described as an important instrument for decreasing the possibility of re-offending. The work of rehabilitating, educating and preparing offenders for their return to the community is critical in providing them with an alternative to crime. These views were shared by Dubin et al. (2009) who described vocational rehabilitation as a preparation to address the lack of expertise for the young adult offenders. Pickard (2012) indicates that the curriculum of vocational rehabilitation programmes should be based on the adult education aimed at development of the individual young adult offenders in all areas. A wider range of vocational rehabilitation programmes that focus on basic skills acquisition that address the aspects of development which bolster the offenders cognitive and intellectual development should be used.

In the USA, vocational rehabilitation programmes offer more chances in correctional facilities settings which are free to the young adult offenders. In many correctional facilities in the USA, young adult offenders have the option to choose from a number of other vocational rehabilitation programmes via “live work”. The young adult offenders are welcome to participate outside of the correctional facilities setting. The offenders can usually register in the vocational rehabilitation programmes via correspondence and it is almost exclusively less expensive (Pickard, 2012). According to Greenberg et al (2008: 28), vocational education programmes have been suggested as one the important training programme that prepares offenders to be employable upon their release from correctional facilities or correctional facilities. In the same vein, Harrison and Schehr (2004) shared the same sentiment that the programme is of vital importance to equip offenders with necessary skills needed in market in order to get the job or to be employed and it will also help in reducing the rate of recidivism.

Phatininnart (2009: 246) compares vocational education programme other country such as South Africa with the one offered in Thailand that it provides inmates with knowledge and occupational skills upon their release from correctional facilities so that inmates get enough skills and be able to live a better life that will contribute to the society.

The findings of the study conducted in the Republic of South Africa reveals that ex-offenders receive necessary skills through matriculation, vocational training, diploma and degree, they still struggle to get employment when their released from correctional facilities (Roper 2005: 32). The U.S Department of Education (2009: 1) indicates that two thirds of offenders are returning to correctional centres when they are released from correctional facilities owing to inadequate employable skills and criminal record which makes it very difficult for them to find jobs. Biswalo (2011: 73) indicates that the DCS of Swaziland is now focusing on the development and rehabilitation of offenders as the main objectives to ensure that offenders receive education and training that is adequate and which is more academic, social and technically oriented vocational skills as well as the establishment of learning culture and the promotion of work ethics.

Biswalo (2011: 76) found that offenders received practical skills such as “business management” and it gives them an opportunity to start their own business when they are released from correctional facilities to be part of their community. Salaam (2013: 449) has indicated the views that ex-offenders who completed vocational programmes in Nigeria have access to microcredit loans with which to start their own business based on the skills they acquired during their correctional facilities time. But these loans are insufficient to start a business. As a result, beneficiaries utilise them for other things.

4.3.3 Capacity Building

According to Low (2018), the DCS must ensure that there are enough resources so that the department can be operational successfully without any delays and it is important to ensure that when dealing with rehabilitation programmes there are measures in place in order to succeed with the rehabilitation process. The DCS must ensure that there is enough space in the correctional centre that will accommodate all the inmates detained in correctional facilities for the duration of their sentence. The correctional centre must be able to meet the health and safety measures put in place by the DCS.

According to Hawley (2012), the shortage of classrooms or old infrastructure and limited space also makes it difficult for the implementation of vocational rehabilitation programmes. It can be difficult to find space and resources to set up skills development and training programmes laboratories. For example, electricity workshop may not take more space but a construction or carpentry would need more room and higher cost for materials. In South Africa alone, overcrowding in correctional facilities has exceeded 100 per cent, which means that there is a great request for resources. Overcrowding continues to suffocate service delivery and dents the development of rehabilitation training programmes for young adult offenders (O'Brien 2010). Lawrence et al (2002) indicate that the challenge that the correctional facilities is facing that can hamper with the offering of the quality and quantity of vocational rehabilitation programmes is the shortage of classrooms. Such factors directly affect programmes and are among those commonly cited by correctional officials as obstacles to the presentation of effective programmes.

Cullen and Gendreau (2000) argue that rehabilitation has been a contentious topic in criminology & penology. The term “rehab” simply means the process of helping a person readapt to society, or to restore someone to a former position of rank. Rehabilitation is an intervention that is planned or specifically undertaken and is not a per chance event. It aims to change some aspects of the offenders that are regarded as giving rise to criminal behaviour. The Nigerian DCS centres have experienced a number of challenges in regard with poor facilities for staff, poor condition of services and lack of adequate equipment for implementation of meaningful vocational rehabilitation programmes to the young adult offenders’ programmes (Obioka, 2011).

However, Sarkin (2008) asserts that unavailability of funds was the problem and it affects the stability of the vocational rehabilitation programme, and the availability of the resources offered to young adult offenders. State financial support is vital to ensuring widespread offenders’ access to vocational training. Funding affects availability of resource such as service provision, books, desks and chairs, computers and also availability of qualified educators. In some correctional facilities in South Africa young adult offenders who want to pass Grade 12 courses do not receive assistance from the DCS because of the lack of resources (Sarkin 2008).

Howard (2009) indicates that things like poor learning environment also imposes a serious challenge to the implementation of vocational rehabilitation programmes. The experience of

some participating countries shows that most correctional facilities lack vocational rehabilitation training materials and suitable facilities to carry out their programmes. This matter relates to the essential components of any vocational rehabilitation programmes without which no programme can be conducted.

4.3.4 Psychological Treatment

A study conducted by Tomar (2013: 66) indicated that offenders should receive a psychological treatment in order to accept the pressure and length of their incarceration in correctional facilities. In most cases, inmates fail to deal with the terms of the stress of being incarcerated or separated from their loved ones and friends or they have to adjust to the terms that correctional facilities are going to be their home for the longer period or forever. However, correctional facilities were based on punishing the inmates for committing crimes in the society but now correctional facilities are no longer about corporal punishment, but it is a method by which to work on a persons' mind as well as his/her body in terms of punishment, deterrence and rehabilitation. Munn (2011) has indicated that living in a correctional facilities environment means that they must learn to conform to the rules not only of the correctional facilities itself, but also of the other inmates that make up their new society. Non-violent offenders may experience anxiety and changes in their personality as well as changes in making judgement.

Seligman, Schulman, and Hollon (1999: 68) highlight that positive psychology of inmates is very vital and good thing to do in order to nurture the positive emotion. The researchers elaborated further that men who are incarcerated would welcome an opportunity to experience positive emotions. A study conducted in Rio de Janeiro shows that correctional facilities in Brazil use Beck Depression Inventory and the Lipp Stress Symptoms Inventory for Adults to assess the mental health of incarcerated inmates (Constantino, Goncalves de Assis & Pinto 2016). Constantino et al (2016) have further explained that the correctional centres in Brazil are characterised by a number of structural and procedural deficiencies that directly affect the health and rehabilitation of offenders. A study conducted in the USA and elsewhere reveals that inmates have always confronted a unique set of contingencies and pressures to which they were required to react and adapt in order to survive the correctional facilities experience (Haney 2002: 2). Furthermore, the combination of overcrowding and the rapid expansion of correctional facilities systems across the country adversely affected living conditions in many correctional centres, jeopardised inmates' safety, compromised

correctional facilities management, and greatly limited offenders' access to meaningful programming (Haney 2002: 3). Maps (2017) highlights that in Australia and other developed countries offenders do get psychological treatment/support while incarcerated and their work is more focused on specific offending behaviour such as sexual offending, anger management and drug/substance abuse.

The DCS in South Africa believes that offenders, probationers and any other persons under the correctional supervision have equal access to the needs-based psychological services despite the limited number of psychologists in the DCS. Furthermore, it is the responsibility of the psychologist to ensure that the psychological/mental health of offenders is well managed to ensure that they adapt to the correctional environment, learn some new skills and prevent re-offending behaviour. Owing to the shortage of psychologist in the country, the DCS focused on the offenders such as suicide risks, court referrals, those who received psychiatric intervention before youth and females, aggressive and sexual offenders and offenders who request to see a psychologist (DCS). The White Paper on Corrections (2005) indicates that the DCS must provide both social and psychological services in order to develop and support the offenders through the promotion of their social functioning and mental health and that will help psychologist to cure the causes of criminal behaviour such as alcohol and drug/substance abuse. Section 2(c) of the Correctional Services Act 111 of 1998 postulates that “the purpose of the correctional system is to contribute to maintaining and protecting a just, peaceful and safe society by promoting the social responsibility and human development of all inmates and persons subject to community corrections”. This proves that the DCS is dedicated to offering psychological services to all offenders with the goal of refining their mental and emotional wellbeing. The psychological treatment of offenders is very vital and I believe it should be taken as priority and must ensure that offenders undergo psychiatric evaluation in order to succeed with the rehabilitation programme. For someone to find himself or herself as an offender in correctional facilities, it could be very depressing and some cannot adjust to such correctional facilities environment.

According to Towl (2003), the psychologist must be driven by two key things within the correctional system. First it should be the organisational needs, which means they should meet organisational aims and objectives and the second one is psychological expertise, which means they should offer knowledge and skills required of psychologist. Clear and Cole (2000: 323 cited by Muthapuli 2008: 65) asserts that psychological programmes are applied within correctional system in order to treat the underlying emotional or mental problems that

led to the commission of an offence. There are two approaches for implementing psychological programmes such as psychotherapeutic approaches and group treatment.

- “Psychotherapeutic approaches imply all kinds of programmes that are aimed at the treatment of mind within the correctional setting. However, therapists determine the need for and goal of treatment processes even if the client does not agree”.
- “Group treatment allows offenders to come together in order to discuss mutual problems. Group approaches consist of reality therapy, confrontation therapy, transactional analysis and cognitive skills building”.

4.3.5 Literacy Programme

Vacca (2004: 301) laments that ex-offenders find it difficult to secure employment owing to inadequate work experience and low literacy skills. Roper (2005: 20) highlights that Republic of South Africa is perceived to have a high illiteracy rate among ex-offenders and this has been identified as one of the factors which contribute to the offending behaviour after their release. This view was also supported by Jones (2014: 1) reports that “an estimated 70 per cent of adult inmates in Western Australia have literacy issues to some extent”. Based on the studies conducted in US, educational programmes are seen as playing a significant role in ensuring that an incarcerated learner receives quality education and improves literacy skills during incarceration period. There are a number of academic education programmes offered in US such as, “Mandatory Literacy, Adult Basic Education, General Education Development and Special Education” (US Department of Education, 2007: 2).

DelliCarpini (2006: 250) argues that there is a high demand of English Second Language programmes in many of the correctional services. Little information for correctional educators regarding effective practices for non-native speakers of English is available. The traditional secondary and adult level English Second Language (ESL) programmes assume a degree of literacy in a student’s native language. With the changing demographics in the United States and a profile for newly arrived students not matching previously defined categories, ESL programmes must reanalyse traditional approaches to teaching methodology. Davidson (1988: 76) indicates that the literacy education in correctional facilities schools is a day-to-day routine. The Communication Content and Cooperation was developed in order to employ an interdisciplinary approach to literacy education and its principal aim is to maximise the student opportunity to use his/her present competencies in written or oral language to acquire meaningful knowledge about a relevant subject.

According to Messemer and Valentine (2004: 84), the DCS must ensure that it prioritise literacy classes in the correctional centres as a basic requirement for other educational programmes, to help in improving inmates literacy and communication skills. It has been revealed by other study conducted to inmates at the Mountain View Correctional facilities, that if offenders learning outcomes do not improve by the end of 12 months period, the possibility if for them to be dropped from basic skills programmes.

4.4 Evaluate the Rate of Recidivism in a Correctional Centre

According to Schoeman (2013), the recidivism rate in South Africa is estimated to be extremely high. In most cases the contribution to high rate of recidivism includes poor rehabilitation approach, lack/poor implementation of rehabilitation policies, resource constraints, overcrowding of correctional centres as well as lack of appropriate support for reintegration of offenders upon release from correctional facilities. Dissel (2008) points out that recidivism rate in South Africa will remain high because the type of rehabilitation available in the country's correctional centre is not and is almost non-existent. According to Clear and Dammer (2003: 383), recidivism is defined as a return of a criminal to correctional facilities owing to committing a criminal offence or the commitment of a new crime other than a technical violation of parole. McLaughlin and Muncie (2003: 341) describe recidivism as a way of testing to check whether the different programmes undertaken within a correctional centre contribute towards re-offending or whether other forms of community-based punishment are more effective at reducing further re-offending. Recidivism can be defined as the reversion of an individual criminal behaviour after he or she has been convicted of a prior offence, sentenced and corrected (Maltz, 1984). Esperian (2010: 320) defines recidivism as a return from criminal behaviour after inmates has been released from correctional facilities; the effectiveness of corrections is always measured by the rate of recidivism. Harries et al (2009: 1) argue that recidivism is the most commonly measured in terms of rearrests, re-feral to court, reconviction or confinement.

According to Newman et al (1993), inmates who attend education programmes while they are incarcerated are less likely to return to correctional facilities once they are released. The literature revealed that the return rates of inmates or recidivism has shown that educated inmates are unlikely to go back to correctional facilities once they completed their educational programme and equipped with necessary skills in order for them to be able to write and read. Ripley (1993) indicates that recidivism rates drop when the education

programmes are designed to help inmates with their social skills, artistic development and techniques and strategies to help them deal with their emotions. Fritsch and Gerber (1993) argue that Adult Education and Vocational Education Programmes must be evaluated to review the outcomes whether it is working or not. The distinguished among academic, vocational and social education, concluded that correctional facilities education programmes lead to a reduction of criminal behaviour, continued education after release from correctional facilities and fewer disciplinary problems in the correctional facilities setting.

The environment in which people live also determines how people react or behave towards that community. Most people are coming from a poor background and with higher unemployment rate in the neighbourhood play a significant impact on the crime and recidivism rates in that particular community. According to Kubrin and Stewart (2006), when the offenders are released back to the community, they seek resources in their society to successfully integrate with the community or society. However, when that is not present the probability of them returning to the criminal justice system is significantly higher. When most individuals in the society have high rates of crime, poverty and high disorganisation, the risk of youth falling into the criminal justice system also increases.

The studies conducted in Canada show that inmates who completed at least two college courses had a lower percentage of recidivism rate to return to correctional facilities than those who do not attend any course or participate in an educational programme. These views were also shared by Clark (1991) who indicated that 26.4 per cent of the inmates in around New York correctional facilities who earned a college degree return to correctional facilities compared to 44.6 per cent of the inmates who participated in college education programmes, but did not graduate. Manchak (2010) indicates that offenders with mental illness have attracted substantial attention over the recent years, given their prevalence and poor outcomes. A number of interventions have been developed for this population.

The study conducted in the US shows that scholars of public policy and government officials continue discuss how to rehabilitate individuals held in American correctional facilities and in most cases correctional facilities are often seen as places of punishment but, the question has been raised whether such punishment is beneficial to the inmates and community? The researchers argue that correctional centres should not only be a place to punish but to rehabilitate the inmates as well. This rehabilitation process can take the form of education

programmes to reform them in a way that inmates can become law-abiding citizens contributing to the welfare of the community (Esperian, 2010).

4.5 Perception on Primary Factors That Causes High Recidivism Rate

National Justice of Institute (2010) describes recidivism as one of the most fundamental concepts in criminal justice and relevant in understanding the core function of the criminal justice system such as incapacitation, deterrence and rehabilitation. According to Bedell et al. (1998), recidivism is the term that describes the individual offender who reoffends as well as inadequate in the criminal justice system in which offenders are dealt with. Benda (2005) indicates that there are various factors that contribute to the high rate of recidivism upon the release of offenders and some of the factors are centred on the inmates' educational illiteracy, lack of vocational skills, lack of interpersonal skills or criminal history. The socio-economic factor such as gender, age, substance abuse and employment standing impact the possibility of committing crime after first conviction. Cunningham S (2017); Jehner, Paddock and Willison (2016) posit that ex-offenders are faced with many challenges once they are released from correctional facilities to reintegrate with the community. The reintegration with the community is hampered by many barriers such as finding employment, substance abuse, mental-health, accommodation and low skills. These factors contribute to high recidivism rate which needs to be addressed or communicated.

In a case of gender, most men are more likely to return to correctional facilities because of criminal peer association, by way of carrying weapons, alcohol abuse, and aggressive feelings. According to United State Sentencing Commission, 24.3 and 13.7 per cent of males and females were recidivists in USA. Sampson an Laub (2001) indicate that based on the study conducted in the US by the United States Sentencing Commission regarding the age which is one of the demographic determinant factors of recidivism, it shows that recidivism rate in the USA has declined relatively consistently as the age increases and, in most cases, youth are more likely to offend than older people. There is 35.5 per cent of recidivism rate of offenders under the age of 21, while offenders over the age of 50 have 9.5 per cent recidivism rate (United State Sentencing Commission 2004). According to Harer (1994), the study revealed that there is a lower number of offenders who participate in educational programmes that lead to recidivism and in most cases, it has been revealed that it is likely to find older inmates reoffending.

In regard, with substance abuse the study conducted by Federal Bureau of Prison Drug Interdiction (2003) indicates that Bureau of Prison (BOP) has developed a programme called drug abuse treatment programmes to reduce a number of inmates' demand for drugs while incarcerated and increase their potential for successful rehabilitation and re-entry into the community. The demand reduction for drugs through drug abuse treatment for inmates is the second component of the BOP's drug interdiction strategy. The component has to be implemented in order to work effectively since it has not been implemented. Muthaphuli (2008) points out that organisations such as Khalifa Social Services has developed a programme called "Offender Drug Peer Counselling Programme". The programme was established to bring about positive change in the community by having a suitable intervention and help in eradicating the use of drugs and other substances in South African correctional centre in order to reduce recidivism rate. The programme has reached more than 600 people within two years of its inception and it has changed many lives.

Another factor that causes recidivism rate is unemployment. According to Jahner et al (2016), employment has been described as "one of the most deeply embedded markers of adult success and social acceptance and is strongly related to individuals' physical, mental and social health". However, it does not mean finding employment will deter the offenders not to reoffend again. According to Weigard et al, (2015) "Many inmates identify finding an employment as one of their highest post-release priorities. It is therefore reasonable to hypothesise that intervention that boosts employment and earnings among ex-offenders may also lead to reduction in recidivism". If employment is a key contributor to the reduction of recidivism, the recruitment process becomes critical from the perspective of the offenders and the employer. The study conducted international New Zealand by Ministry of Social Development (2016) has revealed that most ex-offenders are likely to have the employment barriers such as: low employment skills, low education levels, high levels of mental health and drug and substance abuse, high level of re-offending and anti-social networks. According to Lockwood et al. (2016), most ex-offenders who have low literacy educational level find it difficult to meet the job requirements that are needed in the job market.

4.6 Interventions to Enhance Lower Rate of Recidivism

The DCS must ensure that an intervention through treatment programmes within the correctional centres. The intervention to reduce recidivism has been discussed in the following ways:

4.6.1 Community-Based Rehabilitation

The White Paper on Correction (2005: 85) indicates that the DCS can achieve its objective with the assistance of external stakeholders such as community based programmes. The rehabilitation programme cannot be completed without applying restorative justice to the offenders within the community. There must be a policy in place that allows inmates an opportunity to participate voluntarily in the community based programmes. The inmates must not be forced to be part of the programmes and be deprived of his/her rights because of non-participation.

According to Rule et al (2019: 1), Community-Based Rehabilitation has been described as a complex concept and strategy that has been implemented in diverse ways globally and in South Africa. In regard with international countries as the case maybe, some stakeholders have described community-based rehabilitation as confusing, and this may influence implementation. The study that has been conducted in Southern Africa reports that there is insufficient evidence of the undertaking of community-based rehabilitation in the region to influence training, policy and practice. Deepark et al. (2011) found that the community-based rehabilitation matrix fairly describes the practice of the vast majority of community-based rehabilitation workers who had multi-sectoral responsibilities from the projects on three continents they studied.

Gerch (2015) indicates that the complexity in community-based rehabilitation is that of the costs, funding and sustainability of programmes. Community-based rehabilitation was initially promoted as a low-cost option to spread rehabilitation services to masses of underserved persons with disabilities. In 2016, the Department of Health (DoH) in South Africa released its framework and strategy on disability and rehabilitation. This document sees community-based rehabilitation as key to the DoH's vision of providing accessible, affordable, appropriate and quality disability and rehabilitation services to people with disabilities (DoH 2016: 13). The involvement of persons with disability ensures that their voice is being heard and implemented in the CBR programmes. It is vital important that no decisions are made without their active involvement. Several respondents mentioned that persons with disabilities might need some training, education or skill development play a role in CBR.

4.6.2 Correctional facilities-Based Rehabilitation

Clark and Kim (2011: 197) highlight that correctional facilities-based education programmes examine the overall effects of correctional education programmes and frequently do not distinguish between the effect of various types of programmes such as vocational programmes and high-school equivalent education or adult basic education and post-secondary education. Recidivism has been measured by re-arrest, re-conviction and re-incarceration of offenders at any time within three years from release. The scholars have been reported that correctional education participants had lower recidivism rates than non-participants. According to Kurlychek et al. (2012), the literature has revealed that whether correctional facilities-based education works or does not work as measured by significant recidivism rate reduction is not conclusive. Recent studies tend to show more success than earlier ones. Ubah and Robinson (2003) indicates that statistical association of imperial aspects of literature on correctional facilities-based education and offenders' recidivism, has strongly suggested the conclusion that it is a spurious relationship.

