TWENTY YEAR REVIEW
SOUTH AFRICA
1994 - 2014

BACKGROUND PAPER:
SAFETY AND SECURITY

Contact details:
Chantelle Van Der Byl
Tel: (012) 312 0102
Email: Chantelle@presidency-dpme.gov.za

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The background papers are written by officials in the Presidency and other government departments using inputs from literature reviews, commissioned research, government reviews and reports and roundtable discussions with a range of stakeholders. The views reflected in the background papers do not represent those of the Presidency, but rather reflect authors' views on sector developments.

Contents

Acronyms and Abbreviations

ACTT	Anti-corruption Task Team
ADRM	Alternative Dispute Resolution Mechanism
AFU	Asset Forfeiture Unit
BACSA	Business against Crime South Africa
BMA	Border Management Agency
CPF	Community Policing Forum
CSF	Community Safety Forum
FCS	Family Violence, Child Protection and Sexual Offences
FICA	Financial Intelligence Centre Act
ICMS	Integrated Case Management System
JCPS	Justice, Crime Prevention and Security
MACC	Minimum Anti-corruption Capacity
NCPS	National Crime Prevention Strategy
NDP	National Development Plan
NPA	National Prosecuting Authority
NPC	National Planning Commission
NRSO	National Register for Sex Offenders
OCJ	Office of the Chief Justice
SANDF	South African National Defence Force
SAPS	South African Police Service
SCCU	Serious Commercial Crime Unit
SIU	Special Investigating Unit
TCC	Thuthuzela Care Centre
VEP	Victim Empowerment Programme

Executive Summary

This 20-year review seeks to provide an account of key milestones recorded since the advent of freedom and democratic governance in South Africa. The review attempts to provide highlights, not only of the achievements of government, but also of the South African nation as a whole. The review therefore focuses on celebrating achievements, but also emphasises challenges that must still be overcome.

The journey since 1994

At the dawn of democracy, the new democratic government – and society as a whole – faced the challenge of rampant serious and violent crime, inherited from the apartheid system. Furthermore, the country inherited a criminal justice and security system that was fragmented and needed to be amalgamated and transformed to bring it in line with the democratic constitution. The criminal justice system lacked integrity and legitimacy, and had vague and ambiguous mandates and functions. Policing, the primary purpose of which is crime prevention and investigation, took a back seat during the apartheid years as the police forces prioritised the repression of liberation movements. As a consequence of the apartheid regime's gross disregard of crime and its underlying causes, violent forms of criminal conduct reached unprecedented levels. Contrary to assertions that the crime situation worsened after the attainment of democracy, its extent had already reached alarming propositions even before 1994. In order to reduce the levels of crime and enhance stability and security, transformation of the security and criminal justice functions was essential to bring about legitimacy, accountability and effectiveness.

In tandem with the transformational changes that were taking place, the legislation, policies and strategies that were necessary to address the challenges of crime were adopted by government. These included the following (Government of SA, 1998; 2000): :

- The *White Paper on Safety and Security,* which identified two target areas for improving safety in South Africa: law enforcement and social crime prevention
- The National Crime Prevention Strategy, which emphasised a shift from reactive crime control to proactive crime prevention
- The *White Paper on Correctional Services,* which was later replaced by the *White Paper on Corrections*. The latter white paper sought "to gear all its activities to serve a rehabilitation mission that ensures successful reintegration into society..."
- The Millennium 10-point Plan, which sought, among other things, to establish specialised courts, to introduce the Alternative Dispute Resolution Mechanism (ADRM), to improve court management and productivity, to transform the legal profession and the judiciary, and to consolidate and improve prosecutorial services

- The Seven-point Plan, which focuses on rendering the criminal justice system more efficient and effective

Despite the positive changes effected since 1994, which contributed to the decrease in the levels of serious crime, in 2009, government noted that even though substantial resources had been made available to address the problem of crime and other challenges, its performance was still below the required standard and did not satisfy public expectation. In response to this challenge, government adopted the outcomes approach to improve its performance and thereby deliver quality services.

In addition to having to address the challenges of crime, the criminal justice system had to pay particular attention to bringing down the levels of corruption in both the private and public sectors. In this regard, the National Planning Commission (NPC) has reported that South Africa "suffers from high levels of corruption that undermine the rule of law and hinder development and socio-economic transformation" (NPC, 2012). Building on the interventions introduced since 1996 to fight corruption, as well as the limited successes recorded, in 2010, government established the Anti-corruption Task Team (ACTT), in part to address challenges of uncoordinated responses to corruption, but also to target the few but high level of corruption cases.

