

Rehabilitation Institutions...or?

This memorandum, researched and written by SHEENA DUNCAN, was published almost in toto by the Rand Daily Mail, since when the issues involved have received widespread publicity and evoked statements from the ministers concerned. The Black Sash trusts that its exposure of the contents of Proclamation R133 will cause it to be withdrawn and replaced by genuine welfare measures.

THE inmates of an institution shall be detained therein for the purpose of improving their physical, mental and moral condition by

- a) training them in habits of industry and work;
- b) re-orientating them to the traditions, culture, custom and system of government of the national unit to which they belong;
- c) generally cultivating in them habits of social adaptation in the community and of good citizenship including the fostering of an awareness in regard to the observance of, and the necessity for, the laws of the country?

The above is not a quotation from the statutes of communist Russia nor of the Third Reich. It is not even a quotation from prison regulations. It is section 5 of the Proclamation for Rehabilitation Institutions in the Bantu Homelands published as Proclamation R133 in a government gazette of June 6, 1975 here in the Republic of South Africa.

The regulations allow for the establishment of institutions in the homelands of the reception, treatment and training of persons committed thereto under the Bantu Urban Areas Consolidation Act or the Bantu Labour Act, such institutions to be maintained and conducted by the Secretary for Bantu Administration and Development. In other words, the responsibility for running these institutions lies with the central government.

Who are the people who are so in need of "treatment" and training that they should be admitted to one of these institutions in terms of the two acts mentioned?

They are not habitual criminals, nor are they criminally insane or mentally or physically disabled. They have not been convicted of criminal offences. They are pass offenders.

They are ordinary men and women, South African citizens (only Black citizens are affected of course) who have the misfortune to be without the proper permits and papers which would enable them to live and work in that part of their own country where they wish to be.

SECTION 14 of the Bantu (Urban Areas) Consolidation Act No 25 of 1945

says that any African person who has been convicted of remaining in a prescribed area illegally or who has been "introduced" into a prescribed area without permission may "with due regard to his family ties or other obligations or commitments, be removed together with his dependents, under a warrant issued by the court convicting him . . . or by any Bantu Affairs Commissioner . . . to his home or his last place of residence or to a rural village, settlement, rehabilitation scheme, institution or other place.

This section then goes on to say that a person removed in terms of the above paragraph "shall be detained thereat for such period and perform thereat such labour" as may be laid down by the law establishing such settlements.

SECTION 25 of the Bantu Labour Act (No 67 of 1964)

says that any African who is arrested for or convicted of contravening or not complying with the provisions of the Urban Areas Act or the Labour Act or the Abolition of Passes and Coordination of Documents Act may be referred to an aid centre.

The officer in charge of an aid centre may "whether or not he (ie the arrested person) has been convicted of such an offence" make such order as may appear to him to be just in regard to the repatriation of such Bantu and his dependents to his home or last place of residence or any other place indicated by such officer.

SECTION 29 of the Urban Areas Act

provides that whenever any authorised officer has reason to believe that any Bantu outside the homelands is an "idle or undesirable person" he may without warrant arrest that person who will then be brought before a Bantu Affairs Commissioner.

The Commissioner may then declare him to be idle or undesirable and order him to "be sent to any rural village, settlement, rehabilitation scheme, institution . . . and be detained thereat

for such period and perform thereat such labour as may be prescribed . . ."

If a person is declared to be idle or undesirable the onus of proof is on him (or her) to prove that he is not.

The definition of idle as laid down in Section 29 is very wide indeed and includes someone who has been required to leave the area concerned and has failed to do so or has returned to the area without permission.

Undesirable people include those who have been convicted of various offences and Section 29 imposes a kind of administrative punishment in addition to that already handed down by the courts.

People ordered to a rehabilitation scheme in terms of Section 29 have a right of appeal but the noting of an appeal does not suspend the operation of the order.

IN TERMS of the new regulations a person sent to a rehabilitation institution is to be detained there for three years subject to the terms of the order committing him although the Board of Management of the institution may discharge an inmate before the period has elapsed.

A person who is serving a prison sentence may be transferred to one of these institutions for the unexpired portion of his sentence but not for longer than three years.

The Proclamation lays down the rules and regulations for the running of a rehabilitation institution among which are the following:

SECTION 6. — There shall be a board of management for each institution which shall be appointed by the Minister of Bantu Administration and Development.

SECTION 7. — The Minister shall appoint a Superintendent as head of the institution. He is to be subject to the control of the board and among his duties are to:

- determine the duties to be performed by each inmate;
- have the right to search or cause to be searched an inmate on admission or at any time thereafter provided that the search is carried out by someone of the same sex as the inmate in a seemly manner without offence to his dignity and "an inmate shall, as far as is practicable, not be stripped and searched in the presence and sight of other inmates";
- receive and keep in his custody all money, personal effects, clothing or other article which an inmate has in his possession on admission and which, in the opinion of the superintendent, he should not be allowed to retain or receive while in the institution.