Batiuk (1997) indicates that inmates obtain a degree in a correctional facilities-based college education programme at medium security correctional facilities in Ohio had their odds of returning the correctional facilities within ten years reduced by 58 per cent when compared to a randomly selected comparison group. Lichtenberger and Onyewu (2005) report that college programme participants in Virginia correctional facilities had significantly lower recidivism rates than no-participants, with participants returning at a rate of 17,6 per cent, while non-participants returned at rate of 29,3 per cent. Soothill and Gibbens (1978) indicate that there has been an under-estimation of recidivism rates that occurs when insufficient account is taken of the need for long follow-up. They contracted their work in this regard with that of the large study of Christiansen et al (1965).

Day et al (2011) indicate that Cognitive Skills Programs has been used as one of the effective offenders' treatment programmes in the United Kingdom, US, Canada and in Australia. The reason to use Cognitive Skills Programs in Australia is to ensure that offenders are equipped with cognitive behavioural treatment methods to improve decision-making and problem solving, self-regulation and moral reasoning skills. According to Cann (2006), the adoption of Cognitive Skills Programs was to assess whether it has the same impact on female offenders compared to male offenders.

4.7 Assessment of Offenders Behaviour When Entering the Correctional Facilities and During Rehabilitation

This part of the research will focus on what causes negative behaviour of offenders as well as the intervention to enhance the positive behaviour on the offenders. It is vital important for correctional services to consider the behaviour of offenders and ensure that they monitor their behaviour during their incarceration period. The evaluation of offenders must be done the first time the offenders entered the correctional facilities to monitor the behaviour going forward. Borden et al (2012) highlight that it is very important to participate in a correctional facilities educational programmes because it helps in reducing recidivism rates. With the social and public cost benefits associated with reduced recidivism, correctional education has a great potential to improve the social and socio-economic situations of inmates and their families. Inmates who regularly attend and complete classes while incarcerated have the potential to acquire skills that prepare them for employment to gain a sense of accomplishment and success, to become lifelong learners and to avoid committing further crime. Steurer et al. (2001) and Batiuk et al. (2005) concur that post-secondary programmes represent a small proportion of correctional educational programmes, a growing body of literature suggests that participation in these programmes is associated with lower recidivism rates and other post release outcomes, such as higher rates of employment and increased earnings.

According to Birgden (2002), the contemporary policy approaches in corrections swing like a pendulum from punishment/ retribution to rehabilitation. A major catalyst in the move towards offenders' rehabilitation has been economic pressure accompanying the dramatic increases in incarceration that have occurred in many jurisdictions. Davis and Ogloff (2004: 229) describe offenders' rehabilitation as one of the approaches that has come with high cost and a significant risk. A failure to reduce the number of incarcerated offenders may result in a sharp swing away from rehabilitation and towards punishment for a very long time. The effectiveness of rehabilitation programmes is very vital to ensure that inmates change their behaviour during and after rehabilitation and the policy makers must ensure they put in place policies that will benefit the inmates.

The study conducted in Sweden revealed that correctional facilities administrators are continually faced with the challenge of how they can help offenders to effectively change their behaviour. The research has shown that using meta-analytic techniques has shown that

treatment programmes based on cognitive-behavioural methods are most likely to reduce recidivism rates in correctional facilities (Andrews & Bonta 1997; Lipsey 1995; Lipton, et al. 2002). The scholars revealed that in Canada they have developed a programme called Reasoning and Rehabilitation Programme in order to deal specifically with criminal justice system. The programme is based on social learning theory which posits that offenders have neglected to acquire basic cognitive and social skills necessary for resolving life problems in pro-social ways. In addition, the programme focuses on teaching participants problem solving, social skills including negotiation, managing emotions, creative thinking, and value to a detailed manual. The programme has been evaluated mainly with regard to effects on reconviction rates. However, the programmes directly target criminogenic needs such as antisocial attitudes, impulsivity and substance abuse. Pro-social cognitive behavioural change may therefore occur without necessarily being reflected in official reconviction rates. To assess the “real” impact of treatment programmes for offenders, it is important to evaluate a broader register of treatment outcomes (Beech et al. 2003).

According to Andrews (2001) and Andrews and Bonta (2006), since 1990 a number of principles have been added to the core theoretical principles to enhance and strengthen the design and implementation of effective interventions. Herbig and Hesselink (2012) highlight that South Africa has one of the highest crimes and recidivism rates in the world. To assess offenders’ behaviour during and after rehabilitation is another way of checking whether rehabilitation does change offenders’ behaviour and reduce recidivism rate. The assessment should be the first step in the development itinerary of an inmates, and the needs of offenders should be harmonised with the necessary resources to ensure maximum support. According to section 38(2) of the Correctional Services Act, 111 of 1998, the time has arrived to look into offenders’ assessment as a basis for the treatment of offenders, specifically on a personal level. Nevertheless, it must be done against the background of a greater emphasis on human rights, visible and working treatment and development programmes and greater efforts to reduce recidivism in a country has started to stabilises. The need for individual assessment of offenders is supported by Correctional Services Act. Micell (2009) argues that rehabilitating criminals has become a highly debate topic throughout the U.S. with rehabilitation being a top priority. Research over the last 25 years has shown that some programmes are more effective than others. The research conducted by Mackenzie (2006) reveals that there are few rehabilitation programmes that are effective in the U.S which helps the offenders to change their behaviour and some of the programmes are as follows: Academic Education; Vocational

Education; Moral Recognition Therapy (MRT); Reasoning & Rehabilitation (R&R); Cognitive Restructuring; Cognitive Behavioural Treatment for Sex Offenders; Behavioural Treatment for Sex Offenders; MST for Juveniles (Multi-System Therapy); Drug Courts; Drug Treatment in the Community; Incarceration based drug treatment.

The study conducted in the USA reveals that The Rhode Island Department of Corrections uses Correctional Programme Assessment Inventory (CPAI) 2000 and Michigan's Department of Corrections tool to evaluate the effectiveness of rehabilitation programmes, the implementation of programmes, and the staff associated with the implementation and the research supporting the curriculum. The CPAI is an evaluation tool that looks at programme implementation, client pre-service assessment, programme characteristic, staff characteristics and evaluation. The CPAI programme measures programme integrity and quality. The term "programme integrity" refers to the degree to which a programme meets the principles of effective intervention. Programme quality measures how the programmes intervention and services are delivered to the inmates in the class. Micell (2009) highlights that the main goal of the programme is to provide inmates with the information that will assist with early entry into the community programmes and behavioural changes and connections to outside resources.

A study conducted in Australia by Day et al. (2011) indicates that one of the primary goals of correctional agencies is to assist inmates in rehabilitation. In general, it is believed that correctional facilities are not typically conducive to successful rehabilitation, with qualitative research consistently uncovering ways in which the institution's social climate can act against rehabilitation.

4.8 The Cause of Negative Behaviour to Offenders

This part of the research will determine the causes of negative behaviour of inmates at Johannesburg Correctional Centre. The study conducted in Canada by Hanby and Serin (2009) found that the use of incentives in the correctional centres will not change the negative behaviour within the correctional facilities by inmates. An effort was made for a fairly inclusive review to determine if there is an existing successful behaviour management strategy both within and outside the field of corrections. According to Anderson et al (2002), media has a negative impact on behaviour. Watching violent content on media causes the youth to develop aggressive tendencies and anti-social behaviour. Slonje et al. (2013) believe that most of the time adolescents become victim of cyber-bullying on social networking sites

and it can negatively affect mental health of youth who are being victimised. The following factors that contribute to the negative behaviour of offenders will be discussed; Bad Housing Environment, Family and Community Violent, Substance abuse and Cognitive-abuse.

4.8.1 Bad Housing Environment

According to Harker L (2006: 29), bad housing is defined as homelessness, overcrowding, insecurity, housing that is in poor physical condition, and living in a deprived neighbourhood. Bad housing circumstances have a direct impact on family income, which significantly affects children's life chances. Living on a temporary accommodation increases the risk of the household experiencing unemployment and poverty, and overcrowded housing leads to negative behaviour. The people that are living in a bad housing area are at a higher risk of low education achievement. The scholars believe that behavioural difficulties in a childhood, which may be attributable to or exacerbated by bad housing, can manifest themselves in offending condition and overcrowding may also contribute to the emergence of problem behaviour. According to the study conducted in the USA by Buckner (1999), evidence shows that problem behaviour is more prevalent among children living in poor housing, although the link between housing and such behaviour remains unclear. Homeless children aged six and over have been found to be more likely to show signs of aggression, hyperactivity and impulsivity.

Harker (2006: 11) has indicated that homeless and poor housing conditions have a proven negative impact on child's behaviour during childhood and into adulthood, potentially leading to antisocial behaviour and offending, both of which will have severe implications for life chances. Behavioural problems can result in disruption to education including exclusion, as well as difficulty in developing and maintaining positive relationships. Yet the impact that housing problems have on patterns of offending behaviour in isolation from other risk factors is still poorly understood (Amery et al., 1995: 27). According to Elliot and Wilson (2006), the literature reveals that the sprawling negative consequences of having poor self-esteem and the equally versatile benefits of having good self-esteem person with behaviour poverty live moment to moment and give little consideration to how their conduct affects others.

4.8.2 Family and Community Violent

Bartol (2002) highlights that bad behaviour in most cases is caused by various factors which include observing friends or family being rewarded for violent behaviour or even observing

the glorification of violence in the media. The studies have shown that in most cases aggressive children often gets violent behaviour of their parents. Other scholars have indicated that people who live in violent communities learn the aggressive behaviour of their neighbours. Literature reveals that all human behaviour including violent behaviour is learned through interaction with the social environment. Behaviourists argue that people are not born with a violent character. Rather, they learn to think and act violently as a result of their day-to-day experiences. According to Wilson (1983: 28), whatever form a family takes, it exists within the community. The community has the standards of rights and wrong that support the values and lifestyle constituent individuals and families.

A robust community imposes high levels of social control, thereby stopping crime as well as providing a contingency position when a family fails in its function of socialising children. If the community is weak, children are more likely to become criminals. The family and community are therefore highly interdependent (Muncie, 1996). Another factor that leads to bad behaviour by children if a child grew up in a family and the community that has a history of violence, the child inevitably adopts the violent life. This theory of people learning the use of substance abuse by observing others doing it has been explained by the phenomenon through peer, which is an adolescent learns from their friends because he spends most of his/her time with friends. Therefore, if a friend is involved in bad criminal acts there are chances of that child's involvement in criminal acts as well (McLeod 2016).

4.8.3 Substance use: Drug and Alcohol

According to Dryden-Edwards (2015), drug or alcohol abuse is a disorder that is characterised by a destructive pattern of using a substance that leads to significant problems or distress. Addiction is a chronic brain disease that causes compulsive drug seeking behaviour and substance use, despite its harmful consequences to the addicted individual and those around him or her. Although the initial decision to take drugs is voluntary for most people, the brain changes that occur over time challenge an addicted person's self-control and hamper his or her ability to resist intense impulses to take drugs (National Drug Intelligence Centre 2011). Siegel and McCormick (2006) argue that substance abuse which includes alcohol has now been recognised as a mental illness. It has been established that there is a strong positive correlation between levels of substance abuse and violence. The study conducted in Canada has shown that 48 per cent of the inmates have admitted to using illegal drugs at the time of their offence. In most cases, people find themselves using drugs or

alcohol because they are afraid of being seen as nobody in the community. Most of the time people are involved in alcohol because of peer pressure from family, relatives, friends and etc. According to Parry and Bennets (2008), the illicit drug trade is gradually emerging as a serious problem in sub-Saharan Africa. More sophisticated and synthetic drugs such as crack, cocaine, opium, and ecstasy are increasingly finding their way into the continent. The drug usage in Africa among young people is associated with social and psychological damage produced by social upheavals and civil war (Mazibuko 2000). Other case of drug and alcohol abuse are found in a situation where parents were using substance abuse and children found themselves in an offending behaviour. Various reasons could cause a young person to use or abuse drugs (Parry & Bennets 1998). Drug use and experimentation among young people in Africa cannot be generalised. South Africa's alcohol dependence rate over the age of 15 is estimated at approximately 5.8 per cent. In addition, illicit drugs and other substances appear to be more readily abused.

The study conducted in Western Australia revealed that the DCS is doing everything they can to help states inmates who have a problem of drugs and alcohol in order to rehabilitate them as one of the things that contributed to their correctional facilities. Now the Department has a way of rehabilitating offenders by giving them an opportunity to participate in a Pathways Programme which is offered for 21 weeks in order to reduce reoffending and substance abuse. The programme is available in various correctional centres within the Western Australia. The Department also runs gender-specific and culturally appropriate substance-abuse programmes for inmates. Wortley and Tanner (2007) has highlighted that many drug addicts engage in violent crimes to gain enough money to support their families and own habits. That also creates fight between the drug traffickers because everyone wants to protect his territories and it makes them ruthless and to ensure repayment of drug debts occurred. Drug traffickers find themselves caring large amount of cash and it makes it difficult for them to report their victimisation to the police.

In the study conducted in US, Fendrich, et al. (2006) indicate that in most cases women that are not working at a legitimate job prior to incarceration, 16 per cent of them made money from selling drugs and 15 per cent were involved in prostitution, shoplifting or other illegal activities. Mumola (1999) believes that substance abuse is the problems for woman offenders in US correctional centres. Women were also more likely to have committed their offence while under the influence of drugs, 40 per cent compared to 32 per cent for men. James and Karberg (2005) found that in local jails 52 per cent of female jail inmates were found to be

dependent on alcohol or drugs, compared to 44 per cent of male inmates. Ferguson, et al (1999) found that in Australia they have introduced drink driving rehabilitation programmes which help in reducing the drink driving recidivism in Australian correctional facilities. In Australia, alcohol abuse continues to be a major public health issue which has grown much attention over the years.

4.8.4 Cognitive Behaviour

Cognitive Behavioural Therapy is an approach to identifying and changing maladaptive thoughts and behaviours (Olton, et al. 1979). Through the approach, people are taught how to recognise their negative cognitions, how these negative cognitions impact their behaviour, how to examine why their negative thoughts occur, how to substitute the negative thoughts with more prosocial thoughts, and how to identify and eventually alter these dysfunctional beliefs, which cause them to behave in maladaptive ways. Browne et al. (2015) and Novaco (2011) indicate that the study conducted by National Institute for Justice revealed that an anger management programme was developed targeting adult male offenders who have a problem of anger management and the aim was to ensure that they control their anger in order to reduce recidivism rate in correctional facilities.

The study conducted in Western Australia reveals that the DCS provides a variety of programmes to help improve inmates problem solving and social interaction skills and to help them understand their personal beliefs and values. According to Chapman et al. (2002: 145), the cognitive-behavioural treatments for offenders are designed to correct these dysfunctional and criminogenic thinking patterns. They employ systematic training regimens aimed at creating cognitive skills such that offenders develop more adaptive patterns of reasoning and reacting in situations that trigger their criminal behaviour. For instance, CBTs may train offenders to monitor their patterns of automatic thoughts to situations in which they tend to react with violence. They also used role-play as a way to help consolidate new ways of coping with situations that tend to prompt criminal behaviour.

The CBT programmes are developed to focus more onto anger management assuming personal responsibility for behaviour, taking a moral and empathetic perspective on interpersonal behaviour, solving problems, developing life skills, setting goals or any combination of the themes. Allen et al (2000) indicate that several reviews have found that structured, directive, skills-oriented programmes are generally more effective in reducing the subsequent re-offense rates. Gendreau et al. (1996) revealed that cognitive skills programmes

have been widely implemented in correctional settings. These programmes are based on the premise that the cognitive correlates of crime can be influenced through intervention. Andrews et al (1990) believe that the use of a cognitive-behavioural approach in these programmes is supported by the results of meta-analysis studies revealing that the greatest reductions in recidivism are associated with this treatment modality.

According to Landen-Berger et al. (2007), cognitive-behavioural therapy is among the promising rehabilitative treatments for criminal offenders. The CBT is based on the assumption that cognitive deficits and distortions characteristic of offenders are learned rather than inherent. The offenders who attend the cognitive skills training and anger management training learn more about interpersonal problem-solving skills and also focus on how to monitor their thoughts in situations in which they tend to react with anger or violence.

4.9 The Intervention Approaches to Enhance Positive Behaviour on Offenders

The authors of Inkanyezi Initiatives (2007: 12) argue that rehabilitation should focus more on influencing behaviour and, as a result, facilitating individual behaviour change. Correctional programmes should aim to reduce reoffending by emphasising the need to change behaviour. Correctional programmes shall focus on raising awareness of the need to change behaviour and reducing the likelihood of reoffending. It is the responsibility of the DCS to correct offending behaviour in a secure, safe and humane environment to facilitate the rehabilitation process. The Directorate of Correctional Programmes is responsible for the development of a Correctional Sentence Plan (CSP), which has to indicate all the interventions in which offenders need to be involved throughout their incarceration.

The White Paper on Corrections (2005: 37) postulates that rehabilitation is not merely regarded as a remedy to prevent crime, but rather as a holistic phenomenon incorporating and encouraging such as social responsibility, social justice, active participation in democratic activities, empowerment with life skills, and other skills. The Department must ensure that rehabilitation is achieved through the delivery of key services to offenders, including both correction of the offending behaviour and the development of the human being involved. The correction of offending behaviour and development are two separate matters, but linked responsibilities. Rehabilitation is achieved through interventions to change attitudes behaviour and social circumstances. To have a successful rehabilitation, the DCS needs the cooperation of other government departments, community-based organisations and non-

governmental organisations. Collectively, there is a need to ensure that this cooperation contributes to the betterment of the circumstances of families and communities.

Section 41 of the Correctional Services Act 111 of 1998 asserts that it is important for the DCS to give a range of programmes and activities as part of its mandate to ensure that it meets the educational and training needs of sentenced offenders. This section also revealed that inmates who are illiterate maybe compelled to be part in the educational programmes offered by the DCS. Moreover, the DCS must ensure that it provides social and psychological services in order to develop and support inmates by promoting their social functioning and mental health. The department must ensure that they develop programmes that will meet the needs of the inmates during their incarceration and all the programmes offered by the department must meet the needs of women so that women do not feel disadvantaged. The DCS needs to allow inmates to participate in the programmes offered by the department and this will help in the behaviour of inmates and educate them about their wrongdoing in order to avoid reoffending.

The rehabilitation process implies that offenders must be instilled with the sense of responsibility for their criminal act so that they can deviate from such acts. In the process of rehabilitation, offenders are encouraged to learn sound work skills and go through educational programmes that will ensure their effective reintegration into society (Balfour 2003). The offenders' positive behaviour in the correctional system will mean one thing lowers recidivism rate and that will prove the rehabilitation programmes offered in the country are effective and programmes offered are relevant to what offenders need to change their life.

To ensure that measures are established, parents must treat their children in a good parenting manner to ensure that the upbringing of a child is well managed in order for the child to live a positive life. Every child needs the support of the parents to become a better person tomorrow and to respect and treat other people well. Good parenting determines the future of a child and it allows the child to have a positive behaviour and avoid to be involved in a substance abuse that will lead them to commit crime. According to Beauclair et al (2009: 1) found that the most fundamental goal of every correctional centre is to ensure the safety and secure environment for inmates, staff and visitors is the priority. It is important that the behaviour of inmates is managed effectively in order to achieve these goals. If inmates' behaviour is managed effectively, correctional facilities can be a good workplace for staff, a safe and clean

detention environment for inmates, and valuable and highly regarded service for the community. In the US they use Inmate Behaviour Management Plan to assess the risks and needs of each inmate at various points during his or her detention to keep occupied with productive activities.

The study conducted in England and Wales in 2018 revealed that offenders' behaviour programmes and interventions is aimed at changing the thinking, attitudes and behaviours which may lead people to reoffend. The Ministry of Justice has decided that the programmes should be offered in groups as well as one-on-one to the participants. The programmes are designed in a way that it helps people with new skills to stop offending behaviour. Some of the skills that inmates are equipped with in England and Wales is to ensure that they learn to live a positive behaviour and the programmes are there to help them develop pro-social attitudes and have new skills such as problem solving, perspective taking, managing relationships and self-management. It happens that the cognitive-behavioural techniques are used in a country like England and Wales for effectiveness of the offending behaviour programmes as a way of reducing reoffending.

Maybe another way of dealing with a positive behaviour will the rewarding of inmates who ensure that they are in good behaviour during their correctional facilities time. Rewarding them is another way of motivating them not to reoffend again and consider individual needs. Correctional centres must have a way of reviewing the behaviour of inmates to ensure that there is progress during rehabilitation. The staff must also play a part in offenders' behaviour by giving them support in order to change their behaviour during incarceration. It is widely acknowledged that for any inmates' rehabilitation programmes to have a positive impact on recidivism, it must first bring about changes in dynamic risk factors. This criminogenic needs to form the targets for treatment and cognitive skills programmes typically aimed to bring about changes in the ways that inmates think about their offending behaviour, resolve problems in their lives and understand the perspectives of others (Ward et al. 2004).

4.10 To Explore if Rehabilitation Programmes adopted consistently in Order to Reduce Recidivism in the Correctional Centre

The DCS has a mandate to explore if offenders are placed in a safe, secure and human environment, and ensure that rehabilitation and reintegration programmes are implemented successfully (Correctional Services Act 111 of 1998). The DCS mandate is derived in terms of Correctional Services Act, 1998, Criminal Procedure Act, 1977, White Paper on

Corrections 2005, and White Paper on Remand Detention Management 2014. The Constitution of the republic compels the DCS to comply with the following rights in terms of the treatment of offenders in correctional facilities: equality, human dignity, freedom and security of the person, right to healthcare services, children's rights, right to education, freedom of religion, right to human treatment and to communicate with and be visited by family member or next of kin. DCS rely on Section 63A and 299A of the Criminal Procedures Act 51 of 1977 which provide the procedures in terms of which the court may, on request by the head of a correctional centre and if not opposed by the Director of Public Prosecutions order the release of certain accused persons on caution in lieu of bail or order the alteration of the bail conditions enforced by the court on the accused person.