Achievements since 1994
Reducing overall levels of serious and violent crimes
Government has made strides in reducing levels of serious and violent crime, even though progress in respect of certain categories of crime has been less than ideal. For example, crime statistics reveal that the level of overall serious crimes has dropped from 3 924 per 100 000 of the population in 2008 to about 3 609 per 100 000 of the population in 2012, against a 2014 target of 3 366 per 100 000 of the population. This represents a reduction of 8 percent. The continued improvement of the crime situation since 2003/04 can be attributable to the enhanced implementation of the National Crime Prevention Strategy (NCPS), which included, but was not limited to increase visible policing, and an improvement in the crime combating initiatives of the criminal justice system. Over and above the implementation of the NCPS, in general, particular attention was paid to enhancing visible policing.

Contact crimes have been reduced from 1 407 per 100 000 of the population in 2008/09 to 1 233 per 100 000 of the population in 2011/12, against a 2014 target of 930 per 100 000 of the population. This translates into a 12.3 percent reduction. In addition, two of the trio crimes (carjacking and robberies at residential premises) have, in general, also shown a downward trend, with the exception of robberies at business premises, which increased from 6 689 in 2006/07 to 15 951 in 2011/12. This translates to an increase of 138.5 percent.

Violent crimes against women and children

To address the scourge of gender-based violence and sexual offences against vulnerable groups, in particular women and children, several interventions were introduced. These included accelerating the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 and the Children's Amendment Act of 2007, reintroducing the specialised units in the South African Police Service (SAPS), such as the Family Violence, Child Protection and Sexual Offences (FCS) units, resourcing and establishing more victim-friendly rooms at SAPS service points, and empowering prosecutors, police, magistrates and doctors with specialised skills, as well as keeping dangerous sexual offenders under long-term supervision on release from prison.

A number of new policy frameworks have also been finalised and are now being implemented. These include the Child Justice National Policy Framework, the Restorative Justice National Policy Framework (including linkages with traditional justice), the Social Crime Prevention Strategy and the Diversion Accreditation Framework. More work still needs to be done on the rollout of the National Register for Sex Offenders (NRSO) and the development of a strategy to address gender- and sexual orientation-based violence against lesbian, gay, bisexual, transsexual and intersex persons.

A more effective criminal justice system

Government is also succeeding in ensuring that the people of South Africa are and feel safe. Notable progress has been made in achieving crime detection rate targets, even though progress in respect of trio crime has been less than ideal. The 2014 trial-ready docket rate of 35 percent has been exceeded by more than 12 percent, while the annual conviction rate for finalised verdict cases has averaged 88 percent between 2008/08 and 2011/12. The conviction rate for organised crime, trio crimes and crimes committed through cyberspace stood at an average of 90 percent, 84 percent and 94 percent, respectively. The conviction rate for sexual offences averaged 65 percent. Meeting the target for finalising cases is a challenge. However, the number of finalised cases through ADRMs has increased by 89 percent from 14 808 in 2002/03 to 132 695 in 2011/12.

The improvement of the performance of the courts has been one of the priority areas of the Justice, Crime Prevention and Security (JCPS) Cluster. This is a critical priority, as it facilitates the rendering of accessible, fair, speedy and cost-effective administration of justice in the interests of a safer and more secure South Africa. Interventions introduced include the Case Flow Management System, which found greater impetus with the establishment of a task team by the Chief Justice to deal with case delays and backlogs. Good progress has been made in expanding the Case Backlog Project.

Remarkable strides were also made within Correctional Services. These include the establishment of the Remand Detention Branch in 2012/13 for the management of remand detainees, the approval of the policy on *Awaiting Trial Detainees*, which focuses on remand detention and the rehabilitation of offenders, the approval of the Correctional Matters Amendment Act of 2011, which provides a new medical parole policy to strengthen the general policy on parole and correctional supervision, while also providing a legislative basis for the management of remand detention.

To strengthen partnerships between government and communities, the Community Policing Policy and the Community Safety Forum Policy Framework have been put in place. Community policing forums (CPFs) were introduced on the premise that success in fighting crime depends on the cooperation of the community and the police, while community safety forums (CSFs) are meant to facilitate the delivery of a multisectoral governmental approach to safety in local communities.

Government is also making strides in safeguarding and securing the country's land and maritime borders, as well as its airspace, to curb organised crime and corruption, particularly at ports of entry.

While the establishment of the Border Management Agency (BMA) is underway, certain key activities have been implemented to ensure the security of our borders. These include the deployment of the South African National Defence Force (SANDF) at the borders between Zimbabwe, Mozambique, Swaziland, Lesotho, Botswana and Namibia, automating risk management linked to the movement control system with real-time risk assessment of passengers, countering the illegal movement of goods and people through ports of entry across the borders, and introducing automated cargo inspection and case management systems. Decent progress has been made regarding these activities.

Government has also put efforts in place to fight cyber-crime. A cyber-crime policy has also been developed and is being successfully implemented. In 2011/12 and 2012/13, the courts finalised 216 cyber-crime cases with a conviction rate of 87.5 percent, and 136 cyber-crime cases with a conviction rate of 97.8 percent respectively.