SECTION 11. — Inmates shall be classified in different groups with due regard to conduct, educational qualifications, mental and physical con-

dition "and the provisions of Section 5". Once classified they can be moved by the superintendent from one group to another subject to the confirmation of the board

- "The general treatment, training and care of the inmates shall be so organised as to attain the purposes set out in Section 5";
- "The physical fitness of inmates shall be improved in such manner as may be prescribed by the superintendent in consultation with the medical officer";
- "Provision shall be made for such leisure activities and hobbies of inmates as may be prescribed by the superintendent".

SECTION 12. —

- Every inmate shall, unless prevented by illness, be employed in such work as the superintendent may determine";
- "The assignment of work in an institution shall as far as practicable be so organised as to meet the particular needs and circumstances of each individual inmate and shall constitute an integral part of the programme of treatment contemplated in Section 5";
- Inmates may be required or allowed to work outside the institution but not for any person or body other than the State, or the Bantu authority or for the institution.

SECTION 13. — Inmates *may* be paid allowances for work done by them while they are detained, the rates and conditions of such payments to be decided by the Secretary for Bantu Administration.

"The payment of allowances to an inmate shall be a privilege to be earned by work and the amount of such allowance shall depend upon the conduct of the inmate."

SECTION 16. — Inmates can have visitors but only with the authority of the superintendent and subject to rules prescribed by the board. The superintendent shall keep a record of the name, identity number and address of any visitor together with the object of his visit and his relationship to the inmate concerned.

Visitors can be searched and can be refused admission without being given the reasons for the refusal.

- "The superintendent may open and read any letter or parcel addressed to an inmate or written or sent off by an inmate and investigate the contents thereof, and may withhold any letter or parcel, the further transmission or despatch of which is in his opinion undesirable by reason of the nature of its contents or of the personality of the writer or addressee or of any relevant circumstances."

SECTION 18. — The board and the superintendent may, with the approval of the Secretary

of Bantu Administration, make rules for the maintenance of good order and discipline.

An inmate will be guilty of an offence if he disobeys these rules, refuses to allow himself to be photographed, measured, weighed, vaccinated or medically examined, if he gives false replies to any question put to him about his antecedents or "any other matter upon which information is required for record or statistical purposes" or if he refuses to reply to such questions.

Among other things it is an offence for him to refuse to obey an order or instruction of the superintendent; to be indecent in word, deed or gesture; to use abusive, insolent, threatening or other improper language; to cause discontent among the inmates; to refuse or evade work by any means; to malingering by feigning illness.

If a man is reported to have committed an offence and the superintendent intends to punish him the superintendent must cause the inmate to be brought before him for interrogation. The inmate is allowed to call witnesses or make any statement or explanation.

If he is convicted the superintendent may impose various punishments ranging from a reprimand through forfeiture of allowances, privileges or three meals a day on any one day to "separation from other inmates in a place set aside for the purpose at the institution for a period not exceeding six days".

SECTION 21 deals with offences and penalties under the regulations.

Offences include inducing or aiding an inmate to escape; harbouring or concealing him; meddling with an inmate or group of inmates, loitering on the premises of an institution or on any property or at any place where inmates may be for labour purposes; and any person who "publishes any false information in respect of an inmate or concerning the management of an institution knowing the information to be false or without taking reasonable steps to ascertain that such information is correct (the onus of proving that reasonable steps were taken to verify such information being upon the accused)".

● Any person who "without the authority in writing of the Secretary sketches or photographs any institution, portion of an institution, inmate or group of inmates, whether within or outside any institution; publishes or causes to be published in any manner whatsoever any sketch or photograph of any inmate or group of inmates, whether such sketch or photograph was made or taken before or after the detention of the inmate or group of inmates . . . shall be guilty of an offence".

The penalties are a fine not exceeding R100 or imprisonment for a period not exceeding six months.

People who have been committed to one of these institutions for a period of three years need

not have been convicted of any offence. Nor are they necessarily people who suffer from alcoholism, drug addiction or some disability.

If they were they would not be dealt with under the Urban Areas Act or the Bantu Labour Act.

Sufficient material has been quoted directly from the regulations to indicate their similarity to the prison regulations.

The "inmates" are not only subjected to detention and forced labour but to the almost unbridled power of the superintendent.

There is nothing in the regulations which lays down any minimum qualifications for the men to be appointed as superintendents. No standards of education, integrity or plain humanity are specified and this leaves the way open for sadistic perversions and malpractices.

One shudders to think what methods might be used on the inmates for "re-orientating them to the traditions, culture, custom and system of government of the national unit to which they belong".

The Black Sash has had much experience in its advice offices of people who have absolutely no contact with their "national unit" and have been repeatedly ordered to leave the place where they were born simply because they are unable to prove that they belong in the city and have no other place to go to.

The combination of the wording of this section with the word "treatment" smacks of nothing so much as brain washing.

Nothing is laid down in the regulations to ensure that people incarcerated in these institutions are to be given the opportunity to acquire skills or education to assist them to find rewarding employment in an open labour market.

What is the purpose of these regulations? What do they aim to achieve and whom are they directed against?

It seems to us that the answer to these questions may be even more sinister than appears at first sight. In effect any Black person can be confined to a rehabilitation centre under prison conditions for three years for minor pass law offences which, after normal court proceedings, usually result in small fines or terms of imprisonment measured in weeks.

"Some officials showed great human understanding and compassion, others seem to take on the contours of their own rubber stamps."

Athlone Advice office report