4.11 Policy Development to Assess the Effectiveness of Rehabilitation Programmes within the Correctional Centre

Siegel (2005) accentuates that restorative administrations consider the recovery of wrongdoers to be a vital framework to diminish recidivism. The DCS should guarantee that there is a strategy set up that upholds the advancement of projects presented in the remedial focuses. The White Paper Remand Detention (2014: 13) stipulates that the DCS must ensure that policies address all the needs of detainees, especially the health of detainees to take a cognisance of communicable diseases and specially outbreaks that threaten the safety and security of remand detainees, personnel and other persons detains. All countries are expected to comply with the international laws by declaring education as a human right to offenders, afterwards; this should be incorporated into legislations which are translated into policies for implementation. According to the Declaration of Human Rights Article 26, "the right to education is vital while the Covenant states further that the state is the main actor responsible for maintaining these rights."

The White Paper further explains that safety and security must also be considered to ensure that inmates are protected and they feel secured at all times. Compared to other studies conducted in Zimbabwe by Bhebhe (2002) is of the views that it hoped that with the transfer of power to indigenous Zimbabweans in 1980, colonialism and cultural barriers had existed between policy makers and implementers on the hand and the indigenous people on the hand would disappear and a new era of understanding. It is evident that something must be done in the United States Criminal Justice System. Poor black men are being incarcerated at a disproportionate rate and many are being released only to find that they are being reintegrated

back to the same environment. Some find themselves without necessary support, resources or financial stability in order for them to survive out there in the community (Phelps 2011).

The study by Agomoh U (2017) conducted in Nigeria has indicated that rehabilitation is possible regardless of financial resources. Rehabilitation of offenders requires the interest of the leaders of the correctional facilities. To do so, we must reduce recidivism rates, and we must ensure that they have an interest in contributing to the safety of our society. The detention facilities and corrections officials must support rehabilitation education programmes as well as policymakers, oversight agencies, and ministries that supervise them. The policy makers must ensure that they develop policies that will meet the needs of all offenders. To have a successful rehabilitation correctional services need a strong partnership and not only correctional facilities but also ministry such as Ministry of Sports, Agriculture, Women, Social Development in the country. The issue of rehabilitation needs not only the government but even the private sector must play a role in seeing the gain by giving back to the community.

The DCS must be aware of the programmes that will be important to the inmates when they are incarcerated in correctional facilities. The correctional facilities officials must be involved in the rehabilitation of offenders. In that case policy makers must put in place policy that suits the programmes that the inmates require and what brought the inmates to correctional facilities after the assessment of what makes the person likely to be incarcerated. The programmes must meet the offenders' needs; for example, if an offender is in correctional facilities because of rape, the correctional facilities must have programmes that will address gender-based violence in order to address the inmates about the programme.

Subsequently, many countries acknowledge offenders' rights to education in individual country's legislations, as well as in compliance with other international laws. For example, in England and Wales "the rights of Juveniles in detention are subject to the Rules for the Protection of Juveniles Deprived of their Liberty (Vorhaus 2014: 164). Jovanic (2011: 79) points out that the study conducted in Serbia reports that "equal opportunities policies" give "guaranteed rights for all citizens in any community". These views were also shared by Munoz (2009: 21) who indicated that England, Wales and Serbia, a number of states in the US are in a process of developing education policies for incarcerated people but, other states have progressed; some are still trying to build on what happened in the past.

Sanderson (2002: 10) believes that programmes need to be evaluated thoroughly especially when dealing with the rehabilitation programmes to ensure that there is accountability and legitimacy and to prove that policies are working effectively. The key question revolves around whether the current policy works and how can we make it work. This question has been answered in terms of comprehensive policy reviews which consist of plan-evaluation which examines whether the programme produces what its intended results. The prospective development of the programme is evident in order to achieve the rehabilitation programmes, process-evaluation which analysis the implementation process to ensure that the programmes activities are stirring as expected. And impact-evaluation which assess whether the programme did indeed produce the desired outcomes. The realist does not only answer the question whether the intervention worked, but also reveals how the programme worked, which problems were met during the implementation and how they dealt with (Pawson 2006).

4.12 Parole and Probation System

The DCS (2004: 3) defines parole as a period whereby an offender who has served the prescribed minimum detention period of his sentenced term in a correctional centre is conditionally released to serve the remaining sentence in the community under the observation and control of the DCS. Ntuli (2000: 13) also defines a parolee as an offender who has been conditionally released by the Correction Supervision and Parole Board from a correctional centre, prior to the expiration of his sentence and placed under the supervision of community corrections with certain conditions.

“Parole is an internationally accepted mechanism used to place the offenders under supervision within the community. The role played by the community is substantial especially in assisting these offenders or parolees to re-adjust within their community as law-abiding citizens. As corrections are a societal responsibility and not just the responsibility of the Department of Correctional Services, the community also form part of the rehabilitation of offenders when they are placed on parole.” (ibid)

Cronwell and Del Carmen (1999: 4) define parole as a release of an offenders before his punishment expires under certain conditions as stipulated by a paroling authority. Other scholars share the same sentiment that parole can be described in simple terms as the authorised conditional release of an offender under state supervision (Van Der Esthuizen (1983: 40). Nesor (1993: 353) points out that parole can be described as a continuation of the courts sentence in the community by which certain enforceable conditions are agreed upon by

the DCS and the parolee. The international studies conducted by UNODC (2007: 49) describe parole as the discretionary release of an offender on conditions that are set prior to release until the full term of the sentence has expired. Du Preez (2003: 5) defines parole as a treatment in which the offender, after serving a part of the sentence in a correctional institution, is conditionally released under supervision and treatment by a parole worker. However, the release of the offender is conditional, contingent upon satisfactory behaviour.

Nick (2008) argues that the Parole Board of Canada provides that treatment with dignity, continued assessment of risk, encouragement towards a law-abiding citizen, assistance in returning to the community life and access to programmes that will help with re-entry into the society. In 2014-15, “the Parole Board of Canada reported that 99.1 per cent of federal day parole and 97.3 per cent of federal full parole supervision periods were completed without reoffending”. Parolees are supervised by the parole officer to ensure that there is no violation of such restriction put in place for them as parolees. In the same vein, studies conducted in US defined probation as a period of time where an offender lives under supervision and under a set of restrictions. Violations of these restrictions could result in rearrests. Probation is probable for the first time offenders with high rehabilitation capacity.

4.13 Conclusion

In this chapter, the researcher reviewed literature in regard to the impact of higher educational programmes in offenders’ rehabilitation. It explored how educational programmes can help in reducing recidivism rate, overcrowding and substance abuse. Also to look at how parole can help in a rehabilitation of offenders and how other countries apply educational programmes in offenders’ rehabilitation. Moreover, any support to the offenders does not guarantee that reoffending may not occur. The next chapter reviews both international and African literature on rehabilitating offending through education.

CHAPTER 5: INTERNATIONAL AND AFRICAN PERSPECTIVE ON THE EDUCATIONAL REHABILITATION OF OFFENDERS

5.1 Introduction

This chapter explores the perspective of the impact of educational programmes in the SADC region as well as the international countries when coming to rehabilitation and educational programmes of offenders. This chapter will outline how other countries dealt with the rehabilitation programmes compared to South Africa and inmates are protected in terms of their respective countries' constitutions. Some of the countries to be highlighted in this chapter will include: Swaziland, Botswana, Namibia, DRC, Nigeria, the USA, Australia, UK, Canada, German, Australian, and England.

Gus (2003) asserts that rehabilitation programmes are seen as a real tool for reducing the possibility of re-offending. Every country has its own constitution by which every citizen must abide and that will assist in terms of the rehabilitation of offenders. The rehabilitating, educating and preparing of offenders in returning to the society is very crucial. There has been a growing interest in rehabilitation of offenders in the correctional system.

Fazel and Yu (2011) noted several studies that have tried to identify factors that influence repeat offending rates within and between the countries. However, these studies are problematic owing to their sample selection, definitions of what constitutes recidivism and the length to follow-up. Several differences in recording and reporting practices make it difficult to compare countries. First, definitions of outcomes vary from rearrests to reoffending to correctional facilities. McGuire et al (2008) highlights a very important fact that recidivism rate may differ between the countries and may be secondary to many factors. This should be the subject of investigation, particularly if more comparable recidivism data become available. Possible explanations include the level of post-release supervision, the threshold for incarceration, the range and quality of intra-correctional facilities programmes and investment into correctional facilities medical services, particularly those targeting drug and alcohol problems and other psychiatric disorders.

Mackenzie (2006) asserts that in general criminal justice policy predominantly relies upon incapacitation, deterrence and control, assisted by programmes offered to delinquents and offenders. Funding agencies provided resources for the development and evaluation of programmes that were consistent with these philosophies. As a result, many evaluators studied the impact of these programmes because they were newly developed and funding for

research was available. Although some researchers continued to study rehabilitation programmes, much of the research and evaluation focused on the deterrence, incapacitation and interventions that were popular at the time.

According to Van Swaaningen, (2013), the USA has about 5 per cent of the world's population, yet it accounts for about 25 per cent of the world's offenders. Despite a steady decline in crime rate over the past two decades, the USA incarcerates more of its citizens than any other country – 716 people per every 100,000, according to the International Centre for Correctional Facilities Studies (ICPS).

It is important that the correctional services of each country is in line with the international standards for the treatment of offenders. Most countries use different methods to rehabilitate offenders. Bukurura (2002: 11) asserts that some countries in the region have amended or repealed their outdated legislation governing correctional facilities administration to bring them in line with international standards, and in some cases with their own constitutional provisions. The purpose of this chapter is to outline how other countries dealt with the educational programmes as a form of rehabilitation. Correctional services in Africa must ensure that educational programmes offered by different correctional facilities must ensure that they are related to the crime for which the offenders have been incarcerated and it is the duty of the policy makers to ensure that the implementation of programmes is having the positive impact to the offenders after their release to the society. Muthaphuli (2008: 75) asserts that the involvement of international bodies such as United Nations in the upliftment of human rights is very vital since it has been undermined for centuries. Stern (1998: 191) has since provided that the focus has now been on the acceptable of international human rights standards developed by the United Nations with the views to protect citizens against violations of their rights by individuals, groups or nations. Higher education is very critical in the development of African countries and to ensure that it contribute to the African economy. It should have a positive impact in the sustainability of African countries.

Muthaphuli (2008: 75) highlights that everyone is equal and deserves to have his or her rights respected, including those offenders behind bars in order to ensure that they understand the importance of the United Nations approach towards the treatment of offenders. This chapter will also cover part of the Standards Minimum Rules for the Treatment of Prisoners (Offenders) to ensure that offenders understand the importance of their rights and how it contributes to them towards rehabilitation. According to The United Nations Standards

Minimum Rules for the Treatment of Prisoners (Offenders) (the Nelson Mandela Rules) stated that all offenders shall be treated with respect owing to their inherent dignity and value as human beings. No offenders shall be subjected to a torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances may be invoked as a justification. De Koning and Sriedinger (2009: 292) advocate the view that correctional education “has become an increasingly important topic on the agenda of international organisations, mainly focused on the rights of persons detained in the correctional settings in the range of lifelong learning.” These views were supported by De Maeyer (2001: 128) who indicates that a person cannot be disadvantaged or excluded from education owing to the type of crime he/she committed. Bhatti (2010: 32) accentuates that it is vital to provide the developmental opportunities such as an academic and vocational education in order to remedy the situation. This chapter will also cover the roles of The United Nations Standard Minimum Rules for the Treatment of Prisoners (Offenders) as well as The Universal Declaration of Human Rights in terms of the rights of offenders as well as the citizens. Dissel (2008: 159) indicates that The Kampala Declaration on Correctional facilities Conditions in Africa, adopted in 1996, is the primary document outlining rights for inmates in Africa. Instead of listing ambitious goals for inmates’ rehabilitation, the Declaration set a more realistic agenda for African states facing the high levels of overcrowding and under resourcing prevalent on the continent.

To ensure that rehabilitation programmes are effective around the African country we need to look at the policy development and implementation. The Second Pan African Conference on Penal Reform, held in Ouagadougou in 2002 found that 11 out of 27 countries had introduced new legislation since 1996 and some have presumably been influenced by the Kampala Declaration (Dissel 2008: 161). African countries must ensure that the introduction of rehabilitation programmes in the correctional facilities is done in a way that it will benefit the offenders within the country. Dissel (2008: 165) indicates that the majority of offenders throughout the world come from the most disenfranchised sectors of the community, where they often have a low level of educational attainment and access and low levels of literacy. It is particularly prominent in many countries in Africa which have very low education and literacy figures in the general population. The correctional facilities-based education and literacy programmes, however, are limited in most countries or are available only to a small percentage of the sentenced offenders’ population.

5.2 International Perspective

5.2.1 Educational Rehabilitation in the USA

Kerle KE (1998: 6) asserts that since most of the earliest colonists in the USA came from the United Kingdom, one should not be surprised that the American criminal justice system resembles the English common law system in many ways. The English workhouse and the jail served as a model for the development of the American jail. American, a scholar writes, changed their thinking between the colonial period and the later Jacksonian era. As in England, the jail found use for those awaiting trial and for those convicted but not yet punished. It was later in the 19th century that the American Quaker reformers conceived the concept of penitence in isolation from society primarily because of their revulsion to corporal and capital punishment.

McGrew (2008: 31) cited Anderson (1989) who argue that during the 19th century, correctional facilities administrators focused on education, religion and labour, but with little demonstrable results. In the 20th century psychologists took over where the educators and preachers left off. In 1974, Robert Martin's son published a survey that concluded "with few isolated exceptions" nothing had affected recidivism. Spaeth and Smith (1991: 3) point out Thomas Jefferson was chosen to be the principal author of the declaration of independence by the delegates to the continental congress of the USA on 10 June 1776. A declaration of independence recognised the rights to life, liberty and the pursuit of happiness, but it did not protect minimum rights such as the right to freedom of speech or religion.

Walsh (2001: 264) asserts that offenders were treated like slaves and they had no rights that they protect themselves until the middle part of the 20th century when things were starting to change. Some of the examples of offenders being treated like slaves can also be found in a case of *Ruffin v Commonwealth* 62 VA (21 gratt) 790 (1871). Silverman (2001: 330) report that there were several approaches that were used to determine that evolution of offenders' rights in America from the sixteenth century such as hands-off approach, the hands-on approach, restrained hands-on approach and the court deference approach.

According to Phillip and Rumrill (2013: 238), in the USA occupational therapists are frequently called upon by employers, government operated rehabilitation agencies, and long-term disability and workers compensation insurance carriers to conduct employability assessment, functional capacity evaluations, and job analyses to aid workers with disabilities

in obtaining maintaining competitive employment. The U.S justice system made effort to reduce recidivism focus on providing inmates access to education, skills and job placement. In most cases, lack of emphasis on offenders' rehabilitation contributes to the problem of recidivism in the American correctional facilities system. The U.S correctional facilities system lacks the correctional rehabilitation programmes needed to help inmates take control of their emotions and stress, needed steps to transform the inmates from within and address the anger and despair that led the individual to opt for a life of crime.

The USA is in the process of fixing unaddressed gap in regard with the policies that are developed for American correctional facilities to institute effective offenders' rehabilitation programmes. Offenders' rehabilitation programmes must involve the entire criminal justice community-incarcerated adults; juveniles and their families; ex-offenders; victims of violence and crime; correctional officers and law enforcement administrators. The USA continues to look for ways to reduce recidivism, not forgetting that those crimes are committed by individuals when they are unable to control their emotions and their impulses (Shankar, 26/01/2018).

5.2.2 Educational Rehabilitation in Australia

The Australian Constitution was drafted in conventions held during the 1890s and it was passed as part of British Act of Parliament in 1900 and it came into effect in 1901. The Commonwealth came into effect during the commencement of the British Act in 1901. The Australian Constitution has no Bill of Rights, such as the one found in the USA Constitution which prevents legislation from passing the laws that infringe basic human rights, such as freedom of speech. Some of the rights of Australian citizens are protected in terms of Commonwealth of Australia Constitution Act which includes, section 80 which deals with the trial by jury; section 116 deals with the rights to exercise any religion. Section 117 prohibits the parliament of a state from discriminating against non-residents of that state. The rehabilitation of offenders is once again being seen as an important topic by correctional departments in Australia during the 1970s and 1980s. The international reviews suggested that rehabilitation programmes can be effective in reducing recidivism (Graycar 1999).

There has been an increase when coming to the rehabilitation programmes for specific offending problems in Australia, such as sexual offending, violent offending, and drug and alcohol abuse. The programmes focus on rehabilitating the offenders to reintegrate with the

community and since 1967 new outcome provided that some rehabilitation programmes do indeed work (Borowski, 1986).

5.2.3 Educational Rehabilitation in UK

UK has its own constitution which is the foundation for the exercise of executive, legislative and judicial power. This constitution must be recognised as the effect to the obligations presumed by the United Kingdom as a member of the Community of Nations and European Community. The Correctional Services of United Kingdom must comply with the rights mentioned in Chapter 2: Bill of Rights of the Constitution of the United Kingdom.

- Section 2 which deals with right to life

Section 2 state the following:

2.1 “Everyone’s right to life shall be protected by law.

2.2 “No one shall be deprived of life intentionally

- Section 3 which deals with right to Freedom from Torture

Section 3 states the following:

(3) “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- Section 6 which deals with right to fair and public hearing

Section 6 states the following

6.1 1.”In the determination of their civil rights and obligations or of any criminal charges against them, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. “Judgement shall be pronounced publicly but the press and public may be excluded from all or any part of the trial to the extent strictly necessary in the opinion of the court.

6.2 “Everyone charged with a criminal offence is presumed innocent until proved guilty according to law.

- Section 8 which deals with right to private and family life

Section 8 states the following:

8.1 “Everyone has the right to respect for their private and family life, their home and their correspondence.

8.2 “There shall be no interference with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society –

1. In the interest of national security or public safety; or
2. For the prevention of disorder or crime; or
3. For the protection of health or morals; or
4. for the protection of the rights and freedoms of others.

- Section 9 which deals with right to freedom of thought

Section 9 states the following:

9.1, 1. “Everyone has the right to freedom of thought, conscience and religion;

2. This right includes freedom to change one’s religion or believe, and freedom, either alone or in community with others and in public or private, to manifest one’s religion or belief in worship, teaching, practice and observance.

9.2, 1. “No law shall be made establishing any religion or imposing any religious observance.

2. “No religious test shall be required as a qualification for any office of public trust under any government in the UK.

- Section 10 which deals with right to education

Section 10 states the following:

10.1 No person shall be denied the right to education.

10.2 In the exercise of their functions in relation to education and teaching, public authorities shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical conviction, so far as is compatible with the provision of instruction and training and the avoidance of unreasonable public expenditure. Arnold (2001) asserts that current policy within the UK is to increase community rehabilitation. This policy shift towards community rehabilitation is occurring despite limited evidence of its effectiveness or efficiency, either in isolation or compared with

hospital-based services. There are four different models of community rehabilitation were described:

- Community Rehabilitation Teams – Identifiable teams set up with a management structure to work together and having a responsibility for the assessment and rehabilitation of a broad range of clients generally aged 16 and over.
- Young Disable Community Teams – Whose goals were to co-ordinate assessment and treatment of persons aged between 16/19 and 50/60 years old with a broad range of long standing physical disabilities? They frequently assisted transition of young disabled from paediatric to general medical care and some also catered for patients with head injury.
- Community Rehabilitation Teams for older Clients – Whose goals were to co-ordinate the assessment and treatment of persons usually over the age of 65. They usually took referrals of patients with physical difficulties particularly associated with stroke, neurological disease, fractures and other musculoskeletal disorders.
- Client Group-Specific Community Rehabilitation Teams – Who provided services only to a particular client group such as patients with stroke, multiple sclerosis or head injury.

5.2.4 Educational Rehabilitation in Germany

The Basic Law for the Federal Republic of Germany was adopted by the Parliamentary Council on 8 May 1949, which was then ratified in the week of 16-22 May 1949 by the Parliament to ensure that it guarantees the protection of all the German citizens. It contains Articles that setting out the Fundamental Basic Rights that every citizen must enjoy and abide by it. The German correctional system is primarily driven by the Federal Law, the code on the Execution of Correctional facilities Sentences, and by Measures Involving the Deprivation of Liberty, also known as the Correctional Facilities Act of 1976. In the later stage, the Act states that rehabilitation is to be the major philosophical principle in the correctional setting.

The constitution is valid for the entire German people and it has the articles which contain all basic rights that protects German citizens. Article 1 which deals with the Human Dignity. It postulates that human dignity shall be inviolable. All the state authority must ensure that human dignity is respected and protected. More importantly, the Article ensures that the German people acknowledge inviolable and inalienable human rights as the basis of every

community and of justice in the world. The basic rights mentioned in Article 1 protects the inmates as well because they are part and parcel of the community.

In terms of Article 2, which is about the rights to personal freedoms states that every person shall have the right to his personality as he does not violate the rights of others or offend against the constitutional order or the moral law. Everyone has the right to life and physical integrity. Freedom of the person shall be inviolable.

In Article 3 which provides the right to equality before the law to all German citizens, which includes both men and women. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist. No person shall be favoured or disfavoured because of sex, parentage, race language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability.