Measures have also been put in place to stabilise the violent protest actions, marches and gatherings. A committee has been established to focus on the implementation of policy provisions and guidelines to police public protests, gatherings and major events.

With regard to improving public perception about levels of crime, several surveys have shown that citizens and communities are now beginning to feel safe. The Victims of Crime Survey conducted by Statistics South Africa found that over 40 percent of households felt that the level of both violent and non-violent crimes had

decreased in their area of residence during the period 2008 to 2010. Furthermore, of those surveyed, about 60 percent of households were satisfied with the way the police and courts were doing their work.

Corruption

For the criminal justice system, the appropriate response to fighting corruption was the investigation and prosecution of cases involving corruption. Notable progress includes criminal investigations against some 242 individuals, the successful conviction of 42 individuals for corrupt activities in incidents involving R5 million or more, and releasing a list of the names of 42 people who have been convicted of fraud and corruption.

Freezing orders totalling R1.07 billion have been obtained to date, while 302 forfeiture cases involving a sum of R118.4 million have been completed. Good progress has also been made with meeting the target of convicting JCPS personnel for offences related to corruption by 2014. The Special Investigating Unit (SIU) has 25 active presidential proclamations authorising investigations into 10 national government departments, seven provincial government departments, six local government authorities and two state-owned enterprises. Seven proclamations were finalised in 2012/13. The JCPS Cluster is currently developing an Anti-corruption Framework, the purpose of which is to give effect to government's anti-corruption policies and the instruction of the National Development Plan (NDP) to establish a resilient multi-agency anti-corruption system.

Overcoming the challenges

There is an urgent need to provide sufficient capacity in areas of forensic, detective, investigation and prosecution services, which hamper the JCPS Cluster's efforts to reduce the overall levels of crime, particularly trio and contact crimes. Further improved coordination of effort and integration of systems among role-players must receive special attention. The implementation of the Seven-point Plan to make the criminal justice system more efficient and effective must also be expedited.

South Africa's land and maritime borders, as well as its airspace, need to be effectively safeguarded and secured to curb organised crime and corruption, particularly at ports of entry. The adoption and implementation of the National Security Strategy is therefore imperative.

The implementation of crime-fighting strategies, such as the policies on safety and security, policing, intelligence, and the prevention of crime and social crime should be fast-tracked. Similarly, the revitalisation of CPFs and the rollout of CSFs is critical.

Recommendations

The JCPS Cluster should pay particular attention to reducing overall levels of serious and violent crimes, in particular crimes against women and other vulnerable groups. It should also make the criminal justice system more effective and efficient, manage

and improve perceptions of crime among the population, safeguard and secure South Africa's borders, ensure that the integrity, as well as the identity and status, of citizens and residents are secured, and secure cyberspace.

The Cluster needs to ratchet up efforts to reduce the level of corruption in the public and private sectors, thus improving investor perception, as well as trust in and willingness to invest in South Africa.

Review

1. Introduction and background

This 20-year review seeks to provide an account of key milestones recorded since the advent of freedom and democratic governance in South Africa. The review attempts to provide highlights; not only the achievements of government, but also of the South African nation as a whole. The review therefore focuses on celebrating the achievements, but also emphasises challenges that must still be overcome.

2. The journey since 1994

At the dawn of democracy, the new democratic government – and society as a whole – faced the challenge of rampant serious and violent crime, inherited from the apartheid system. In this regard, the National Planning Commission (NPC) has noted that the "crime levels are high in South Africa. Violent crime, contact crime and property crime are so common that many South Africans live in fear. When people feel unsafe, it makes it harder for them to pursue their personal goals, and to take part in social and economic activity. Feeling unsafe can result from having been a victim of crime, knowing people who have been victims of crime, or hearing crime reported in the community or the media" (National Planning Commission, 2011).

Furthermore, the country inherited a criminal justice and security system that was fragmented and needed to be amalgamated and transformed to bring it in line with the democratic Constitution. The criminal justice system lacked integrity and legitimacy, and had vague and ambiguous mandates and functions. It functioned in an uncoordinated manner and was not subjected to any effective and credible oversight and control (National Planning Commission, 2011). It was also characterised by an uneven distribution of resources. Its approaches to crime fighting were not tailor-made to address the main causes of crime.

Policing, the primary purpose of which is crime prevention and investigation, took a back seat during the apartheid years as the police forces prioritised the repression of liberation movements (Shabangu, 2013). This was a period characterised by widespread human rights abuses, detention without trial and a lack of accountability. The transformation of the country into what was characterised as a "police state", in which the police, army and intelligence structures in the townships were deployed, served to increase state violence and police brutality.

As a consequence of the apartheid regime's gross disregard of crime and its underlying causes, violent forms of criminal conduct reached unprecedented levels.[1]

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[1] When delivering his last budget speech as a Minister for Safety and Security, Minister Sydney Mufamadi quoted the South African Institute of Race Relations' report, which stated the following: "The Minister of Law and Order,

Contrary to assertions that the crime situation worsened after the attainment of democracy, its extent had already reached alarming propositions even before 1994. The 11 policing agencies that existed at the time were unable to provide an effective response to crime; hence its increase by more than 50 percent (Shabangu, 2013).