Article 4 provides that freedom of faith and conscience and freedom to profess a religious or philosophical creed shall be inviolable. The citizen must practice their religion freely and must feel free to exercise their rights. Article 33 deals with equal citizenship. German citizens shall have the same political rights and duties in every land and shall be equally eligible for any public office according to his aptitude, qualifications and professional achievement.

Article 38 stipulates that members of the German Bundestag shall be elected in general, direct, equal and secret elections. There shall be representatives of the whole people, not bound by orders or instructions and responsible only to their conscience. Any person who has attained the age of 18 shall be entitled to vote, any person who has attained the age of majority may be elected and all the details must be regulated by a federal law. It allows the inmates to exercise that voting rights as part of citizens.

Article 91b is about the education and promotion of research. The federation and the lander may mutually agree to cooperate for the assessment of the performance of education systems in international comparison and in drafting relevant reports and recommendations. Furthermore, the article gives inmates an opportunity to further their education while in correctional facilities in order for them to be rehabilitated and be able to reintegrate with the community once they have served their terms in correctional facilities.

Article 103 right to fair trial postulates that every person has right to a fair trial which includes fair hearing in a court of law. An Act may be punished only if it is defined by law as

a criminal offence before the act was committed. Article 104 provides that liberty of the person may be restricted only pursuant to a formal law and only in compliance with the procedures prescribed therein. The Article protects the inmates who are serving their sentenced in correctional facilities that they should not be subjected mental or physical mistreatment. The person is innocent until proven otherwise, but only the judge may rule upon the permissibility or continuation of any deprivation of liberty.

Herrmann (1989) indicates that The Federal Republic of Germany is a country of approximately 80 million people living in an area roughly the size of California. There are unique environmental conditions in Germany that help to support the rehabilitative philosophy, including the physical location of the correctional facilities, the structural designs and the general atmosphere and interpersonal climate. According to Clear and Cole (1994), a correctional official in Germany believes that inmates should be involved in some useful activity while incarcerated. The majority of inmates are involved in work and training programmes. In the work programmes inmates are employed in the maintenance of the institution or in correctional facilities factories that produce goods for consumption. It has been mentioned in a Correctional Facilities Act of 1976 that all inmates are eligible for up to 21 days a year of home leave. Inmates with this privilege are allowed to leave the correctional facilities for 1-2 days at a time to live with their family or close friends. The other programme that promotes rehabilitation and reintegration is called the half-open release programme. The programme is about those inmates who have served at least one-half of their sentences, if they meet the criteria can leave the institution during the day for school or work and then return to the institution in the evening.

5.2.5 Educational Rehabilitation in England

According to Thomas (1981: 7&17), English correctional facilities system, in its present form, was established under the provisions of the Correctional Facilities Act, 1877. This Act was the culmination of gradual encroachment by the Central Government upon the autonomy of local authorities who had, since medieval times, administered the correctional facilities system in this country. Adult educationist's aims may not be related solely, or under certain circumstances mainly to individuals. They can be concerned with organisations. It is certainly the case that those involved in a course with specific members of an organisation may well have to consider the implications of what they are doing with respect to the position of all individuals within the organisation and the effect of educating one section of the organisation

and not the other. The recent report on the United Kingdom Correctional Facilities Services by the May Committee raised the question as to whether the educational facilities within a correctional facility should be confined to the offenders or be extended to correctional facilities staff and their families.

The Bill of Rights, also known as An Act Declaring the Rights of the Subject and Establishment of succession of the Crown of 1689 ensures that citizens were protected against breaches. After King James II abdicated the monarchy, King William and Queen Mary convened a parliamentary convention. Other key human rights instruments, such as the United States constitution, Universal Declaration of Human Rights, and the European Convention on Human Rights, have been prepared by the Bill of Rights of 1689. The Bill has surfaced the way for other important human rights mechanisms such as the United States constitution, the Universal Declaration of Human Rights and the European Convention of Human Rights (Monk, 2002: 22). The Bill of Rights of 1689 set out the following rights to be considered as the basis for all England citizens:

- Freedom from royal interference with the law, this provision sets out to prove that no one is above the law, even the queen herself. As a constitutional monarch, the royal family cannot pass or make legislation, so they are also governed by the provisions set out in the Bill of Rights.
- Freedom from taxation by royal prerogative, without agreement by parliament. Any payment to the sovereign has to be approved by Parliament. The royal family cannot demand tax from citizens whenever they wish to. Freedom from petition to the king. As a system of government the constitutional monarchy has many strengths, but this does not prevent citizens from reaching the king regarding any matter that affects them.
- Freedom to elect members of Parliament without interference from the sovereign. Citizens are allowed to elect members that they want in Parliament. The sovereign is prohibited from compelling citizens to elect certain members to Parliament.
- Freedom of speech in Parliament. This means that proceedings in Parliament are not to be questioned in the courts or in any body outside Parliament itself, including the sovereign. Members of Parliament are protected against legal proceedings for the things done and said in Parliament.
- Freedom from cruel and unusual punishments, and excessive bail. The Bill of Rights 1689 ensures that even if a person has been found guilty of a serious offence, that

person should not be subjected to cruel and unusual punishment. The same procedure applies to bail when they are imposed: they should be necessary for the offence committed.

- Freedom from fines and forfeitures without trial. As mentioned earlier, a person who has undergone a fair trial can be punished for the offence that they have committed. However, such a person must be an opportunity to plead their case in court. Without a fair trial, a person has the right to oppose any punishment imposed.

In 1964, correctional facilities rules were devised to implement the European Court of Human Rights' ruling as well as modifications in English Statute Law (Fowles 1989: 89). These regulations established minimum standards, granted rights, imposed responsibilities, and divided responsibilities. The most essential aspect of the rules is that the Home Secretary is in charge of all matters in the correctional centre, with the exception of offenders' rights to food, clothing, shelter, and medical treatment. Inmates enjoy the same civil rights as citizens, albeit the amount to which they can exercise those rights is determined by the correctional authorities. Fowles (1989: 63) asserts that all offenders who are held in England correctional facilities have the European Convention on Human Rights and its institutions to protect their human rights and redress their grievances. The English correctional facilities system was established under the provisions of the Correctional Facilities Act of 1877.

The Vocational Training Course for inmates was established to ensure that inmates get all the necessary support and level of training which enable them to compete and be employable upon their release from correctional facilities. By doing that is to enable them to gain the necessary skills that will assist them to have a self-confidence and be able to reintegrate with the society or community. In 1948-1968 it was decided that vocational training should be incorporated into the custodial training system and a senior lecturer in the construction department at Willesden Technical College was appointed to the post of senior vocational training officer, supported by two vocational training officers from the Civil Service (Burkey 1981: 45).

One of the most vital tasks of the professional educator in correctional facilities is to marry the wants and needs of his inmates' students, especially those on the lower rungs of the academic ladder, with what his establishment is able to provide within reason.

5.2.6 Educational Rehabilitation in Canada

Paynters (2018: 276 & 277) asserts that most incarcerated women in Canada are mothers and their fastest growing population in carceral facilities, protecting the rights of incarcerated women to breastfeed their children is increasingly important. There is considerable evidence that incarcerated women in Canada experience poor physical and mental health, isolation, and barriers to care. The Canadian Constitution and human rights legislation across Canada prohibit discrimination on the basis of gender and includes pregnancy and the possibility of becoming pregnant as a characteristic of gender. Section 15 of the Canadian Constitution Act, also called the Canadian Charter of Rights and Freedoms (Government of Canada, 1982), guarantees everyone equal protection under the law regardless of gender. Furthermore, Section 7 protects the rights to “life, liberty and security of the person”. Section 28 of the 2016 Nova Scotia Correctional Services Act (Province of Nova Scotia, 2016) requires accommodation of offenders because of illness, disability, or injury. In contrast, Section 29 requires that individuals held in close confinement be visited daily by health care providers. Uniquely, Section 36 of the Correctional Services Act of the Province of Manitoba (1998) states,

Where a female inmate of a custodial facility is the primary caregiver of an infant who is the child of the inmate, the commissioner may, on the written request of the inmate, permit the infant child to live with the inmate in the facility if the commissioner thinks that (1) it is in the interests of the child; (2) the inmate is able to care for the child; and (3) the facility has proper accommodation for the inmate to care for the child.

Canada has policies and legal framework that protect incarcerated women in correctional facilities to ensure that they are getting same treatment as women outside correctional facilities. They are allowed to breastfeed their children in correctional facilities and it helps inmates in terms of rehabilitation so that when they return to the community, they still have a good bond with their children. The United Nation Standard Minimum Rules for the Treatment of Prisoners’ (Offenders) (the “Nelson Mandela Rules”) (United Nations General Assembly, 2015) posits that it is the responsibility of the state to ensure that inmates receive proper health care and the incarcerated individuals have the right to the same standards of health care as are available in the community.

The Universal Declaration of Human Rights states in Article 26 that:

- “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”.
- “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms”.

The inviolability of an inmates right to education is founded in yet another noble concept and principle-that of human dignity. Andre Gide says that “a human person is the most irreplaceable of all being” (The Universal Declaration of Human Rights, 1948).

According to Hoggs (2003: 682). The Constitution of Canada Act of 1867 does not have an actual written Bill of Rights, it makes specific references to the constitutional rights and some of those rights mentioned in the Constitution are as follows:

- Right to Education (Section 93)
- Right to vote (Section 36)
- Right to languages (Section 133)
- Right to allow elections (Section 50)
- Right to respect old age pensions (Section 94A)
- Right of judges to hold office until they reach age 75.

According to Jennings and Zuber (1972: 57), The Canadian government passed the Canadian Bill of Freedoms in 1960. The Bill of Rights Act of 1960 declared and acknowledged all Canadians’ human rights and freedoms. Fundamental freedoms such as freedom of association, peaceful assembly, conscience, and religion, as well as freedom of thought, belief, opinion, and experience, are all guaranteed in the Bill of Rights. The Canadian Charter of Rights and Freedoms was developed owing to ineffectiveness of the Act of 1867 which the Act could not protect every citizen and non-citizen living in Canada. This Charter forms part of the Constitutional Act of 1982, which protects every citizen and non-citizen. The Canadian Charter of Rights and Freedom guarantees the rights and freedom of all citizen and non-citizen which includes Fundamental freedoms which is mentioned under section 2, and it also guarantees the Democratic Rights of Citizens mentioned in Section 3.

Rehabilitation programmes in Canada is one of vital importance because most inmates across Canada experienced homelessness after being released from correctional facilities due to lack of access to housing, employment and health-based supports. The federal government in Canada incarcerates inmates with sentences of more than two years. Each inmate has a different set of challenges associated with housing and employment, health and mental health issues, violence and substance use, etc. It has been revealed that more than 60 per cent of offenders in Canada have identified educational need because most of them have not graduated from high school or have formal education and some of the suggested programmes offered in terms of mediating the risks to the individuals and community are as follows:

- Discharge Planning;
- In-Correctional facilities Support Programmes; and
- Post-Release Supports.

According to Correctional Services of Canada (2014), the importance of the educational programmes is to provide offenders with basic literacy, academic and personal development skills. The Correctional Services of Canada offers a variety of educational programmes such as:

- Adult Basic Education Programme
- General Educational Development Programme
- English as a Second Language Programme
- Keys to Family Literacy Programme
- Post-Secondary Prerequisite Programme
- Post-Secondary Education Programme.

According to Correctional Services of Canada (2014), offenders who have less than Grade 12 level of education are required to participate in an educational programme. Correctional Services of Canada reveals that the vocational programmes help to prepare the offenders' job to the community upon their release and also to train them in a way that it is relevant to the job market or job opportunities that are existing within the institution as well as in the community. The inmates are also allowed to use computers for learning, work, programmes, legal as well as recreational use.

5.3 Continental Perspective

5.3.1 Swaziland

5.3.1.1 Introduction

The Swaziland became independent in 1968 and adopted a Westminster-type Constitution. From 1973, Swaziland was ruled through the King's Proclamation to the Swazi culture to the nation and the saved provisions of the 1968 Constitution. The 1973 political dispensation was subsequently replaced by the new constitution which is the supreme law of Swaziland and it is known as the Constitution of the Kingdom of Swaziland Act, 2005 and if any other law is inconsistent with the Swaziland Constitution that other law shall be deemed void due to its inconsistency. The Swaziland government has established The Correctional Services Act, 2017 which has been enacted by the king and the parliament of Swaziland, The Constitution of the Kingdom of Swaziland (2005). Under the 2005 Constitution, the law of Swaziland consists of acts of Parliament and subordinate legislation, Roman-Dutch common law, Swazi Law and custom, judicial precedents, and Public International Law. Swaziland is a member of a number of international organisations which includes the Southern African Development Community (SADC), the African Union (AU) and the United Nations (UN).

According to Malindisa and Winterdyk (2015), rehabilitation and reintegration of offenders in Swaziland is recognised as one of the key functions of the correctional facilities system. It is therefore vital to understand what rehabilitative efforts are happening in the penal system in the country and the impact they have on the rehabilitation of offenders. In Swaziland, correctional facilities are regarded as one of the vital and integral part of the criminal justice system despite the adoption of the principles encouraging the development of community-based measures and restorative approaches, retributive punishment remains the central feature of most jurisdictions.

The Correctional Services of Swaziland Act, 2017 provides that the functions of the Correctional Services:

- “To ensure that every offender is lawfully detained in a correctional centre until lawfully discharged, removed or reintegrated into the community;
- Apply such treatment to offenders who are in custody or in community corrections as may lead to their reformation and rehabilitation;
- Apply correctional supervision on offenders on community corrections or conditional release;

- To provide community support services in relation to offenders.”

The Correctional Services Act, (2017: 57-58) emphasised that Correctional Services of Swaziland and the Parole Board has the responsibility for all offenders sentenced for more than four years as well as those offenders left with the remaining six months of their sentences being served are released on parole. It must ensure that measures are put in place to protect the society from crime and reduce recidivism within the correctional centre. It is been stated that Correctional Services of Swaziland should offers education, vocational training and work and it should assist offenders with any form of remedial, moral, spiritual, social, health and sports-based nature, taking into account the needs of the following group of offenders:

- “Offenders with mental health care needs;
- Terminally ill offenders;
- Juvenile offenders;
- Awaiting trial offenders;
- Foreign national offenders;
- Offenders with disabilities;
- Ethnic offenders;
- Aged offenders;
- Political offenders;
- Drug offenders;
- Offenders on capital punishment;
- Sex offenders;
- Female offenders.”

Bruyns (2007) provides that rehabilitation programmes are offered in most of the African countries even though there is still a shortage of correctional facilities such as offices and staff, lack of motivation and proper training regarding the rehabilitation. In the same vein, Tsepa (2014) and Setoi (2012) also shared the same sentiment that the country like Lesotho has limited resources to rehabilitate offenders and there is no policy in place to succeed with rehabilitation programmes. According to Diesel (2008), educational rehabilitation in African countries is regarded as the key function of correctional services in handling the offenders. Bukurura, (2002) observed that Swaziland did not have the same constitution as Namibia, South Africa and Zimbabwe in terms of the protection of people’s rights.

Swaziland must ensure that they invest to the correctional facilities education to assist inmates to build better future and be employable when they return to the society. The United Nation Standard Minimum Rules for the Treatment of Prisoners (Offenders) provides that vocation training should be provided to offenders and that this should prepare inmates for life after release, so that skills taught should be similar to those that are applicable outside of correctional facilities. The Rule also cautions against vocational training for the primary purpose of making a profit for the correctional facilities out of correctional facilities labour. Although there are few opportunities for vocational training for inmates in Africa, more inmates are involved in this kind of training than in academic or literacy training.

5.3.1.2 Objectives of Correctional Services in Swaziland

Section 6 of the Correctional Services Act, 2017 indicate as follows:

“(1) the members of the Correctional Services must ensure that all inmates are treated with the respect due to their inherent dignity and value as human beings and their human rights shall be upheld at all times.

(2) Members of the Correctional Services must not inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, or shall any member of the Correctional Services invoke superior order or exceptional circumstances as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

(3) All offenders shall be treated equally. There shall be no discrimination on the grounds of race, colour, gender, language, religion, political or other opinion, national or social origin, and property, both or any other status.

(4) Members of the Correctional Services shall not commit any act of corrupt and shall oppose and combat all forms of corruption and to achieve such objectives, they may join, or assist other lawful agencies set up to fight corruption and other related corrupt practices.

(5) Members of the Correctional Services shall, at all times, fulfil the duty imposed upon them by section 5 of this Act, International Standard, including The Standard Minimum Rules for the Treatment of Offenders, consist with the high degree of responsibility required by their occupation or profession.

(6) Correctional Services officers shall be properly selected and trained, and given-

(a) Appropriate career development opportunities;

(b) Satisfactory working conditions, including a workplace environment that is free of practices that undermine a person's sense of dignity; and

(c) Opportunities to participate in the development of correctional policies and programmes.

(7) Correctional Services officers shall be apolitical in the performance of their duties and serves the government of the day with integrating and utmost excellence.

5.3.1.3 The Correctional Education of Inmates in Swaziland Correctional facilities

This part of the research constitutes the importance of the education and how it could help the offenders to become better people when returning to the society. Ubah and Robinson (2003) indicate that literature on issues regarding correctional facilities inmates in general, and correctional facilities education in particular is abundant and throughout the world millions of people are incarcerated for offences they committed against fellow humans and the state. Quan-Baffour and Zawada (2012:74) indicate that from the perspective of African humanism, correctional facilities education is to promote humanness in line with the true African virtues and values of Ubuntu-love, kindness, compassion, forgiveness, care and benevolence. Correctional facilities education may have been established from the humanist point of view, the need to show compassion for law breakers and provide them with education and training, correctional facilities inmates must also take a critical view of their lives and behaviour through introspection, self-evaluation and self-criticism. Zecha (2002) argues that the intention of correctional facilities education is to prepare inmates to re-integrate into society in a more positive way.

The plan of action for Africa, known as the Ouagadougou Declaration noted some priority areas related to education and its contribution to the rehabilitation and reintegration of offenders as follows:

- Emphasising literacy and skills training linked to employment opportunities;
 - Emphasising the development of existing skills;
 - To provide civic and social education;
 - To provide social and psychological support with adequate professionals;
 - Developing halfway houses and other pre-release schemes; and
 - To extend the use of open correctional facilities under appropriate circumstances.
- (African Commission on Human and Peoples Rights, 2003)

The importance of educating offenders while they are in correctional facilities is to ensure that when they are released from correctional facilities, they become good citizens and be able to contribute to the economy of the country. Some of the things that can lead to the lack of rehabilitation programmes in correctional facilities could be outdated legislation and the lack of implementation of policies to achieve with rehabilitation programmes. The lack of rehabilitation and reintegration of offenders might cause the high rate of recidivism in the correctional centres and that will cause an overcrowding in correctional facilities. Biswalo (2011: 74) indicates that there are few offenders that participate in formal programmes than work-related programmes in the Correctional Services of Swaziland. The important thing is that formal programmes are academic in nature, for example, “reading, writing and numeracy,” or finishing primary and secondary education in order to receive a qualification. In a case of South Africa situation, offenders participate in a formal education programmes seems to fluctuate owing to a number of reasons which are beyond the department’s control. For example, the DCS does not have sufficient resources to render education programmes to all incarcerated people (Mkosi 2013: 103). In the USA, the comparison between State and Federal Correctional facilities showed that very few correctional centres offer educational programmes owing to limited resources and challenges of providing educational programmes to people who will be sentenced for a short period (Brazzel et al. 2009: 6).

5.3.1.4 Offenders with Physical and Mental Disabilities in Correctional Services in Swaziland

Section 72 of the Correctional Services Act, 2017 of Swaziland stipulates that;

“(1) The Correctional centre medical staff officer shall give special attention to and shall examine a person with reference to the person’s mental state who is denied-

- (a) Upon an order of court for observation and report on the person’s mental condition; or
- (b) In the circumstances referred to in section 4 of the Mental Disorders Act, 48 of 1963, or its successor.

(2) Subject to the Mental Disorders Act, 48 of 1963, its successor or any other law, the medical staff officer shall examine a person with reference to the person’s mental state detained in a correctional centre by reason of insanity or mental disorder or defect at monthly intervals.

(3) An offender who is lawfully detained in an institution, and who, in the opinion of the chief medical staff officer acting on the advice of the officer in charge of the correctional centre, should no longer be so detained, shall, if the offender is still liable to be detained in such a correctional centre, be delivered by the officer in charge of such institution into the custody of the officer in charge of such correctional centre.

Rule 109 of the UN-Standard Minimum Rules for the Treatment of Prisoners (Offenders) indicate that; “(1) persons who are found to be not criminally responsible, or who are later diagnosed with severe mental disabilities and health conditions, for whom staying in correctional facilities would mean an exacerbation of their condition, shall not be detained in correctional facilities, and arrangements shall be made to transfer them to mental health facilities as soon as possible.

(2) If necessary, other inmates with mental disabilities and/or health conditions can be observed and treated in specialised facilities under the supervision of qualified health-care professionals.

(3) It indicates that the health-care service shall provide for the psychiatric treatment of all other inmates who are in need of such treatment.

The policy makers must ensure that all programmes that are developed in Swaziland correctional centres must include offenders who have mental disabilities. They must ensure that correctional services in Swaziland is developed in a way that inmates with disability are able to move around the correctional centre. This provision is similar to Section 30 of the Constitution of the Kingdom of Swaziland Act, 2005 stated that;

“(1) persons with disabilities have a right to respect and human dignity and the government and society shall take appropriate measures to ensure that those persons realise their full mental and physical potential.

(2) The Parliament of Swaziland shall enact laws for the protection of persons with the disabilities so as to enable those persons to enjoy productive and fulfilling lives”.

This section provides that the Constitution protects the rights of persons with disabilities and the United Nations Standard Rules on the equalisation of the opportunities for persons with disabilities stated that medical and rehabilitation should be the requirements for persons with disabilities to enjoy equal participation in their societies. According to Daniel (2006), inmates with mental disorders who present a serious risk should be provided with adequate

psychopharmacological treatment which has become the general standard. Once there is a sign and identification of inmates to be at high risk of suicide, further evaluation and treatment by mental health should be indicated to help the affected inmates.

Rule 5 (2) of the UN Standard Minimum Rules for the Treatment of Prisoners (Offenders) (1977: 3) postulates that “Correctional centres administrations shall make all reasonable accommodation and adjustments to ensure that inmates with physical, mental or other disabilities have full and effective access to correctional facilities life on an equitable basis”. Furthermore, Section 30 (1) of the Constitution of the Kingdom of Swaziland Act, 2005 provides that the person with disabilities must have their rights respected and human dignity and the society shall take appropriate measures to ensure that those persons realise their full mental and physical potential.

(2) The Parliament of Swaziland must ensure that the laws that protect the persons with disabilities are in place to enable those persons to enjoy their lives.

5.3.1.5 Successful re-integration of offenders in Swaziland

Section 94 of the Correctional Services Act, 2017 of Swaziland state as follows:

“Offenders shall be reintegrated back to their communities through the use of the following programmes offered;

- (a) Pre-release plan;
- (b) After-care, follow-up programmes; and
- (c) Placement programmes”.

Shaw (2006) indicates that community involvement has become an essential ingredient of crime prevention in all kinds of partnerships involving municipalities, the police, health and social services, and the private sector. In most instances, the role that the community plays in the successful reintegration of offenders is sometimes forgotten. The most important thing is to ensure that reintegration programmes focuses on the key factors or objectives that will build the relationship of social support and control around offenders. According to Patzelt et al., (2014: 615), a number of correctional centres are implementing education programmes which enhance “reintegration into work and society after release”. Cecil et al. (2000: 207) aver that educational programmes form part of correctional programmes which constitute “adult basic education, such as reading and writing, and even college level classes”.

5.3.1.6 Assessment Principles of Effective Offenders Rehabilitation in Swaziland

Assessment of offenders is very vital in the correctional centre in order to achieve its rehabilitation programmes in correctional facilities and it plays a fundamental role in the criminal justice system. This section will help correctional facilities officials in Swaziland to be able to predict or track what risk the offenders might have faced with that can lead to them reoffending again and this can help the various role players such as police, courts, correctional centres, social services and the general public. Rule 90 of the UN Standard Minimum Rules for the Treatment of Offender highlights that “the duty of society does not end with an inmate’s release. There should, therefore, be governmental or private agencies capable of lending the released the inmates’ efficient aftercare directed towards the lessening of prejudice against him or her and towards his or her social rehabilitation. Brennan, (2004); Taxman and Thanner, (2006) provide that the purpose of offenders’ assessment is to:

- Find out the offenders’ risk of reoffending in any type of offence;
- It helps to identify the problem areas that contribute to offending behaviour;
- To ensure that it matches the degree and type of supervision and/or interventions to the offenders’ risk;
- It helps find out the offender’s appropriateness for community work placement, temporary release or early release from a correctional facility;
- To ensure that correctional services offer offenders who pose risk to the community an opportunity to participate in the educational programmes that will reduce the risk.

Langwenya (2013) indicates that risk assessment is performed by correctional services and parole boards to assess and manage risk posed by offenders. Risks can be defined as historical factors of the offender’s involvement in a criminal lifestyle such as the age of first arrest, number of prior arrests, previous convictions and prior correctional facilities. Risks also refer to behavioural patterns and psychosocial functioning. Brennan (2004: 9-10) provides that the assessment of offenders needs and is the first step in identifying the treatment goals. Correctional Services policy of Swaziland makes provision for a number of days to complete the admission processes, which is use to:

- Obtain a preliminary assessment of basic medical and mental health needs (e.g. injuries, current medications, suicide risk indicators, etc.)
- Assess special offender needs (e.g. substance abuse, educational and vocational needs, anger management)

- Identify criminogenic factors (e.g. antisocial personality, criminal associates, hostility) that may underlie and explain criminal behaviour.
- Develop a suitable case (correctional or treatment) plan for the offenders.

5.3.1.7 Separation of Male and Female Offenders in Correctional facilities in Swaziland

Section 28 (1) of the Constitution of the Kingdom of Swaziland Act, 2005 indicates that “Women have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities;

(2) The Correctional Services of Swaziland must ensure that it provides the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.

(3) It must ensure that women shall not be compelled to undergo or uphold any custom to which she is in conscience opposed”.

This section is in line with Section 70 of the Correctional Services Act, 2017 which indicate that male and female offenders shall be confined in a separate correctional centre or in a separate sections of the same correctional centre in such a manner as to prevent an appropriate behaviour within the correctional facility or seeing, or conversing, or communicating with each other. The policy maker must ensure that the programmes that are implemented to the correctional facilities include both men and women for the purpose of rehabilitation. The Bangkok Rules underscore the need for a gender-sensitive correctional facilities regime, giving due consideration to pregnant women, nursing mothers and women with children. Rule 81(1) of the UN Standard Minimum Rules for the Treatment of Offenders indicates that correctional facilities that include the incarceration of both men and women, the part of correctional facilities that has women must ensure that it is under the authority of a staff member of a woman who will handle the keys for women site (the Nelson Mandela Rules, 1977).

(2) This section indicates that no male staff member shall enter the part of the correctional facilities set aside for women unless accompanied by a female staff member.

(3) It is also highlighted that women inmates shall be attended and supervised only by women staff member.

The UN Rules for the Treatment of Women Prisoners (Offenders) and Non-Custodial Measures for Women Offenders has been adopted with the views to improve the treatment of a women in correctional centres at all levels of their encounter. In the past years, the correctional facilities were designed primarily for male inmates and which tends to ignore the special needs of women (Bangkok Rules, 2010).

5.3.1.8 Rehabilitation of Offenders in Swaziland

Section 190 (1) of the Constitution of the Kingdom of Swaziland indicates that Correctional Services for Swaziland shall be responsible for the protection and holding on terms convicted persons and the rehabilitation of those persons and the keeping of order within the correctional or correctional facilities institutions of the kingdom of Swaziland. Correctional Services plays an important role in the rehabilitation of offenders in correctional facilities. The importance of having rehabilitation in the correctional facilities is to ensure that when offenders return to the community, they add value and become an important people. There has been a growing interest in rehabilitation of offenders in correctional system around the world. The main purpose is to ensure that offenders do not return to the correctional facilities after being released and have gone through the rehabilitation programmes and also look at the effectiveness of the correctional programmes to prevent the reoffending. The rehabilitation strategies are to focus on changing the behaviour of offenders so that they will not continue with their criminal activities. Farabee (2005: 54) indicates that offending, at base, is an individual choice and not an unavoidable response to a hopeless environment. He then argues that most offenders could have completed school, but they did not; most had held jobs in the past, but chose easier, faster money over legal employment and most offenders give little or no consideration to the risk of getting caught for crimes they are about to commit. This is not because they do not consider the imposition of a correctional facilities sentence to be a negative experience; rather, it is because they know that the risks of getting caught is extremely low.

Another factor affecting social cohesion and community stability are the attitudes and behaviours of offenders returning to the community after rehabilitation process. If poverty and unemployment persist, the results are family disorganisation, demoralisation, substance abuse and criminal activities (Seiter and Kadela, 2003: 367). Rehabilitation of offenders is a way of trying to ensure that there is less recidivism in the correctional facilities. The less recidivism in the correctional centre shows that rehabilitation process is working because there are fewer reoffending inmates and there will be less overcrowding. The purpose of

rehabilitating the offenders is to ensure that they change their behaviour and be able to become better persons in the community. The policy maker should make it easy for the correctional services in Swaziland to have programmes that will be able to assist inmates from reoffending.

5.3.1.9 Restorative Justice in Swaziland

Section 108 of Correctional Services Act, 2017 provides that Correctional Services may, with the consent of an offender, facilitate a restorative justice programme, do victim-offender mediation, to aid in the social reintegration of the offender upon release. This section gives an opportunity to the offenders to make use of the opportunity to make peace with the victim's family. The Correctional Services plays an important role in mediating between the offenders and victims' family to ensure that when the offenders return to the society are rehabilitated. The community-based restorative justice programmes can build social capital and make the community more receptive to and engage in supporting the offenders' reintegration. The importance of the restorative justice framework to offender's re-entry provides an opportunity to define programmes not just in terms of individual interventions, but also in terms of making sure that communities build their own resilience, capacity and collective efficacy to exercise informal social control over offenders and enforce their own values. Bazemore and Ere (2003) underscores the importance given to social relationships in restorative processes, and in the context of reintegration, is grounded in a sense of community as interconnected networks relationships between citizens and community groups who collectively have tools and resources that can be mobilised to promote healing and reintegration. Restorative Justice System is when one restores justice to the offenders themselves, restoring justice to the victim's family, and restoring justice to the community at large so that when the offenders return back to the society after being released from correctional facilities can be welcomed back to the society again.

According to Marshall (1999: 5), restorative justice system is defined as a process whereby all parties (Offenders, Community and Victim's family) with a stake in a specific offence come together to resolve the matters at hand collectively on how to deal with the aftermath of the offence and its implications for the future. The role of restorative justice system in the criminal justice system is very key in terms of how the offenders will be treated when he/she return to the society after serving his sentence in correctional facilities. The Restorative Justice System requires the inmates to make some amends on the way they behave going forward to avoid committing other crimes. People like mental health professionals, social

workers, faith leaders, play an important role in the reintegration of offenders to the community. Bezuidenhout (2007: 44) asserts that Restorative Justice System encourages offenders to take responsibility for the harm they have caused and it addresses the needs of victims by giving them a chance in the justice process. The restorative value and procedures were well known in the pre-colonial African traditional criminal justice system and even in ancient western culture (Baker 2007: 171; Brown 2004: 198). Steleton (2007: 230) also shared similar views that the African way of doing justice is through restorative justice.

5.3.2 NAMIBIA

5.3.2.1 Introduction

The Republic of Namibia is situated in sub-Saharan Africa in the SADC region with the population of approximately 2, 5 million people. The Republic of Namibia shares a land borders with the country such as Angola, Zambia, Botswana and South Africa. Namibia has legislative statutes like The Namibian Constitution Act, 1990 and The Namibian Correctional Services Act, 2012. Namibia as one of the developed countries in the SADC region. It was vital to the country to become independent in 1990 after so many years of apartheid governed by South Africa. The Republic of Namibia used to have The Correctional Facilities Act, 1998 which was replaced by The Correctional Services Act, 2012 to accelerate the effective implementation of rehabilitation interventions and treatment of offenders. According to Buchane ([sa]: 97), Namibia is a signatory to the United Nations Standard Minimum Rules for the Treatment of Prisoners (Offenders) and it has adopted a mission statement for the DCS which reads: “The Namibian Correctional Facilities Service, as an integrated part of the Justice System, contributes to the protection of society by providing reasonable, safe, secure and human custody of offenders in accordance with universally acceptable standards, while assisting them in their rehabilitation and social reintegration as acceptable law abiding citizens”.

Shelton (1999: 14) highlights that many human rights violations are related to political, economic and social problems which the law alone cannot repair and there is a lot of things that need to be done to ensure that people or offenders are educated about human rights to avoid abuses. Dissel (2008) notes that rehabilitation is one of the key functions of correctional facilities in African countries in terms of how they handle offenders. Other countries Lesotho had drafted policy document of the Ministry of Education and Training which also serves as a policy framework for the provision of Education in Lesotho (Government of Lesotho 2001). According to Gallagher et al. (2000: 348), educational

programmes are believed to reduce problem behaviours within correctional centres by supplying constructive activities and tools that support positive behaviours.

Since the government of Namibia gained its independence in 1990 after many years of apartheid ruled by South Africa. It is vital that Namibian Correctional Services must put adequate measures to ensure that offenders are successfully rehabilitated when they return to the community. The Namibian Correctional Services must ensure that offenders that are sentenced to correctional facilities; they are also offered to participate in a community services instead of serving a custodial term. Chiremba et al. (2012) indicate that the significant number of offenders in the Namibian correctional service could not benefit in the rehabilitation programmes owing to low literacy levels and English proficiency which is the country's official language. The Namibian Correctional Services must ensure they develop programmes that will address all the risk that will be faced by offenders who committed offences owing to substance abuses, gender based violence, alcohol abuse, etc. According to Dissel (2000), Namibian and South African correctional reforms was pronounced as one of the best countries in the SADC region than the rest of the other SADC countries.

The Namibian Correctional Service is the statutory body that has been established in terms of article 121 of the Namibian Constitution Act, 1990 as amended. Nakuta and Cloete (2012:1) assert that there is a significant progress in reforming the criminal justice system in Namibia since its independence. Before Namibia attained its independence, the police, the justice system and correctional service were the most mistrusted institutions, because they were seen as mechanisms of oppression. Dissel (2008: 165) reports that 13 per cent of offenders participated in education classes in Namibia.

5.3.2.2 Function of the Namibian Correctional Services Act, 2012

Section 3 of the Namibian Correctional Services state the following:

- “It must ensure that every inmate is secured in safe and humane custody, within a correctional facility, until lawfully discharged or removed;
- To render health care to inmates;
- To ensure that rehabilitation programmes and other meaningful and constructive activities are applied to sentenced offenders that contribute to their rehabilitation and successful reintegration into the community as a law abiding citizens;
- To ensure that offenders that are on the conditional release are well supervised;

- To ensure the performance of all necessary work, the effective management, administration and control of correctional facilities and community correctional centres; and
- To perform such other function as the president may from time to time assign to the Correctional Service”.

In 1990, Namibia adopted the UN-Standard Minimum Rules for the Non-Custodial Measures and in 1995, the Ministry of Correctional Facilities and Correctional Services was established (United Nations 1977). There are some dilemmas in Namibia that the educational system still bears some resemblance of Bantu Education system of the former South African regime (New Era Staff Report 2005). The Report by Era Staff Reporter (2015) has indicated that the correctional services educational programmes in Namibia are to be some of the best given the country’s economic circumstances. Some Namibian scholars are however sceptical about the whole education system in the country. The education system in Namibia still bears some resembles of Bantu Education system of former South African regime. Namibian Correctional Services (2012) has introduced a well-structured curriculum in its correctional education for those offenders participating in support rehabilitative programmes.

5.3.2.3 The Fundamental Human Rights and Freedom in Namibia

- **Protection of Life: Article 6**

“The right to life shall be respected and protected. No law may prescribe death as a competent sentence. No Court or Tribunal shall have the power to impose a sentence of death upon any person. No executions shall take place in Namibia”.

These rights provide that everyone in Namibia must have their rights respected and protected and no one including the offenders must be sanctioned to death in Namibia. No one is allowed to violate another person right to life in Namibia.

- **Protection of Liberty: Article 7**

According to Article 7 “No person shall be deprived of personal liberty except according to procedures established by law”. According to Muthaphuli (2002: 80), the right to liberty includes the following aspects:

- No one can be deprived of their liberty unless it is justifiable.
- No one can be subjected to arbitrary arrest, detention or exile.

- No one can be searched unreasonably and have their belongings seized without any reason.
- Everyone who is arrested should have access to legal advice.
- Everyone should be brought before a judge.
- Detention of awaiting trial offenders should be avoided.
- Everyone who is detained should test the lawfulness of their detention.
- Everyone has to be treated with respect and humanity.
- No one can be subjected to torture and cruel, inhuman and degrading treatment.

Coyle (2002: 59) highlights that to ensure the safe and effective correctional control there has to be a well-ordered environment which permits the following factors:

- The environment has to be safe for both offenders and the staff, meaning that staff should not abuse the power that are invested to them to deprive offenders their rights to liberty.
- All the offenders must accept that they are treated fairly and in a manner that promotes justice.
- All the offenders must have the opportunity to participate in programmes that will prepare them for their release.
- Respect of Human Dignity: Article 8

Article 8 provides the following;

(1) “The dignity of all personnel shall be inviolable.

(2) (a) In any judicial proceedings or in other proceedings before any organ of the state, and during the enforcement of a penalty, respect for human dignity shall be guaranteed.

(b) No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”.

Everyone must have his/her dignity respected and no one should have his dignity violated owing to torture or cruel, inhuman or degrading treatment or punishment. No one should have his life taken by enforcing penalty because he has done something wrong. The offenders should not be deprived their right to human dignity and their rights violated because they have committed crime. Moreover, they should not be subjected to torture or inhuman or degrading treatment. Article 5 of the Universal Declaration of Human Rights provides that

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

According to Silverman (2001: 363), correctional officials are prohibited from using force that will be torturous to the offenders. It is important that when the officials use force against offenders, it should be necessary to do so. The following should be considered to guard against the degrading treatment or torture or inhuman:

- To defend themselves against attack or to defend another officer, inmates or visitor;
- In order to prevent a crime;
- To arrest or detain inmates;
- To maintain discipline within the correctional centre; and
- To protect correctional property or prevent self-destruction by offenders.

Wallace (1997: 507) defines torture as one of the major violations of human dignity which makes it difficult for the person to lead a normal life. It should be ensured that those who torture others are dealt with by the law because no person in this world has the right to do so. Torture and other cruel, inhuman or degrading treatment or punishment can never be justified.

- **Slavery and Forced Labour: Article 9**

“(1) No person shall be held in slavery or servitude.

(2) No persons shall be required to perform forced labour”.

This article provides that no one should have his/her rights deprived because of forced labour and slavery. According to Article 4 of the Universal Declaration of Human Rights, no one shall be held in slavery or servitude and slavery must be prohibited at all cost. Simons (1999: 114) reports that the work that offenders do has to be based on three elements; i.e. a sense of achievement, having some interest in the work and feeling some sense of power or control over events. Coyle (2002: 87) provides the following conditions to ensure the effectiveness in the work of offenders:

- To ensure that all the work that offender’s do must have a purpose.
- It is important that offenders must acquire the skills that will help them to become productive citizens after they are released from correctional facilities.
- There should be payment in all work that offenders do.

- To ensure that the place of work is safe for offenders.
- The hours of work should not disturb the other activities that offenders have to participate in to ensure their rehabilitation while they are in the correctional centre.

Van Zyl Smit and Dunkel (1999: 16) shared similar sentiment that the work within the correctional centre should not be dangerous, life-threatening or a danger to the health of offenders and it should be regulated in a manner that is not punitive. The work should consider the offenders age, health, skills, abilities and the offender's ambition of making it after they are released from correctional facilities.

- **Equality and Freedom from Discrimination: Article 10**

- (1) "All persons shall be equal before the law;
- (2) No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status".

As human beings, we are all equal and deserve to be treated as such and be protected by the law. Because everyone is equal before the law, they should not find themselves discriminated against gender or race or colour ethnic origin or religion. The offenders must be treated equally to ensure that their rehabilitation is successful. Offenders should also be allowed to choose their own religion as part of rehabilitation programmes. Palmer (1991: 825) highlights that any treatment of offenders should be in a way that prepares them to become law-abiding citizens and become productive after they have been released from correctional facilities regardless of the length of their sentence.

The Universal Declaration of Human Rights, Article 7 provides that "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination". The Declaration makes it clear that everyone is equal before the law and they should have their rights protected by the law and no one should be discriminated against the law.

- **Arrest and Detention: Article 11**

- (1) "No person shall be subjected to arbitrary arrest or detention.
- (2) No persons who are arrested shall be detained in custody without being informed promptly in a language they understand of the grounds for such arrest".

A person should not be arrested for no reasons and if that is the case the arrest should be regarded as illegal. No person should be detained in correctional facilities without a valid explanation of being detained and the person should be informed of his arrest or detained in a language that he/she understands. If the Correctional Service of Namibia knows the reason why the offenders have been arrested, it will be easy for them to put in place effective rehabilitation programmes because if there is no valid reason provided, it will be difficult to put in place rehabilitation programmes that will help the offenders to become productive when they return to the society. The Universal Declaration of Human Rights, Article 9 provides that “No one shall be subjected to arbitrary arrest, detention or exile”.

▪ **Fair Trial: Article 12**

Article 12 state the following:

“(1) (a) In the determination of their civil rights and obligations or any criminal charges against them, all persons shall be entitled to a fair and public hearing by an independent, impartial and competent court or tribunal established by law: provided that such Court or Tribunal may exclude the press and/or the public from all or any part of the trial for reasons of morals, the public order or national security, as is necessary in a democratic society.

(b) A trial referred to in Sub-Article (a) hereof shall take place within a reasonable time, failing which the accused shall be released.

(c) Judgements in criminal cases shall be given in public, except where the interests of juvenile persons or moral otherwise require.

(d) All person charged with an offence shall be presumed innocent until proven guilty according to law, after having had the opportunity of calling witnesses and cross-examining those called against them.

(e) All persons shall be afforded adequate time and facilities for the preparation and presentation of their defence, before the commencement of and during their trial, and shall be entitled to be defended by a legal practitioner of their choice.

(f) No person shall be compelled to give testimony against themselves or their spouses, who shall include partners in a marriage by customary law, and no Court shall admit in evidence against such person’s testimony which has been obtained from such persons in violation of Article 8(2)(b) hereof.