In order to reduce the levels of crime and enhance stability and security, the transformation of the security and criminal justice functions was essential to bring about legitimacy, accountability and effectiveness (The Presidency, 2003).

The transformation process has resulted in the JCPS cluster being subjected to effective, credible and yet uneven oversight and control mechanisms. Furthermore, these departments have played a critical role in reducing political violence and securing the various electoral processes. Outside the country, the security services are no longer involved in destabilisation activities, but are instead involved in peace-support and disaster-relief operations.

In tandem with the transformational changes that were taking place, the legislation, policies and strategies that were necessary to address the challenges of crime were adopted by government. These included the following (Government of SA, 1998; 2000):

- The *White Paper on Safety and Security,* which identified two target areas for improving safety in South Africa: law enforcement and social crime prevention
- The National Crime Prevention Strategy, which emphasised a shift from reactive crime control, which deploys the most response resources after crimes have already been committed, to proactive crime prevention, which is aimed at preventing crime from occurring
- The *White Paper on Correctional Services,* which was later replaced by the *White Paper on Corrections*. The latter white paper sought "to gear all its activities to serve a rehabilitation mission that ensures, through the delivery of appropriate programmes, that the people who leave correctional centres have appropriate attitudes and competencies, enabling them to be successfully integrated back into society as law-abiding and productive citizens..."
- The Millennium 10-point Plan, which sought, among other things, to establish specialised courts, to introduce the ADRM, to improve court management and productivity, to transform the legal profession and the judiciary, and to consolidate and improve prosecutorial services
- The Seven-point Plan, which focuses on rendering the criminal justice system more efficient and effective

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Mr Hernus Kriel, said in Parliament in May 1993 that more than 20 000 people had been murdered in South Africa in political and criminal violence in 1992. There were 380 000 rape cases in South Africa every year and 95 percent of victims were African. In the ten years from 1983 and 1992, the murder rate increased by 135 percent, robbery by 109 percent, housebreaking by 71 percent, car theft by 64 percent and rape by 62 percent. However, many crimes were unreported."

Even though crime began to exhibit an upward trend towards the end of the first term of democracy and continued along this trajectory in the second term, it peaked in or around 2002/03, after which it began to decline. This meant that, in both absolute and per capita terms, the levels of most categories of serious crime have either remained unchanged or have evidenced a declining trend when compared to 1994.

Figure 1: Overall serious crimes from 1994 to 2012
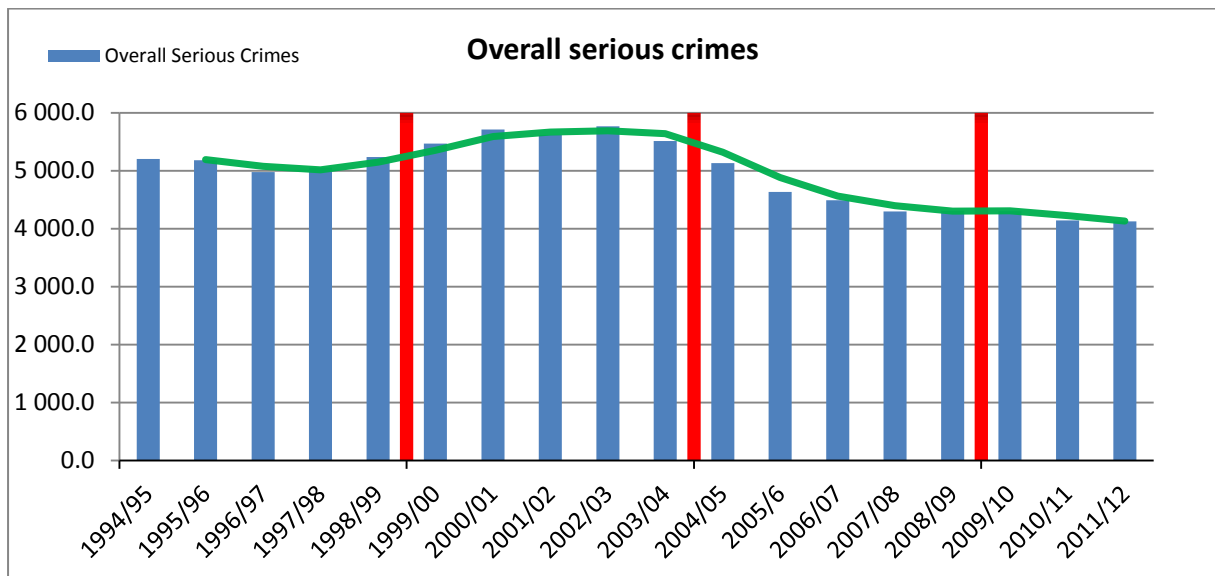
Source: SAPS, 2012