(2) No person shall be liable to be tried, convicted or punished again for any criminal offence for which they have already been convicted or acquitted according to law: provided that nothing in this Sub-Article shall be construed as changing the provisions of the common law defences of “previous acquittal” and “previous conviction”.

(3) No person shall be tried or convicted for any criminal offence or on account of any act or omission which did not constitute a criminal offence at the time when it was committed, nor shall a penalty be imposed exceeding that which was applicable at the time when the offence was committed”.

▪ **Privacy: Article 13**

“(1) No person shall be subject to interference with the privacy of their homes, correspondence or communications save as in accordance with law and as is necessary in a democratic society in the interests of national security, public safety or economic well-being of the country, of the protection of health or morals, for the prevention of disorder or crime for the protection of the rights or freedoms of others”.

As human beings, everyone has the right to their property and anyone who invades that is a violation of another person privacy. The right to privacy must be respected by all of us. The Namibian Correctional Services must ensure that the right of offenders is considered when they put in place programmes that will help offenders with rehabilitation. They should not put in place the programmes that will expose the offenders’ right to privacy.

▪ **Political Activity: Article 17**

“(1) All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of the government. All citizens shall have the right to form and join political parties and, subject to such qualifications prescribed by law as are necessary in a democratic society, to participate in the conduct of public affairs, whether directly or through freely chosen representatives.

(2) Every citizen who has reached the age of 18 years shall have the right to vote and who has reached the age of 21 to be elected to public office, unless otherwise provided herein.

(3) The rights guaranteed by Sub-Articles (2) hereof may only be abrogated, suspended or be impinged upon by Parliament in respect of specified categories of persons on such grounds of

infirmity or on such grounds of public interest or morality as are necessary in a democratic society”.

This article provides that every citizen has rights to their own political choice, which includes the right to vote as well as to hold the office. The right to vote proves to the citizens that everyone in the country has the right to choose the leader they want. As mentioned in the article, political rights give offenders opportunities to participate in the political activities of their country.

- **Administrative Justice: Article 18**

Article 18 encapsulates the following:

“The administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed upon such bodies and officials by common law and any relevant legislation, and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a competent Court or Tribunal”. The article highlights that everyone deserves an administrative justice that is fair and no one can be detained without been given a reasonable and fair hearing. Because offenders are also part and parcel of the community, they also deserve a trial that is fair and reasonable. They should be allowed to raise their concern if they feel that they were not treated fairly during the court proceedings.

Article 18 of the Namibian Constitution puts positive duty in all the organ of state to act reasonably in all circumstances when performing their administrative duties and functions.

- **Right to Education: Article 20**

“(1) All persons shall have the right to education.

(2) Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

(3) Children shall not be allowed to leave school until they have completed their primary education or have attained the age of 16 years, whichever is the sooner, save in so far as theirs may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest”.

“(4) All persons shall have the rights, at their own expense, to establish and to maintain private schools, colleges or other institutions of tertiary education: provided that:

- such schools, colleges or institutions of tertiary education are registered with government department in accordance with any law authorising and regulating such registration;
- the standards maintained by such schools, colleges or institutions of tertiary education are not inferior to the standards maintained in comparable schools, colleges or institutions tertiary education funded by the state;
- no restrictions of whatever nature are imposed with respect to the admission of pupils based on race, colour or creed;
- no restrictions of whatever nature are imposed with respect to the recruitment of staff based on race or colour”.

This article provides that everyone in Namibia has the right to education and no one should be deprived of their educational right. It shows that Namibian state must ensure that the primary education is offered to the citizens free of charge and payment to that get education will be in violation of the Article 20. Namibia must put in place adequate measures to ensure that they improve their educational system. According to Wallace (1997: 242), the gender stereotyping should be eliminated from education systems so that all genders of society are able to participate. Basic education is the cornerstone for lifelong learning and human development on which every state may rely and it is the best financial investment that a state can make in its citizens.

This Article includes offenders because they are part of the community even though they find themselves in the wrong side of the law. They should also be given an opportunity to educate themselves. Namibian Correctional Services must put in place programmes that will help the offenders in terms of rehabilitation. The effective rehabilitation of offenders helps them in terms of their behaviour when they return to the community. The programmes should be in line with the offence offenders has committed.

- **Fundamental Freedoms: Article 21**

“(1) All persons shall have the right to:

- Freedom of speech and expression, which shall include freedom of the press and other media;

- Freedom of thought, conscience and belief, which shall include academic freedom in institutions of higher learning;
- Freedom to practise any religion and to manifest such practise;
- Assemble peaceably and without arms;
- Freedom of association, which shall include freedom to form and join associations or unions, including trade unions and political parties;
- Withhold their labour without being exposed to criminal penalties;
- Move freely throughout Namibia;
- Reside and settle in any part of Namibia;
- Leave and return to Namibia;
- Practise any profession, or carry on any occupation, trade or business.

This Article shows that everyone has the right freedom of expression and one can say whatever they want freely and it gives individuals an opportunity to express themselves if they feel that their freedom of speech and expression has been violated. Everyone has a right to choose the religion of his choice. It gives a person an opportunity to share his ideas with other people. The offenders are like any other human being in Namibian Correctional Services and must be given an opportunity to raise their concern with correctional officials. To ensure that the correctional facilities have effective rehabilitation programmes, it is important that offenders are taken seriously when they raise their concerns. Offenders should be able to register with the institution of higher learning so that they can change their lives in order to become a better person when they return to the community. It is vital to ensure that offenders are given an opportunity to participate in the religion of their choice because religion can play a major role in the rehabilitation of offenders unless the Namibian Correctional Service can prove otherwise that teaching religion in correctional facilities can be a threat in the running of day-to-day of the institution.

Johnson (2015: 46) asserts that the structured core programmes have two main activities provided for offenders – skills for reintegration and management of substance abuse. They also have support programmes divided along main principles in correctional education - risk (risks that offenders pose on society) and responsivity principles (based on treatment interventions). Namibian Correctional Services Act, 2012 postulates that offenders who are serving maximum sentences participate in support of rehabilitative activities in which NCS has succeeded in introducing a well-structured curriculum in its correctional education. Section 94 of the Namibian Correctional Service indicated that “Correctional Service must

provide adequate range of rehabilitation programmes designated to address the needs of offenders and contribute to their successful reintegration into society”.

According to Van Zyl Smit (1992:213), religion plays a significant role in reducing the alienating effects that come with life in the correctional centre. Beckford and Gilliat (1998: 4-5) shared similar sentiment that when practising religion within correctional centres, the concept of “Multifaith”, which refers to the diversity of faith, and the concept of “Multicultural”, which refers to the existence of different cultures in the same society must be considered.

5.3.3 BOTSWANA

5.3.3.1 Introduction

In 1966, the Republic of Botswana attained independence, governed by its Constitution. This Constitution was then amended in 2002. From 1986 to 2015, Botswana has been a state party to the African Commission on Human and Peoples Rights (ACHPR). According to Coldham (2002: 218), many areas of law reforms in Africa have attracted the attention of policy-makers and academics alike, and there is a need to establish a criminal justice system that meets the requirements of a developing African state which has generated too much interest. Schimer (2008: 25) accentuates that correctional education in this matter advocates the use of re-incarceration rates to measure programmatic success and it helps in terms of rehabilitation programmes of inmates. The literature reveals that exposure to educational programmes is a critical issue in measures of effectiveness in reducing recidivism of offenders to the correctional centres (Flanagan 1994: 7). The important thing with this part of the research is to find out the nature of education that the Botswana Correctional Facilities Service provides and how it will assist the offenders with the reintegration back to the society.

The Republic of Botswana is situated at the centre of the Southern African region with the surface area of 581, 730 square kilometres. It is bordered by Zambia to the North, Namibia to the west and north, South Africa to the south and south-east and Zimbabwe to the north-east. Botswana has a population of 2,038,228 with an annual population growth of 1,9 per cent between 2001 and 2011. It was known as Bechuanaland until they attained its independence 1966. The Republic of Botswana has established the Constitution of Botswana, ACHPR, Botswana Correctional Services Act, The Education and Training Bill, The National Policy on Gender and Development, Children’s Act to ensure that everyone is equal and protected

by the law (ACHPR 2015). The Constitution of Botswana has states categorically that every person in Botswana is protected by the fundamental rights and freedoms of the individual.

According to Frimpong (2001), Botswana has got the rehabilitation officer who heads the rehabilitation section which includes adult education, chaplaincy, industries, and social work. The social work unit addresses the social, emotional and behavioural problems of inmates, including counselling services and home visits for those facing difficulties in their homes.

5.3.3.2 The Development of Human Rights and the Impact of Educational programmes In Botswana

According to the Education and Training Bill, 2014 there should be a system and structure in place for education and training. The right must be considered and the Act must prohibit inhuman and degrading treatment and the governance and management of basic education and training. Acheampong (2017) has indicated that Botswana is a constitutional, multiparty, republican democracy. According to Letsatle (2011), Botswana is a unique country on a sub-Saharan region that put in place a correctional facilities education structure before it could develop its own first National Policy on Education. Its correctional facilities education was initiated in 1968 whereas Botswana's first National Policy on Education was established in 1977 (Republic of Botswana, 1977). Letsatle (2011) further explains that Botswana started off by laying emphasis on the safe custody and security concept of correctional facilities services. This part of the research will look at on how the education can do to impact on the life of the offenders within the correctional set-up and what relationship it can bring within the society. Education can be seen as something that is difficult to achieve but it can be useful and powerful to change lives of offenders. Moreover, education can help with reoffending and self-development and rehabilitation of inmates. Amos (2013: 136) indicates that lack of education and limited educational attainment can lead people to criminality.

The government of Botswana has developed the National Policy on Gender and Development to guide and inform the advance and implementation of gender sensitive and responsive initiatives by all development sectors with the aim of reducing inequalities in the opportunities and outcomes of social, economic, cultural and legal development for both Men and Women (NPGD 2015). Government of Botswana has not only focused on equality before the law between men and women, but it has also taken legislative measures to protect the equality of the child before the law. The Children's Act, 2009 introduces a Bill of Rights for all children in Botswana. Section 7 (a) it prohibits discrimination in the following terms'

“[...] no decision or action shall be taken whose result or likelihood is to discriminate against any child on the basis of Sex, family, Colour, Race, Ethnicity, Place of Origin, Language, Religion, Economic Status, Parents, Physical or Mental Status, or any other status, Children Act, 2009 [...]”.

Article 26 of the Universal Declaration of Human Rights states as follows:

“(1) everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to the children”.

5.3.3.3 The importance of Fundamental Rights of inmates in Botswana

▪ The right to life

Section 4 of the fundamental rights in Botswana states that;

“(1) No person shall be deprived of his or her life intentionally save in execution of the sentence of a court in respect of an offence under the law in force in Botswana of which he or she has been convicted.

(2) A person shall not be regarded as having been deprived of his or her life in contravention of subsection (1) of this section if he or she dies as the result of the use, to such extent and in such circumstance as are permitted by law, of such force as is reasonable justifiable-

- For the defence of any person from violence or for the defence of property;
- In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- For the purpose of suppressing a riot, insurrection or mutiny; or
- In order to prevent the commission by that person of a criminal offence, or if he or she dies as the result of a lawful act of war”.

As indicated in Article 3 of the Universal Declaration of Human Rights, everyone has a right to life, liberty and security of a person. The offenders are also have right to life like any other person in the society despite that they have committed crime and their life cannot be cut short because they find themselves in the wrong side of the law. Children in Botswana have the right to life like any other individuals living in the country.

- **Right to slavery and forced labour**

Section 6 of the Fundamental rights state as follows;

“(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour”.

Section 6 provides everyone with the right not to be treated like a slave or work forced labour. It means that everyone will be able to perform a kind of labour that is comfortable to them and this kind of provision is in line with the Universal Declaration of Human Rights. In terms of offenders, correctional services in Botswana must ensure that inmates are provided with the meaningful labour that will make them effectively rehabilitated when they return to the society. The labour that inmates must be able to do must be able to help them in terms of rehabilitation so that when they return to the society, they become a better law abiding citizens and the society can be able to welcome them back with open arms.

- **Inhuman treatment**

Section 7 of the fundamental rights states as follows;

“(1) No person shall be subjected to torture to inhuman or degrading punishment or other treatment”.

This section states that everyone has a right to be respected and treated in a manner that is not inhuman. No one must be tortured. As indicated in Article 5 of Universal Declaration of Human Rights, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Offenders must also be treated with respect and they should not be subjected to torture or inhuman or degrading treatment because by doing so it will effectively affect them in their rehabilitation processes. Rule 1 of the Nelson Mandela Standard Minimum Rules for the Treatment of Prisoners (Offenders) indicates that all offenders shall be treated with respect owing to their inherent dignity and value as human beings. No inmates shall be subjected to, and all inmates shall be protected from, torture or cruel, inhuman or

degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.

According to Acheampong (2017), the Constitution of Botswana prohibits the inhuman or degrading treatment. In June 2018 ACHPR delegation recommended that the country must consider enacting laws to criminalise torture.

- **Protection for Privacy**

Section 9 of fundamental right in Botswana indicate that;

“(1) No person shall be subjected to the search of his or her person or his or her property or the entry by others on his or her premises. As indicated in the Constitution of Botswana, everyone has a right to privacy and must have their right protected and respected. As indicated in Article 12 of the Universal Declaration of Human Rights, no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. It furthered indicated that everyone has the right to protection of the law against such interference or attacks.

- **Freedom of Expression**

Section 12 indicates that;

“(1) No person shall be hindered in the enjoyment of his or her freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of person) and freedom from interference with his or her correspondence. This section provides everyone living in Botswana the right to express themselves in a way that it does not violate other people’s rights and they should be able to raise their views about deprivation of their rights. This section resonates with the provision of Article 19 of the Universal Declaration of Human Rights which stipulates that everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. When coming to offenders they should not be deprived the right to freedom of expression. It should give them the right to free speech.

- **Freedom of assembly and association**

Section 13 of the fundamental rights indicate that;

“(1) No person shall be hindered in the enjoyment of his or her freedom of assembly and association, that is to say, his or her right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his or her interests”.

According to Palmer (2001: 53), freedom of association does not extend to offenders becoming members of gangs, as gang activities threaten the running of the correctional centre from a security perspective. Offenders must be allowed to associate with anything that will have a positive influence in their rehabilitation process. Denying offenders such an opportunity will not only be a violation of their rights, but it will demoralise them, which can lead to them paying less attention to the rehabilitation programmes.

This provision is in line with Article 20 of the Universal Declaration of Human Rights states that “everyone has the rights to freedom of peaceful assembly and association and no one may be compelled to belong to an association”.

- **Freedom of movement**

Section 14 of the fundamental rights state as follows:

“(1) No person shall be deprived of his or her freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Botswana, the right to reside in any part of Botswana, the right to enter Botswana and immunity from expulsion from Botswana.

(2) Any restriction on a person’s freedom of movement that is involved in his or her lawful detention shall not be inconsistent with or in contravention of this section”.

This section provides that no one shall be restricted his or her right of movement in or out of Botswana. Article 13 of the Universal Declaration of Human Rights indicates “(1) everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country”.

This section gives offenders the right to move freely and they should not be deprived the right for movement within the correctional facilities. More importantly, they should be allowed to see their visitors within the correctional facilities cell and they should also be allowed to go to

bathroom or drink water because denying them such rights it will be in violation of their rights to movement.

5.4.4 NIGERIA

5.4.4.1 Introduction

This part of the study will focus on Nigeria and how the country deals with the rehabilitation and correctional education. Currently, Nigeria has a population of 206 million (Nigerian National Bureau of Statistics 2014). A high population makes it necessary to have adequate correctional facilities to avoid overcrowding. Nigeria is located on the western coast of Africa and has its own constitutional law, known as the Law of the Federal Republic of Nigeria. Obioha (2011:95) indicates that the state of correctional facilities in Nigeria must be considered to succeed with the rehabilitation of offenders. The correctional facilities are appropriately considered as a formal perception of perpetrating pain on the individuals, which has been an aspect of the traditional criminal justice system in various societies in Nigeria. According to Uche, Ezumah, Ebue, Okafor, and Ezegebe (2015), the rehabilitation of offenders is very vital and there is no better way to help correctional facilities inmates to avoid the breaking in and out of jail cycle and function suitably in society on release than assisting them to acquire the skills that are needed to ensure that rehabilitation is successful and offenders are rehabilitated before they return to society.

Omorogiwa (2014) indicates that educational rehabilitation of offenders helps them with the particular opportunities of rethinking, stock taking and repentance from their old way of doing things. According to the Nigerian Correctional Facilities Services, (2009) as well as Asokhia and Agbonluae (2013), effective rehabilitation programmes in correctional facilities could assist inmates to acquire suitable skills, promote prospect development as well as attitudinal and behavioural changes. Singh (2007) indicates that incarceration entails correctional facilities or confinement being a deterrent without associating any privileges to it while rehabilitation of offenders may imply a more cooperative and remedial approach. Enugu (2018) indicates that previous studies on correctional facilities systems and crime control in Nigeria have not been able to fully address the challenges that are facing the educational training of correctional facilities inmates and problems that are facing corrections in Nigeria. Educated offenders can also secure job opportunities when they return to the society because they would have right skills to be employable and become better persons. Mohammed and Wan Mohamed (2015: 273) indicate that the aim of establishing correctional facilities institutions all over the world is to provide rehabilitation and correctional centres for

the convict there by providing an effective environment that reduces the risk of reoffending. Moreover, many offenders have education and skills levels below average standard are more likely to be unemployed who has an impact on their health and ability to find housing.

The human rights and rule of law is one of the vital things to be considered for every democratic country or state to achieve its goals of rehabilitation of offenders. This chapter will discuss the development of the Constitution of the Federal Republic of Nigeria, The Nigerian Correctional Services Act, 2019. The United Nations Standards Minimum Rules of the Treatment of Prisoners (Offenders), it is still regarded as the standard and international framework in benchmarking the treatment of offenders. The UNSMRTP forum continues to advocate for the rights and recognition of offenders as human beings in their respective countries, through review meetings where each country reports on its progress (The Nelson Mandela Rules, 1977). Rehabilitation theory is the most valuable ideological justification for punishment. It promotes the humanising belief in the notion that offenders can be saved and not simply punished. It recognises the reality of social inequity (Tan, 2008). Ajayi (2012) asserts that offenders should be treated with respect as incarceration itself restricts their movement, which can lead to depression. It furthered indicates that to avoid depression, it is imperative to engage offenders in vocational training programmes. Ali (2011) posits that correctional facilities as a reformatory centre is expected to rehabilitate offenders in custody and this can be achieved by way of providing all basic facilities for correctional centres. According to Latessa and Holsinger (1998), the offenders who partake in a correctional programme during incarceration should be more hopeful about their triumph and steer clear from participating in crime upon regaining freedom from the correctional institution.

5.4.4.2 Educational Training in Nigeria Correctional facilities

Educational training is very vital in the upbringing and the development of individuals within the society. It enables an individual to understand the importance of educating themselves and it is essential for the reformation and rehabilitation of criminal offenders. Educational programmes are vital in terms of administering the penal treatment of criminal offenders to reduce crime. According to Ajah and Nweke (2017), educational training is expected to give inmates a sense of direction and build their capacity to acquire skills that will make them productive when they are released. Ajogwu and Dike (2007) shared similar sentiment that literacy and other educational programmes have been found to be more vital in reducing the rate of recidivism in the countries worldwide and it is important that offenders must educate themselves to become better persons and become employable when they return to the society.

According to Sutton (1993), educational programmes provided in the correctional facilities help to keep inmates busy, it changes their attitudes or behaviour and enables them to be employable and helps them with vocational skills when they are released from correctional facilities. According to Federal Government of Nigeria (1989), there are some specific objectives of rehabilitation programmes in Nigerian correctional centres to help the offenders to be rehabilitated when they return to the community which includes the following: to promote the provision of adequate and accessible recreational facilities and services for the correctional facilities inmates, provision of social welfare services for the correctional facilities inmates, development of skills acquisition programmes and educational services. The United Nations Standard Minimum Rules for the Treatment of Prisoners (Offenders) provides that education of inmates should be integrated with the educational system of the country so that after their release they may continue their education without facing any challenges (The Nelson Mandela Rules, 1977).

Igbo (2007) indicates that rehabilitation of correctional facilities offender ought to begin from the first day of admission into the correctional facilities till the day of discharge. Ekpanyong and Dudafa (2016) highlight that providing offenders with basic tools of social intervention enables targeting the behaviour that can be changed and helping them to eradicate the anti-social lifestyle that has been invested to them. According to Orakwe (2013), the Nigerian correctional facilities services has several programmes aimed at rehabilitation. Some of these programmes include the correctional facilities and Adult Remedial Educational Programme (AREP) that enables illiterate offenders to access adult education including training in carpentry, metal work and woodwork. When offenders are incarcerated in correctional facilities and in incarceration for different reasons and it is important that correctional facilities are in a good standard to succeed with the rehabilitation and policy makers are able to draft programmes that will accommodate everyone in correctional facilities.