Despite the positive changes effected since 1994, which contributed to the decrease in the levels of serious crime, in 2009, government noted that even though substantial resources had been made available to address the problem of crime and other challenges, its performance was still below the required standard and did not satisfy public expectation. In response to this challenge, government adopted the outcomes approach to improve its performance and thereby deliver quality services. In terms of this new approach, three principles were emphasised: the need for prioritisation, outcomes-based planning, and performance management that focused on a few priorities. However, the mid-term review noted that there were areas where government had made good progress against the targets it had set for itself in 2009 DPME, 20120 . It noted further that there were areas where, based on progress to date, it appeared that the 2014 targets were unlikely to be met. These areas will require particular attention and focus.

In addition to having to address the challenges of crime, the criminal justice system had to pay particular attention to bringing down the levels of corruption in both the private and public sectors. In this regard, the National Planning Commission (NPC) has reported that South Africa "suffers from high levels of corruption that undermine the rule of law and hinder development and socio-economic transformation"

(National Planning Commission, 2012). Building on the interventions introduced since 1996 to fight corruption, as well as the limited successes recorded, in 2010, government established the Anti-corruption Task Team (ACTT), in part to address challenges of uncoordinated responses to corruption, but also to target the few but high level of corruption cases. Despite the development of anti-corruption policies, implementation is not satisfactory (DPME, 2012). There is much room for improvement in the internal investigation of allegations of corruption in government departments, as well as in the implementation of disciplinary measures, where necessary.

3.   Achievements since 1994

3.1   Reducing crime and enhancing safety

The transition from the apartheid system to a democratic government built on the will of the majority of the South African people saw the nascent nation inherit many challenges, including high levels of crime.

Even though the levels of serious and violent crime, in general, had started to decrease after the advent of the democratic government, they nonetheless remained unacceptably high. Drugs and substance abuse are contributing factors to the violent nature of crime and other social evils. The National Victims of Crime Survey, undertaken by the Institute for Security Studies in 2007, showed that the high crime levels impacted negatively on feelings of safety among the people. According to this survey, crimes that induced the most fear in people included contact crimes (assault, murder and sexual assault) and trio crimes (house and business robberies and hijackings).

In its endeavour to ensure that people would be safe and also feel safe, the democratic government had to change its approaches to fighting crime. Particular attention had to be paid to those types of crimes that numerous studies had shown were responsible for inducing feelings of insecurity among citizens, particularly trio and contact crimes. The adoption of the outcomes approach in 2009 led to the conclusion of performance agreements between the President and the ministers in the JCPS Cluster. In their performance agreements, the ministers were enjoined by the President to ensure that they met the goal of making certain that people in South Africa live in an environment in which they are free from fear.

In this regard, the JCPS ministers were expected to constitute an Implementation Forum, which would serve as the delivery mechanism for the outcome. This, in turn, required the participating ministers to develop a refined delivery agreement, which provided details of the outputs, targets, indicators and key activities to be pursued. It also identified required inputs, while clarifying roles and responsibilities. The delivery agreement had to spell out who would do what, by when and with what resources.

The delivery agreement eventually signed by the JCPS ministers in 2010 stipulated seven2 key outputs with specified targets that had to be achieved by 2014. The outputs to be achieved are the following:

- Reduced overall levels of serious crime, in particular contact and trio crimes
- A more effective criminal justice system
- Managed and improved perceptions of crime among the population
- South Africa's borders effectively safeguarded and secured
- Integrity of identity and status of citizens and residents secured
- Secured cyberspace
- Reduced corruption

3.1.1 Reduced overall levels of serious crime, in particular contact and trio crimes

Overall serious crime
Government has made strides in reducing levels of serious and violent crime, even though progress in respect of certain categories of crime has been less than ideal. The intensity of reported crimes remained stable from 1994 until 1998, when it started to increase, peaking in 2003. After that, a decreasing trend was observed. Both in absolute terms and per capita, most categories of crime stabilised or decreased in comparison to the 1994 levels. The continued improvement of the crime situation since 2003/04 can be attributed to the enhanced implementation of the National Crime Prevention Strategy (NCPS), which included, but was not limited to increased visible policing, and an improvement in the crime-combating initiatives of the criminal justice system. Over and above the implementation of the NCPS, in general, particular attention was paid to enhancing visible policing. This form of policing is aimed at discouraging the committing of crimes by providing a proactive and responsive policing service that will reduce the levels of priority crimes. Key subprogrammes of visible policing include providing for basic crime prevention, and visible policing services vested at police stations and community service centres, as well as specialised interventions such as the air wing, special task force and crime-combating capacity of government. The adoption of the outcomes approach by the current administration has ensured that the momentum of 2003/04 is maintained, thereby ensuring that levels of serious crimes continue to decline. The crime statistics of the South African Police Service (SAPS) reveal that the level of overall serious crimes dropped from 3 924 per 100 000 of the population in 2008 to about 3 609 per 100 000 of the population in 2012, against a 2014 target of 3 366 per 100 000 of the population. This represents a reduction of 8 percent.