In most cases, offenders who find themselves enrolled in the higher education programmes are unlikely to return to correctional centres after successful rehabilitation than those who will not find themselves involved in the enrolment of any educational programmes. However, the offenders do not only need educational programmes that will teach them to read and write; they must also understand how to treat others in a positive transition when they released from correctional facilities. Mohammed and Wan Mohammed (2015: 273) posit that the importance of vocational education and training as part of the offenders rehabilitation offers opportunities for offenders to increase the likelihood of successful reintegration into

the community and reducing the risk of reoffending. Providing offenders with vocational education and training will provide significant benefit in addressing issues that caused offences as well as reduces their recidivism rate. Mohammed and Wan Mohamed (2015: 274) indicate factors on how vocational education reduces recidivism. The vocational education and training reduces recidivism rates by providing inmates with the technical skills, literacy and numeracy courses, as well as motivational and employment opportunity:

- **Technical skills:** Inmates believed that apart from technical skills, the courses also improved their communication and organisational skills, all of which would help find employment and reintegrate into the community upon release. Barriers to understand or completing vocational training courses include the needs for inmates to undertake offending behaviour programmes and desire to earn money through paid correctional facilities work.
- **Literacy and Numeracy:** The educational programmes offer literacy and numeracy courses as well as higher-level qualifications such as Vocational Training Diplomas.
- **Motivation:** This is another factor that will determine an offender's recidivism as the motivation for the offenders to change their behaviour. Offenders with no motivation had fatalistic and respondent attitudes towards their criminality whereas motivated offenders were able to identify and make sense of their criminality.
- **Employment Opportunity:** The training and education offered to offenders needs to be relevant to employment opportunities that are available in the location that offenders live and are likely to be employed.

5.4.4.3 Role of Formal Education in Nigerian correctional facilities

The role of formal education is very important in terms of the rehabilitation of the offenders so that when they return to the society, they become better persons. It helps them to improve their illiteracy skills issues that led them to commit crimes and find themselves incarcerated in correctional facilities. As a result of the African Correctional Facilities Project 2014, it is believed that when offenders are given meaningful programmes to do while in correctional facilities as part of rehabilitation, they can be fully prepared to support themselves upon their release, making society a safer place and reducing the rate of recidivism. Looking at education is something that should always be in the mind of offenders to engage each other in correctional facilities to encourage each other to become better persons when they are released from correctional facilities. According to Gumi (2014), when people are sent to correctional facilities for the criminal offences, it is another way of protecting the society

from harm. In that case, correctional facilities officials must ensure that they invest in the physical structures of the correctional facilities such as building, protective bars, guards, and guns may help in reducing crime in the short term.

Ewulum, Omeriyang and Mbara (2015) indicate that Reformation of Correctional Facilities Inmates can only be achieved through education and skill acquisition training. Formal education becomes a panacea for affecting positive changes in the correctional facilities inmates before they are released. The aim of formal education is to ensure that offenders improve their skills and knowledge and try to help inmates because there are many challenges that inmates face when they are in correctional facilities. The formal education can help the offenders to enhance their abilities to improve their vocational skills. Ogundipe (2008) indicates that the Nigerian Correctional Facilities Service has established practical programmes for reformation and rehabilitation of correctional facilities inmates. Some of the programmes that are offered include:

- Vocational Skills Development Programme (VSDP) which aims at empowering the inmates who have no formal education background with the practical skills in hard works like carpentry, metal-work, shoe-making, tailoring and many more.
- The second programme is the Adult Remedial Education Programme (AREP) which helps inmates who were pursuing one academic programme or other before correctional centres.

Obioha (1995) stresses out that inmates who find themselves in the involved in basic skills through educational and training programmes in correctional facilities have a greater chance of not committing/reoffending than inmates who are without basic skills. Yakubu (1999) elaborates that correctional education helps to redress the abnormal person already associated with the correctional centre; it gives equal opportunity in the acquisition of education; it also encourages and assists those who try to turn away from crime by rehabilitation. The plan to allow the inmates to undergo rehabilitation programmes is another way of helping them to become better people when they are released from correctional facilities and be able to fit into the society.

The study conducted in the USA, Ireland and the UK provides that offenders are likely to have literacy difficulties than the general populations (Batchelder and Pippert, 2002). Hurry, Brazier and Wilson, (2009) believe that in particular, correctional facilities in the UK, the curriculum is often restricted so that offenders are anticipated to participate in education that

is focused on improving narrow literacy skills rather than broader and potentially more attractive, educational areas. Asokhia and Agbonluae (2013) indicate that they conducted the study in six out of 550 correctional facilities in Nigeria and found that educational programmes included adults and remedial programmes and educational development projects. The skills acquisition projects, mid-range industrial production activities and agricultural skills were part of vocational skills training offered. According to Gumi (2014), people are sent to correctional facilities to protect the society from harm and education is one key aspect of the rehabilitation role in which inmates can engage while in correctional facilities. It helps inmates in terms of social inclusion and reintegration into the society.

5.4.4.4 Fundamental Rights and the historical development of legislative statute in Nigeria

The aim or main purpose of this chapter is to uncover the origin and development of the constitution and the correctional services of Nigeria. The Nigerian constitution is regarded as the supreme law of the Federal Republic. According to Suberu (2019), Nigeria had five constitutions in the past before the Nigerian Fourth Republic. Nigeria's First constitution was enacted during the colonial era in 1914-1960 when it gained its independence. Then in 1963 an Independent Nigeria's second constitution was established with the country being declared a federal republic which was based on the West Minister system and it continued in operation until a military coup in 1966. In 1979, the second republic constitution was enacted and it abandoned the West Minister system in favour of an American-Presidential Federal Model with 19 states. The 1993 constitution was established as the third as it was intended to see the return of the democratic rule to Nigeria. The 1999 constitution which is the fourth republic of the Federal Republic of Nigerian Constitution and it remains in force until today.

The constitution of the Federal Republic of Nigeria, 1999 is the supreme law of the country and its purpose is to promote the good government and welfare of all persons in Nigeria, on the principles of freedom, equality and justice, and for the purpose of consolidating unity within the country. The constitution of the Federal Republic of Nigeria, 1999 contains sections that set-out fundamental rights that every citizen is protected and must be abide by it. Fundamental rights contained in the constitution of the Federal Republic of Nigeria protects the inmates as well because they form part of the society in general. In terms of Article 33 (1), which is about the right to life indicates that everyone has a right to life and no one shall be deprived intentionally of his life. In a case of inmates because they are part of the society, they are also protected by article 33 (1) because their right to life is also important.

In terms of Article 34 (1), which provides that everyone must have his right to dignity respected and no one shall be subjected to torture or inhuman or degrading treatment, and no one shall be held in slavery or servitude, and no person shall be required used as forced labour. In a case of inmates Section 14 (8) Nigerian Correctional Services must ensure that inmates are protected from torture, inhuman and degrading treatment.

Article 37 indicates that “everyone must have their rights to privacy, homes, correspondence, telephone conversations and telegraphic communications guaranteed and protected”. It goes to the inmates as well their rights to privacy must be protected.

Article 38(1) stipulates that “every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom to manifest and propagate his religion or belief in worship, teaching, practice and observe. (2) No person attending any place of education shall be required to receive religious instruction ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian. (3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination”. Rule 75(1) of The Standard Minimum Rules for the Treatment of Prisoners Offenders) (the Nelson Mandela Rule, 1977) indicates that “all correctional facilities staff shall possess an adequate standard of education and shall be given the ability and means to carry out their duties in a professional manner”.

In terms of Article 39(1) “Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference”. As indicated in Article 18 of the Universal Declaration of Human Rights (UN, 2015) “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to challenge his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observation”.

The correctional system of the Federal Republic of Nigeria was known as Correctional Facilities Act Cap. P29, 2004 which was then replaced by the so called Nigerian Correctional Services Act, 2019 because the old Act could not address some issues faced by inmates. So, the new Act was to ensure that it addresses issues and it provides clear rules, setting out obligations of the Nigerian Correctional Services and the rights of inmates (Nigerian Correctional Services Act, 2019). A correctional centre serves as a place of detention for

inmates, correctional facilities or incarceration in order to promote reformation, rehabilitation and reintegration of inmates. Section 10 of the Nigerian Correctional Services discussed the functions of the Custodial Services:

- “Taking custody of all persons legally interned;
- Providing safe, secure and human custody for inmates;
- Conveying remand persons to and from courts in motorised formations;
- Identifying the existence and causes of ant-social behaviours of inmates;
- Conducting risk and needs assessment aimed at developing appropriate correctional treatment methods for reformation, rehabilitation and reintegration;
- Implementing reformation and rehabilitation programmes to enhance the reintegration of inmates back into the society
- Initiating behaviour modification in inmates through the provision of medical, psychological, spiritual and counselling services for all offenders including violent extremists;
- Empowering inmates through the deployment of educational and vocational skills training programmes, and facilitating incentives and income generation through Custodial Centres, farms and industries”.

The Nigerian Correctional Services Act, 2019 stipulates that it empowers inmates through educational and vocational skills programmes to ensure that when the offenders reintegrated to the society are rehabilitated. Section 14 (1) of the Correctional Services of Nigeria stipulates that inmates must be provided with opportunities for education, vocational training as well as training in modern farming techniques and animal husbandry for inmates to succeed with the reformation and rehabilitation of inmates. Rule 104(1) of the UN Standard Minimum Rules for the Treatment of Prisoners stipulates that the “provision shall be made for the further education of all inmates capable of profiting thereby, including religious instruction in the countries where this is possible. The education to illiterate offenders and young offenders shall be compulsory and special attention shall be paid to it by the correctional facilities administration. (2) The education of offenders shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty”. It means that inmates must be given the opportunity to study the courses that will help them when they are released from correctional facilities to continue with what they were studying in correctional facilities because it will be the same thing that they did inside correctional facilities.

According to Moon and Maxwell (2004), correctional facilities officers play an important role in the proper functioning of correctional centres and it impacts on the behaviours of inmates through their daily contacts with them and it helps the correctional services to rehabilitate offenders successfully. However, previous studies conducted in various African correctional facilities have reported that there have been myriad challenges confronting correctional facilities officers (Hasselink Louw 2004, and Onyango 2013). Cullen and Gendreau (2000), Mackenzie (2000), Milkman and Wanberg (2007) buttress that it is important for correctional services to address the fundamental problems of attitudes, thinking and behaviour that may lead offenders back into crime after being released from correctional facilities or probation. It should focus on changing participants' thoughts and attitudes, either through moral development or problem solving. They should have programmes that are more structured and emphasise the importance of cognitive-behavioural and social learning techniques such as modelling, role playing, reinforcement and cognitive restructuring that assist offenders in developing good problem-solving and self-control mechanisms.

According to section 2(4) of the Nigerian Correctional facilities Act (1972), the aim of correctional facilities was to identify the reason for anti-social behaviour of the offenders; to train, rehabilitate and reform the offenders to become better and useful citizens when they are released from correctional facilities. By doing so, it is expected that rate of recidivism will be reduced in correctional facilities if the objectives of correctional facilities are achieved from planning and providing proper rehabilitation of offenders. Section 2 (1) of the Nigerian Correctional Services Act, 2019 highlight the objectives that are set out by the act and are stated as follows:

- “The Correctional Services in Nigeria must ensure that its compliance with the human rights standards and good correctional practices and good correctional practices;
- It provides enabling platform for implementation of non-custodial measures;
- To enhance the focus on corrections and promotion of reformations, rehabilitation and reintegration of offenders; and
- To ensure that correctional centres must continue with the establishment of institutional, systemic and sustainable mechanisms to address the high number of persons awaiting trial”.

5.5.5 Educational Rehabilitation in DRC (Democratic Republic Of Congo)

The Democratic Republic of Congo is governed by its own Constitution of 2005, by which every citizen has to abide. The constitution encapsulates all human rights, fundamental liberties, duties of the citizen, the state should adhere to and how citizens are to be protected by those rights. The following are the fundamental rights of every citizens in DRC are stated in terms of articles which will be discussed next:

Article 11 (Civil and Political Rights)

“It provides that all human beings are born free and equal in dignity and rights. However, the enjoyment of political rights is granted to Congolese nationals only, save for the exceptions provided by the law”.

Article 12

“All Congolese are equal before the law and have the right to equal protection by the law”.

Article 13

“No Congolese person may, in matters of education or access to public functions or any other matter, be subject to any discriminatory measure, whether it results from a statute or from a measure of the executive, on the ground of his religion, family origin, social condition, residence, views or political convictions, or membership of a certain race, ethnicity, tribe, cultural or linguistic minority”.

Article 14

“The public authorities see to the elimination of all forms of discrimination against women and ensure the protection and promotion of their rights. They take measures to fight all forms of violence against women in their public and private life. Women are entitled to equitable representation in national, provincial and local institutions. The state guarantees the achievement of parity between man and women in said institutions. The law determines the conditions for the application of these rights”.

Article 18

“Any person who has been arrested must be immediately informed of the reasons for his/her arrest and of any accusation made against him/her, in a language which he/ she understands. He/she must be immediately informed of his/her rights. A person kept in custody has the right to immediately contact his/her family and the counsel. A custody may not exceed 48 hours.

On expiry of this period, the person in custody must be released or placed in the hands of the competent judicial authority. Any detainee must benefit from a treatment which preserves his/her life, physical and mental health as well as his/her dignity”.

Article 23

“All Congolese persons have the rights to freedom of expression. These rights imply the freedom to express their opinions and convictions, in particular by speech, in print and through pictures, subject to respect for the law, public order and morality”.

Article 32

“All foreign nationals who are legally in the national territory enjoy the protection granted to persons and they are under the conditions defined by the treaties and the laws”. “They are obliged to follow the laws and regulations of the republic”.

The Ohio Department of Rehabilitation and Correction in Democratic of the Republic of Congo stated the principles and Characteristics of Effective Programmes in Congo and are as follows:

- Programmes should adhere to the risk principle.
- Programmes should target the criminogenic needs of offenders who are assessed as having a need in a particular area.
- Take steps to ensure that the programme is implemented well and that programme integrity is preserved.
- Treatment programming should use cognitive-behavioural and social learning strategies.
- Address offender responsively.
- Program structure and activities should reach out into the offenders’ real world social network, when possible.
- Aftercare services, continuity of care in the community, and relapse prevention are very important for offenders re-entering the community after incarcerated.

5.4 Conclusion

This chapter discusses the comparison of educational rehabilitation of offenders in a various SADC and international countries. It also discusses the importance of other documents paved the way for important human rights instrument that need to be taken into account in terms of the treatment of offenders in the correctional facilities. Some of those important documents that protect the rights of the offenders are as follows; Universal Declaration of Human Rights, The American Declaration of Independence of 1776, United Nations: The Standard Minimum Rules for the Treatment of Prisoners' (Offenders) 1955: Nelson Mandela Rules. It discusses the historical background on the treatment of offenders in the correctional facilities in various countries.

CHAPTER 6: FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

6.1 Introduction

This chapter discusses the findings of this research based on the research questions and objectives of the study. Based on the findings in this research, it has been indicated in this study that the researcher utilised informal interviews and observations to collect data from educationists in the Johannesburg Correctional Centre on the impact of higher educational programmes in offenders' rehabilitation within the DCS of South Africa. Therefore, this chapter offers informal descriptions of data collection and a critical analysis of literature in an attempt to answer the research questions. The findings in this research will be presented and discussed under the following research questions:

- What are the rehabilitation programmes offered to the offenders?
- What are the international and African perspectives of education and the rehabilitation of offenders?
- What are the implications of education on individual citizens?
- What are the international standards required for the treatment of offenders?
- Is offender's education a right?
- What is the value of education as part of the rehabilitation process and its impact on the functioning of the South African DCS?

6.2 Findings

As directed by the objectives and research questions, data were collected and analysed to draw a significant conclusion in the findings of this research as stated above and the following were the research questions to be answered in this study:

6.2.1 What are the rehabilitation programmes offered to the offenders?

This study indicated that the DCS has different programmes they offer to offenders as a form of rehabilitation (see. 1.1, chapter 1 of this research). These programmes are to assist offenders in terms of rehabilitation to become better law-abiding citizens. In most cases, inmates find themselves on the wrong side of the law and the DCS put in place programmes to assist them not to re-offend. Some of these programmes are discussed in the following sections:

6.2.1.1 Recreational Programmes

Recreational programmes offer a distinct advantage over other treatment programmes. To participate in and learn from recreational programmes, one does not need to be able to read and write. There is no better example of the "treatment versus security" dilemma than in correctional recreation. A correctional institution without a varied and comprehensive recreation programme leaves inmate with considerable idle time and few appropriate outlets for venting any frustrations or tensions they may be feeling.

6.2.1.2 Early Childhood Development (ECD)

A study by Goshim and Byrne (2009: 290) found that the South African DCS provides ECD in partnership with the DBE to young children who are incarcerated with their mothers in prison to ensure they receive enough development opportunities in their early years, and to obtain the skills necessary for when they return to society. Gushin and Byrne (2009: 288) highlight that since most correctional centres in South Africa focus on incarcerated persons, the DCS in South Africa, therefore, recognises a responsibility to ensure that while incarcerated people are within correctional centres, babies within these centres are given a good start in life. This is done by providing them with educational programmes to prepare for placement in the ECD Centres in their communities.

6.2.1.3 Literacy Programmes

Research also found that more than half of those incarcerated in American Federal and State correctional centres can neither read nor write, and they have less than an eighth-grade education. Vacca (2004: 300-302) reports that most of the inmates participating in South African government-run literacy programmes could not read and write. They are also more likely to be engaged in literacy programmes as they learn skills that will help them secure jobs when they are released from correctional centres. Correctional centre offenders are often difficult to hire because of their lack of experience or literacy skills. With the high cost of incarceration and the large increase in the population of correctional centres, it seems that mastery of literacy skills may be a proactive way to reduce the rate of re-incarceration.

6.2.1.4 Adult Education and Training

The DCS has partnered with the DHET to offer the AET programme, which provides offenders with the right kind of skills to prepare them to successfully reintegrate into society. AET levels are available from 1-4 in some correctional centres. "Adult Education and Training (AET) is an outcomes-based programme that aims to provide basic learning tools,

knowledge, and skills, such as reading, writing, and numeracy to participants” (South African Corrections in South Africa, 2008: 12).

6.2.1.5 Higher Education and Training Programmes

The DCS does encourage offenders who are interested in pursuing higher education to do so part-time through higher education institutions. According to Anders and Noblit (2011: 91), the findings from the research conducted at the NC Workplace and Community Transition Youth Offender Programme found that offenders also understood that being incarcerated would make it challenging to reintegrate into mainstream society.

6.2.1.6 Vocational Education Training

Gus (2003) describes vocational rehabilitation programmes as having an important role in reducing re-offending potential. Offenders need rehabilitation, education and preparation for their return to society in order to avoid a life of crime. Roper (2005: 32) found that even though ex-offenders receive necessary skills through matriculation, vocational training, diplomas, and degrees, they still struggle to find employment after they are released from prison. This study findings show that educational system within the correctional centres need some improvement in order to have effective rehabilitation process.

6.2.2 What are the international and African perspectives of education and the rehabilitation of offenders?

This study has revealed that many countries around the world have different educational programmes to rehabilitate offenders. The study revealed how the DCS in South Africa deals with rehabilitation programmes compared to other countries. This study has shown that many countries are implementing education programmes as a form of rehabilitation. These findings are similar to the study conducted by Patzelt et al., (2014: 615) which highlights that many correctional facilities are implementing education programmes that enhance “reintegration into work and society after release.”

Correctional education has been in operation for several hundred years with the objective of socialisation of offenders to curb offending behaviour. In the study conducted in Norway during the 1800s, correctional education legislations were formulated to ensure that young offenders can finish their schooling. Norway has implemented the 1969 Education Act to allow all correctional facilities within the country to facilitate education and training programmes to offenders (Norwegian Ministry of Education and Research, 2005: 9). Tonseth

and Bergsland (2019) shared similar findings that education in prison has contributed to social benefits, self-determination, and accountability of ex-offenders to be able to improve their self-esteem. The Norwegian Correctional Service has now focused on the rehabilitation of inmates since the study also discovered that Norwegian inmates have less education than the average population.

This study discovered that South Africa was using punishment as a form of rehabilitation before 1994 when it became a democratic country. The government has established the Correctional Services Act 111 of 1998 in terms of the Constitution of the Republic of South Africa Act 106 of 1996. The establishment of the Correctional Services Act and Constitution was to ensure that the rights of the offenders are not infringed as well as the rights of the citizens. The DCS has now moved away from what was known as the punishment of offenders to rehabilitation programmes. The findings in this study indicate that the rights of offenders were not taken into cognisance until the country's first democratic election in 1994. The study further explains that everyone in the country must be treated equally and they should not be discriminated against based on grounds mentioned in subsection (3) (see 2.9.1.1). The White Paper on Corrections (2005: 74) highlights that the purpose of the correctional system in South Africa is not about punishment but protection of the community, promotion of social responsibility and the enhancement of human development to preclude recidivism or the return to crime.

This research revealed that Swaziland took the rehabilitation process as a key aspect to rehabilitate offenders since gaining independence and the government of Swaziland has established the Correctional Services Act, 2017 whose function is to ensure that the rights of offenders are respected and all inmates are detained lawfully in the correctional centres. The DCS should provide educational programmes to rehabilitate offenders as one of the priorities. The findings of Zecha's (2002) study indicate that correctional education intends to prepare offenders to re-integrate into society. However, Biswalo (2011) reveals that only fewer offenders attend formal rehabilitation programmes than work-related programmes in the correctional services. Bruyns (2007) found that most African countries offer rehabilitation programmes; some countries have fewer resources to offer educational rehabilitation and there is a lack of motivation.