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[2] Initially the delivery agreement had eight outputs, but these were reduced to seven with the merger of two outputs on corruption into one when the delivery agreement was reviewed and refined in 2012.

Table 1: Crime rate per 100 000 of the population from 2008 to 2012

	All crimes rate - per 100 000 of population			
	2008/09	**2009/10**	**2010/11**	**2011/12**
Property crimes	1 093.0	1 122.0	1 069.0	1 059.8
Contact crimes	1 405.3	1 371.4	1 277.2	1 232.5
Theft and commercial crime	1 134.5	1 096.7	1069.9	1062.2
Damage to property and arson	289.9	281.5	263.8	254.3
Total crimes	**3 922.7**	**3 871.6**	**3 679.9**	**3 608.8**

Source: Department of Performance Management and Evaluation, 2012

Contact crimes

Contact crimes are renowned for inducing the most fear because the victim comes into contact with the perpetrator. This usually results in bodily harm or even death. For this reason, government has sought to pay particular attention to these types of crimes. Accordingly, great strides have been made in the fight against contact crimes. This category of crimes has been reduced from 1 407 per 100 000 of the population in 2008/09 to 1 233 per 100 000 of the population in 2011/12, against a 2014 target of 930 per 100 000 of the population. This translates into a 12.3 percent reduction.

Table 2: Contact crime rate per 100 000 of the population from 2008 to 2012

	Contact crimes rate - per 100 000 of population			
	2008/09	**2009/10**	**2010/11**	**2011/12**
Social contact crimes				
Murder	37.3	34.1	31.9	30.9
Attempted murder	37.6	35.3	31.0	29.4
Common assault	396.1	400.0	371.8	359.1
Assault with grievous bodily harm	418.5	416.2	397.3	380.8
Sexual offences	144.8	138.5	132.4	127.5
Robbery contact crimes				
Aggravated robbery	249.3	230.6	203.0	200.1
Common robbery	121.7	116.7	109.8	104.7
Total	**1 405.3**	**1 371.4**	**1 277.2**	**1 232.5**

Source: Department of Performance Management and Evaluation, 2012

Table 2 demonstrates that the murder rate and the attempted murder rate have dropped by 17 percent and 22 percent respectively from 2008/09 to 2011/12.

Overall, the levels of both of these crimes have declined by more than 50 percent since 1995.[3]

Trio crimes

Similar to the statistics for overall serious crimes and contact crimes, carjacking and robbery at residential premises have, in general, also shown a downward trend. The level of robbery at business premises increased from 6 689 in 2006/07 to 15 951 in 2011/12, which translates to an increase of 138.5 percent.

Table 3: Aggravated robberies from 2002 to 2012

Table	Selected aggravated robberies - number										% increase /decrease 10/11 vs 11/12
	2002/03	2003/04	2004/05	2005/6	2006/07	2007/8	2008/09	2009/10	2010/11	2011/12	
Carjacking	14 691	13 793	12 434	12 825	13 599	14 201	14 915	13 902	10 627	9 475	-10.8%
Robbery at residential premises	9 063	9 351	9 391	10 173	12 761	14 481	18 438	18 786	16 889	16 766	-0.7%
Robbery at business premises	5 498	3 677	3 320	4 387	6 689	9 862	13 920	14 534	14 667	15 951	8.8%
Totals	29 252	26 821	25 145	27 385	33 049	38 544	47 273	47 222	42 183	42 192	-2.8%

Source: Department of Performance Management and Evaluation, 2012

3.1.2 High-priority crimes

Violent crimes against women and children

In 1994, the incidents of gender-based violence and sexual offences against vulnerable groups, in particular women and children, reached unacceptably huge proportions. According to the South Africa Survey 2012 (2012:680), in 1995, sexual offences numbered 44 751 (Stats SA, 2012). These types of crimes rose sharply, reaching 69 117 in 2004/05. It thus became imperative to pay special attention to these crimes. To address this scourge, several interventions were introduced, such as specialised centralised units in the SAPS to deal with family violence, child abuse and sexual assault, and specialised courts dedicated to sexual offences. Other measures that were introduced included empowering prosecutors, the police, magistrates and doctors with specialised skills and keeping dangerous sexual offenders under long-term supervision on release from prison.

From 2005/06, the number of sexual offences began to decrease, reaching 63 818 in 2007/08. In 2008/09, this number rose briefly to 70 514. This increase was mainly due to the amendment of the sexual offences legislation in 2007, which resulted in the prosecution of new types of sexual offences or the broadening of definitions of certain types of offences. Since 2009/10, the level of sexual offences started to show

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[3] SAPS Crime Statistics

a downward trend. These offences rose to a peak of 69 117 in 2004/05, after which they began to decrease.

Table 4: Sexual offences from 1994 to 2012

	1994/ 95	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	2010/ 11	2011/ 12
Reported cases	44 751	69 117	68 076	65 201	63 818	70 514	68 332	66 196	64 514
Sexual crime rate per 100 000 of the population	115.3	148.4	145.2	137.6	133.4	144.8	138.5	132.4	127.5

Source: Department of Performance Management and Evaluation, 2012

Figure 2: Sexual offences from 1994 to 2012
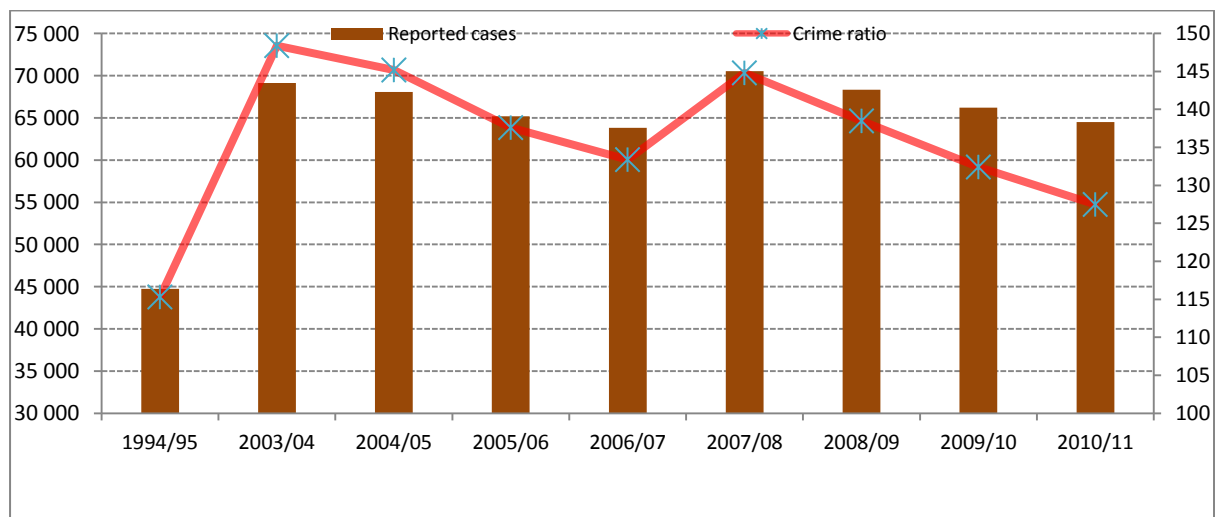
Source: Department of Performance Management and Evaluation, 2012

On the assumption of office by President Jacob Zuma's administration, government proclaimed that it would continue to prioritise crimes against women and children.[4] To give effect to this commitment, government continued to strengthen the institutional and policy interventions initiated and implemented since 2009. This included accelerating the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 and the Children's Amendment Act of 2007 as a means to strengthen the fight against the abuse of women and children.

In addition, specialised units in the SAPS, such as the Family Violence, Child Protection and Sexual Offences (FCS) units in the Detective Division, the functions

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[4] See the State of the Nation Address, 2011.

of which were decentralised in 2007, were reintroduced. A total of 176 of these units operate countrywide. There are 919 operational victim-friendly rooms at police service points, such as police stations, satellite police stations, airport points, railway points and FCS units. To date, the SAPS has trained 946 members nationally in the Victim Empowerment Programme (VEP) and by presenting victim empowerment-related courses on topics such as domestic violence and sexual offences.[5]

The sexual offences courts, unlike other specialist courts, were not established by legislation, but were created through a reorganisation of the magistrates' courts. At their peak, there were around 67 designated centres, but as of July 2011, only six remained because of a decision in 2005 to halt their rollout. Although their significant progress was acknowledged, it was decided to integrate the better resourced sexual offences courts with mainstream courts because of concerns regarding equal access to services. Sexual offences courts have been reintroduced, with 57 designated courts at the 35 Thuthuzela care centres (TCCs) across the country (of which 27 are fully established and operational). The TCC Model is a holistic rape care management model, developed to help prevent secondary trauma for victims of sexual offences.[6] Their introduction assisted in improving conviction rates and ensuring speedy justice.

The nature of violent crimes against women and children makes cooperation between police and the community especially important. The annual 16 Days of Activism for No Violence against Women and Children campaign has, over nine years, focused on the mobilisation of communities. This partnership of government and civil society has given rise to the 365 Days Action Plan, which seeks to further mobilise society and promote practical action.