It was discovered in this study that U.S correctional facilities lack educational programmes that are needed to help inmates deal with stress and allow the inmates an opportunity to opt

out of criminal life. These findings also indicate that the U.S justice system is trying its level best to ensure that offenders gain access to education to reduce recidivism. Shankar (2018) found that the USA is in the process of fixing the gap that has been there for quite some time regarding the policy that is developed for American correctional centres to ensure they have effective rehabilitation programmes. These views are similar to those of Walsh (2001) who indicated that offenders were treated like slaves up until the middle part of the twentieth century. Phillip and Rumrill (2013) reveal that USA occupational therapists are being called upon for employability assessment, functional capacity evaluations and job analysis. The findings of the study conducted in USA affirm that offenders released with high education qualifications are likely to be employed and earn a good salary (Fabelo: 2002: 109). It appears that correctional education can “save millions of dollars while improving the lives and opportunities of individuals who have saved their time and have successfully paid their debt to society” (Bosworth et al., 2005: 5).

The findings in this research revealed that most incarcerated inmates in Canada are women who still breastfeed children and the evidence show that incarcerated women experienced poor physical and mental health. The Canadian constitution and human rights legislation protect pregnant women or those with the possibility of being pregnant (see 5.12). These findings are consistent with United Nations Standard Minimum Rules for the Treatment of Inmates (Nelson Mandela Rules, 1977), Rule 81 (3) “Women inmates shall be attended and supervised only by women staff members. However, this does not preclude male staff members, such as doctors and educationists from carrying out their professional duties in those correctional facilities that are made for women.” This study shows that countries like Canada took rehabilitation as important because most inmates find themselves homeless after being released from correctional facilities owing to lack of education and they cannot find jobs.

This study has revealed that Botswana is one of the unique countries in the sub-Saharan Africa region that managed to establish its own correctional education before they can develop their first National Policy on Education. Education and Training Act, 2014 requires the establishment of an education and training system as well as a structure. The right to education and training must be considered, as well as a right not to undergo inhuman or degrading treatment. Basic education and training must be governed and managed in accordance with the Act (see 5.4.2). The treatment of offenders in Botswana is in line with

the rule set in the UN Standard Minimum Rules for the Treatment of Inmates (Nelson Mandela Rules: 1977) and Universal Declaration of Human Rights (1948).

This study has shown that in Nigeria the use of vocational training and rehabilitation of offenders is becoming more important in the Nigerian correctional facilities. It has been proven that by providing inmates with the basic literacy skills, job hunting skills and counselling improves inmates' lifestyle. The study conducted in Okaka correctional facility in Nigeria shows that there are forms of correctional educational that are provided to offenders' such as education, counselling, religious services, soap making, construction, car maintenance, assembly and lathes, carpentry manufacturing, as well as computer training in order to rehabilitate offenders (Stephen, & Dudafa, 2016). The findings in this research also proves that have some challenges when coming to the correctional services environment which makes it difficult to rehabilitate offenders effectively. Omorogiuwa (2014) points out that educational rehabilitation for criminals offers the special potential to rethink offenders, acquire shares and repent of old ways of doing things. According to Nigeria Prison Services (2009) and Asokhia and Agbonluae (2013) do not believe that effective correctional rehabilitation programmes will help inmates acquire appropriate skills, perspective development, attitudes and behavioral changes. Singh (2007) indicates that detaining inmates as a deterrent without privilege, and rehabilitation of offenders need a collaborative and curative approach. Enugu's (2018) study discovered that previous studies could not address issues faced by the Nigerian correctional facilities as well as the educational sectors in general which hamper the rehabilitation of offenders (see 5.5.1).

This study revealed that in England Dr Thomas JE (1981: 7&17) claims the correctional facilities system in England was created under the provisions of the correctional facilities Act, 1877. This Act marked the culmination of gradually encroaching Central Government authority over local officers who have administered the correctional facilities system in this country since medieval times. The adult educationists' aims may not be primarily, or even primarily related to individuals in some circumstances. Organisations may also be of concern to adult educators. When a particular member of an organisation is involved in a training course, it is understandable to consider the implications of what they are doing for the position of all other members of the organisation and the consequence of only educating one part of the organisation instead of the other.

This study revealed that in Australia the correctional facilities had challenges of drink driving offenders who commit crimes and now they have implemented drink driving rehabilitation programmes to rehabilitate inmates. Specialised programmes for specific offending problems have seen an increase in Australia, such as those that deal with sexual offending, violent offenses, or substance abuse. The programmes are aimed at rehabilitating offenders so that they can reintegrate into society, and new evidence has been produced since 1967 showing some rehabilitation programmes do work (Borowski, 1986).

6.2.3 What are the implications of education on individual citizens?

Education is a key component of rehabilitation and the development of individual citizens and it determines how individuals within the community react in a different situation. The environment that the individual grow-up determines how one will contextualise the situation. Education installs morals to individuals, more civil and democratic societies. In light of such implications, it is appropriate to ask what is known about the role of education in the rehabilitation of individual citizens. Education of individual citizens helps them with behavioural change and prevents them from future criminal activities. This study has shown that its purpose is to help offenders to understand the impact of higher educational programmes in offenders' rehabilitation. Education is important for life after reconciliation because education helps to develop personal strength. Educational programmes are very important for the education and development of individuals in society.

It allows individuals to understand the importance of self-education, which is essential for criminal recovery and rehabilitation. Educational programmes are essential in implementing criminal treatment for criminals to reduce crime. Educational programmes are very important for the education and development of individuals in society. It allows individuals to understand the importance of self-education, which is essential for criminal recovery and rehabilitation. Educational programmes are essential in implementing criminal treatment within society to reduce crime. The implications of education on our society reduce crime and help individuals understand the importance of education. A society that is not educated finds itself in a difficult position to deal with crime. Most adolescents become involved in substance use owing to a lack of education. Education contributes to the stability of society and can create a democratic society that can only be achieved with a high-quality education. Education gives society the knowledge it needs to make the right decisions.

6.2.4 What are the international standards required for the treatment of offenders?

The findings in this research prove that the treatment of offenders in the correctional facilities within the DCS is in line with the Nelson Mandela Rule and Universal Declaration of Human Rights (1948). United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules, 1977):

Rule 1 “All inmates shall be treated with respect due to their inherent dignity and value as human beings. No inmates shall be subjected to, and all inmates shall be protected from, torture and other cruel, inhuman, or degrading treatment or punishment, for which no circumstances may be invoked as a justification. The safety and security of inmates, staff, service providers, and visitors shall be ensured at all times.”

Rule 91 “indicates that incarcerated inmates must be treated with respect and dignity and they should be able to support themselves after they are released from the correctional facilities. They should be able to have a sense of self-respect and develop their sense of responsibility as law-abiding citizens.”

It was proven in this study that all human rights are applied to all inmates that are detained in correctional facilities. These findings are similar to those of Coyle (2008) who explains that the International Human Rights treaties and instruments are quite clear that detained persons are entitled to all human rights that are not expressly removed by the fact of their detention. Article 5 of the Universal Declaration of Human Rights indicates that “no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” The study conducted in the UK indicates that inmates are protected by the European Convention on Human Rights, which was incorporated into UK law by the Human Rights Act, 1998. The Universal Declaration of Human Rights was adopted to protect the rights of every individual on this planet. As the Declaration protects offenders, its provisions cannot be separated from the operation of the correctional system. International covenants on socio-economic and cultural rights as well as the international covenants on civil and political rights both contain provisions similar to those in the Universal Declaration of Human Rights.

The treatment of offenders involved the right to health care as indicated in section 12 of the Correctional Services Act 111 of 1998, and the Act further explained that inmates have the right to adequate medical treatment but no inmates are entitled to cosmetic medical treatment at state expense. The Act does not only provide information on medical care only, but it also indicates that inmates’ needs for accommodation, nutrition, hygiene, clothing, and bedding

are met. The DCS has moved away from the punishment of offenders to rehabilitation programmes. The study findings are supported by the study conducted by Gillespie (2003) who indicates that the treatment of offenders is important in the correctional facilities and correctional officials must ensure that inmates are treated with respect and dignity. This helps to facilitate the good relationship between offenders and officials to succeed with the rehabilitation of offenders while being detained in the correctional facilities.

This study revealed that the main foundation of the United Nations' work, which consists of promoting, protecting, and monitoring human rights and fundamental freedoms, is part of the International Human Rights Convention. The Bill consists of three texts: the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights (Buerghenthal, 1995: 28) Many International Human Rights documents were developed when the United Nations began to tackle human rights issues. The Universal Declaration of Human Rights was first created to guarantee basic human rights and freedoms. The International Covenant on Civil and Political Rights was introduced, then followed by the International Covenant on Economic, Social, and Cultural Rights. Universal Declaration of Human Rights, which came into effect in 1948, was considered the first step in creating an international catalogue of basic rights (De Villiers, Van Vuuren & Wiechers, 1992: 1). It was only after it was recognised how the dehumanisation of certain Jews, Gypsies, homosexuals, etc. The sanctions of state humiliation and abuse could lead to institutionalised human rights abuses. The study conducted by Henkin (2000: 11) explains the Declaration as a concept of human rights in authoritarian norms by setting up 30 articles on basic human rights. The 30 articles of the Declaration can be seen as an essential foundation for building a world where all citizens can live in dignity and peace. This Declaration not only helped transform distrusted natural ideas into dominant political ideas but also internationalised human rights issues in the sense that all nations could work together to coordinate human rights issues. The Standard Minimum Requirements for Treating Inmates are for everyone, regardless of race, gender, colour, language, religion, political affiliation, and country of origin or social origin, wealth, birth, or another status (United Nations, 1984). Inmates' religious beliefs should also be considered and be protected whenever the rules are applied. This study revealed that in The Standard Minimum Rules for the Treatment of Inmates, the basic principle is that all inmates must participate to the effectiveness of the rehabilitation programmes in the correctional facilities. Discrimination against offenders for racial or other reasons only results in certain racial or other reasons only results in certain racial inmates benefiting from rehabilitation

programmes. It is always important to keep in mind that all offenders must return to the society one way or the other at some point. To prevent them from recidivism, they should all be rehabilitated so that they no longer commit crimes to improve their life after release.

6.2.5 Is offender education a right?

It was proven in this study that offenders have the right to education since it forms part of the social rights that are necessary for human development in the constitution. The DCS shares a similar sentiment with the findings in this research that inmates should be given the necessary support to enrol in educational programmes. The DCS Act 111 of 1998 stipulates that in section 41, “Sentenced offenders who are illiterate or children must be compelled to take part in the educational programmes offered in the correctional facilities.” The Constitution of the Republic of South Africa also indicates that everyone has the right to education and these rights must be in line with the Universal Declaration of Human Rights Article 26. The Article posits that everyone has the right to education but also emphasises that education shall be free. Education was referred to in the International Covenant on Economic, Social, and Cultural Rights as one of the contributors to maintaining citizens’ adequate standard of living. International law declares that education is a human right, and therefore, all countries are expected to comply by incorporating this into legislation that is translated into policies for implementation. According to the Universal Declaration of Human Rights, Article 26, "everyone has the right to education, and the states are responsible for maintaining these rights". As education is recognised by international agreements as a human right, non-compliance has been deemed a violation of international law, and governments have the responsibility in this situation (Vorhaus, 2014: 162).

Education is an important aspect in the correctional facilities which all inmates must be compelled to participate in it as part of the rehabilitation programmes and it has been proven in this study that the DCS takes rehabilitation of offenders as their main priority and it has strengthened the educational programmes by introducing the compulsory education policy to help the illiterate inmates to be able to read, write and count (see. 3.3.2). Hence, the literature revealed that observation conducted by the researcher shows that the right to education is important to offenders in preparing them to return to society and the informal interview with the educationists indicate that offenders have the right to education and such rights are enshrined in the Constitution of the Republic of South Africa. The findings in this research are similar to the one of De Sa e Silva (2009: 195) which indicates that “providing offenders

with the right to education involves more than simply increasing the delivery of a good; it involves contributing to the restoration of their self-esteem and their peaceful reintegration in the society. In other words, it should help the inmates to become better persons. The Constitution of Namibia also highlights the importance of education and its rights to offenders (see. 5.3.3.11). The study conducted by Lockard and Rankins-Robertson (2011) indicates that the right to education is the fundamental principle that applies to inmates who should be able to gain access to education and it should be available to all groups of offenders.

Educating people enhances their social capital by enabling them to develop new friendship networks outside of correctional facilities and self-help groups. It also improves their physical capital by expanding their career opportunities and job prospects, which can improve their quality of living and their social wellbeing. Correctional education is predicated on the premise that “inmates will find motivation to continue their education through correctional education, and they may be able to improve or increase their chances of remaining out of correctional centres after finishing some courses” (Uban & Robinson, 2003: 119). Enhanced correctional education can be achieved, according to Ellis et al. (2008: 207), by increasing research and literature output. The dispute over correctional education’s effectiveness, on the other hand, “continues to split scholars, legislators, correctional practitioners, and the general public” (Uban & Robinson, 2003: 126).

6.2.6 What is the value of education as part of the rehabilitation process and its impact on the functioning of the South African DCS?

This study has proven that education is critical for the rehabilitation of inmates in correctional facilities. The DCS is responsible for providing corrections to the inmates with the assistance of the community as outlined in the White Paper on Corrections. According to the Constitution of the Republic of South Africa (1996), all South Africans are obliged to contribute towards maintaining and protecting a just, peaceful and safe society. According to Vacca (2004), most inmates participate in rehabilitation programmes voluntarily in hopes of earning a living after they are released from prison. The study explained that education programmes in correctional facilities are a form of rehabilitation that reduces recidivism rates. Education programmes are meant to help offenders develop the social skills they will need, along with techniques and strategies to help them deal with their emotions and prevent them from engaging in criminal behaviour again.”

Education was integral to all the research questions in this study to assist the DCS with effective rehabilitation. In observations made at the Johannesburg Correctional Centre, it is evident that education increases social and physical capital by enabling new networks of friends to form outside of correctional facilities and self-help groups. As a result of education, physical capital is improved by improving career options and job opportunities, which can improve living standards. Therefore, education can enhance the quality of life for everyone. Inmates benefit from education by being empowered to take care of their health, become more effective parents, re-evaluate their ingrained negative belief systems, develop achievable goals, and improve their day-to-day functioning and personal efficacy. It is effective and adds value to the socio-economic environment. This study revealed that the value of education is vital because it gives offenders an opportunity not to be involved in substance abuse which will lead them to commit a crime and end up incarcerated. There is evidence that treatment programmes are instrumental in stopping addiction and promoting recovery and can benefit individuals on a number of therapeutic levels. After receiving treatment, individuals are required to apply these benefits to their daily lives and also to navigate their way through real-life situations. Through adult education, people in recovery can build enough recovery capital to get them started and help them sustain their recovery on a daily basis. Bringing back the emphasis on the role of education in developing recovery capital is an effective way to strengthen drug policy and practice. In addition, engaging in adult education while in recovery can open up opportunities that people will not lose if they participate, which can include legitimate income, sustainable housing, improved relationships with family, and belonging to a community.

Mkosi (2013: 101) discovered that offenders who attend educational programmes in the correctional facilities as part of their rehabilitation while incarcerated managed to secure job opportunities upon their release, while other offenders are furthering their studies with institutions of higher learning in South Africa. Based on these findings, it becomes apparent that offenders' participation in education programmes may be owing to career goals. South Africa's Constitution asserts that all South Africans should contribute to upholding and protecting a just, peaceful and secure society. In this regard, the DCS affirms that families are the foundation of society. Family is regarded as the primary level where corrections should happen. Schools, churches and non-profits are all part of the community in which corrections should take place. Therefore, correction is the responsibility of all social institutions and individuals (family, education, religion, sports, and cultural institutions) and many

government sectors, not just the work of a particular sector. The Ministry's view of correction also stems from the need to generate the moral fibres of South African society. In this context, the activities of government social clusters strengthen social cohesion and promote social justice. Creating an environment where criminals are encouraged to abandon negative and destructive values and replace them with positive and constructive values can be described as the core business of correctional facilities (DCS, Act 111 of 1998: 35).

6.3 Recommendations

This study recommends the following:

- Conducting correctional rehabilitation that are relevant to detainees to educate inmates on ways to improve their life after release.
- Corrective educational programs should address the needs of offenders and address employment opportunities by implementing a policy that assists ex-offenders with receiving employment so that recidivism can be reduced.
- Department of Correctional Services must work with young people to promote education so that they can contribute to building a better society where young people will stay out of crime and will lead constructive lives.
- The DCS should partner with other departments such as higher education and training, sports and recreation, social development, and institution of higher learning, as well as the arts and culture department to place wrongdoers in a type of apprentice program in the working environment.
- The DCS need to ensure that the educational programmes are developed to align with the reason for which the offenders have been incarcerated.
- Correctional facilities should establish a criminal equity framework when handling remand detainees so that they aren't kept for too long before their sentencing in court, which would reduce overcrowding.
- The DCS develops new facilities in order to reduce overcrowding.

6.4 Conclusion

This study has proven that the impact of higher education in offenders' rehabilitation yield positive results in the rehabilitation of offenders and it helps them to become better people

when they return to society. White Paper on Corrections (2005) indicates that educationists employed by the DCS are rehabilitators and can assist offenders with the rehabilitation processes to become better citizens when they return to society. Educational rehabilitation should be seen as a positive and appropriate norm and value system. This study discovered that the correctional facilities in South Africa are facing challenges of overcrowding and this affects not only the criminal justice but also social welfare policies, access to health services, education, and employment and among others. The Annual Report of 2019/20 has indicated that the DCS has recorded a population of 154 449 against 120 567 beds that were approved. The overcrowding was reduced by 28 per cent after the president approved the release of 15 911 with special remission in 2021(DCS, Annual Report 2019/2020).

Throughout history, human rights have been a key component of each individual's existence. In the same way that laws create and protect human rights, laws also protect such rights. We have been utilising correctional facilities for over 250 years. Even before correctional centres were developed, there were methods of punishment. Correctional centres appear to be the most common way to punish individuals today. Moreover, correctional centres are not only necessary for the removal of inmates from society but also to ensure their rehabilitation. The DCS has a code of conduct that assists educationists in terms of what rehabilitation programmes should be given to the offenders and it also guide them on how the correctional officials should conduct themselves and rehabilitation should be a priority in the correctional centre. The success of educational rehabilitation programmes should focus on improving the key outcomes, such as

The environment where the human rights of offenders are considered and where reconciliation, forgiveness, and healing are facilitated as well.

The Educational Rehabilitation Programmes consists of basic education, vocational skills training, recreational programme, health care, and psychological treatment.

The DCS' purpose was to provide sustenance towards the enactment of the rehabilitation programmes in the correctional facilities. It also emphasised the framework on the educational rehabilitation by describing various aspects of the management of rehabilitation which includes vision and mission statement, code of conduct, rehabilitation committee, offenders, and rehabilitators. The study concluded that educational programmes offered by the DCS should be needs-based and aligned with employment opportunities, self-esteem and successful rehabilitation of individuals. This study discovered that correctional facilities

around the world have been going through improvement processes to ensure that they put rehabilitation and reintegration of offenders at the centre stage of correctional facilities (Ngozwana, 2017).

This study reveals that the impact of higher educational programmes plays a very crucial role in the rehabilitation of inmates. The study revealed in countries such as Canada, America and England, numerous methods for reforming criminals have been implemented over the years. Educational Release Program is one of the best programmes offered in America. This programme allows inmates to attend academic and training institutions while in correctional facilities. This study concludes that higher education programmes aimed at promoting the rehabilitation of offenders will always be hampered by recidivism and overcrowding in our correctional facilities. A high crime rate in the country is one of the contributing factors to the high recidivism rate, which causes overcrowding in prison facilities. A correctional facility's overcrowding contributes to poor health, a shortage of resources and violence.

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APPENDIX A: UNISA ETHICAL CLEARANCE



UNISA 2021 ETHICS REVIEW COMMITTEE

Date: 2021:11:15

ERC Reference No.: ST82

Name: P Ravele

Dear Mr Petrus Ravele

**Decision: Ethics Approval from
2021:11:15 to 2024:11:15**

Researcher: Mr Petrus Ravele

Supervisor: Prof P Muthaphuli

The impact of higher educational programmes in offenders rehabilitations: A case study

Qualification: MA in Criminal Justice

Thank you for the application for research ethics clearance by the Unisa 2021 Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **negligible risk application** was **reviewed** by the CLAW Ethics Review Committee on 15 November 2021 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.*

The proposed research may now commence with the provisions that:

- 1. The researcher will ensure that the research project adheres to the relevant guidelines set out in the Unisa Covid-19 position statement on research ethics attached.**
2. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.



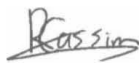
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3. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
4. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
5. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
6. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
7. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
8. No field work activities may continue after the expiry date **2024:11:15**. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note:

The reference number ST82-2021 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,



Prof R Cassim
Chair of CLAW ERC
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APPENDIX B: LANGUAGE EDITING CERTIFICATE

EDITING AND PROOFREADING CERTIFICATE

7542 Galangal Street

Lotus Gardens

Pretoria

0008

05 February 2022

TO WHOM IT MAY CONCERN

This certificate serves to confirm that I have language edited P Ravele's thesis entitled, "THE IMPACT OF HIGHER EDUCATIONAL PROGRAMMES IN OFFENDERS REHABILITATION: A CASE STUDY."

I found the work easy and intriguing to read. Much of my editing basically dealt with obstructionist technical aspects of language, which could have otherwise compromised smooth reading as well as the sense of the information being conveyed. I hope that the work will be found to be of an acceptable standard. I am a member of Professional Editors' Guild.

Hereunder are my contact details:



Jack Chokwe (Mr)

Contact numbers: 072 214 5489

jackchokwe@gmail.com

Professional
EDITORS
Guild

Jack Chokwe
Associate Member

Membership number: CH0001
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