A number of new policy frameworks have also been finalised and are now being implemented. These include the Child Justice National Policy Framework, the Restorative Justice National Policy Framework (including linkages with traditional justice), the Social Crime Prevention Strategy and the Diversion Accreditation Framework. More work still needs to be done on the rollout of the National Register for Sex Offenders (NRSO) and the development of a strategy to address gender- and sexual orientation-based violence against lesbian, gay, bisexual, transsexual and intersex persons. The NRSO, which was implemented in June 2009, plays a fundamental role in curbing the prevalence of sexual offences in South Africa. The Register is a record of the names of those found guilty of sexual offences against children and mentally disabled people. It is accessible to employers in the public or private sectors, such as schools, crèches and hospitals, to ensure that offenders do not work with, care for or adopt children or mentally disabled people.

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[5] JCPS presentation to the Cabinet Lekgotla, August 2013.
[6] JCPS presentation to the Cabinet Lekgotla, August 2013.

3.2 A more effective criminal justice system

A critical challenge that government has and continues to encounter is the fact that the efficiency and effectiveness of the criminal justice system has been less than optimal. This led to the adoption of the Seven-point Plan in 2007. The aim of this plan was to modernise and transform the criminal justice system. Over and above the implementation of the Seven-point Plan, the JCPS sector concentrated on increasing the detection rate of serious, contact and trio crimes detection rate, as well as the trial-ready docket rate. It also concentrated on increasing the number of finalised criminal cases and cases finalised through ADRM (including diversion), and reducing backlogs in all cases and the average length of time spent in remand detention. A further focus was to increase the percentage of parolees without parole violations.

Crime detection rate[7]

Government has also made progress in achieving crime detection rate targets, even though progress in respect of trio crime has been less than ideal. The target set in the delivery agreement is to increase the contact crime detection rate from the 2009 baseline of 52.5 percent to 60 percent in 2014. Government increased the contact crime detection rate from 52.5 percent in 2008/09 to 61.75 percent in 2011/12, thereby exceeding the 2014 target of 60 percent. On the other hand, the trio crime rate increased from 13.5 percent in 2008/09 to 22.86 percent in 2011/12.[8] Unless special measures are implemented, the 2014 target for trio crimes may not be met.

Charges referred to court[9]

The 2014 trial-ready docket rate of 35 percent has been exceeded by more than 12 percent.[10] Over-achievement of this target by almost a third of the baseline could imply that the JCPS sector had set itself a lower target that was easily achievable.

Finalised cases[11]

When considering performance in respect of the finalisation of cases, it is imperative to take into account the context within which this assessment is made. Between 2002/03 and 2011/12, the National Prosecuting Authority (NPA) has been disposing of an average of 1 005 629 cases per annum (Department of Performance Management and Evaluation, 2012). During the same period, out of all the disposed cases, an average of 454 172.4 cases, or 45 percent, have been finalised. However,

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[7] The SAPS defines the detection rate as the total number of charges that are referred to court minus the number of charges withdrawn before court plus the charges closed as unfounded divided by the number of investigated cases.

[8] JCPS presentation to the Cabinet Lekgotla, August 2013.

[9] Previously referred to as trial ready docket rate by the SAPS. Charges referred to court refers to refer to the number of charges where an arrest of a suspect was made and which were thereafter sent to court

[10] JCPS presentation to the Cabinet Lekgotla, August 2013.

[11] The National Prosecuting Authority defines finalised cases as the sum of cases which result in a verdict (either a conviction or an acquittal) and those which are finalised through the Alternative Dispute Resolution Mechanism.

despite the fact that the number of cases removed from the court roll has been decreasing continuously since 2008/09, it should be noted that an average of 55 percent, or an average of about 551 457 of disposed cases, were withdrawn from the courts during the same period.

Table 5: Case flow management from 2008 to 2013

CASE FLOW MANAGEMENT	2008/09	2009/10	2010/11	2011/12	2012/13	Growth 2002/03 to 2012/13	Growth 2009/10 to 2012/13
New cases in court	1 058 210	1 044 346	962 317	915 587	916 544	-18.0%	-12.2%
Cases disposed	1 070 435	1 065 292	996 320	947 160	948 939	-0.8%	-10.9%
Cases removed from the roll	638 795	595 751	535 429	504 959	482 350	-9.7%	-19.0%
Finalised cases	431 640	469 541	460 891	442 201	466 589	10.5%	-0.6%
Cases remaining in the system	234 606	230 477	218 660	205 460	189 852	0.6%	-17.6%
Clearance rate	1.2%	2.0%	3.5%	3.4%	3.5%	17.9%	1.5%
Success rate	40.3%	44.1%	46.3%	46.7%	49.2%	5.0%	5.1%

Source: SAPS, 2012, Stats SA, 2012

It is notable that the annual conviction rate for finalised verdict cases has averaged 88 percent from 2008/08 to 2011/12. However, the conviction rate at regional courts averaged 74 percent during this period. The main explanation for the below-average conviction rate could be the fact that regional courts deal with more serious and complex cases, of which only a few are transferred to the higher courts. Table 6 demonstrates the conviction rate for finalised cases, as well as the rate by court type.

Table 6: Conviction rate for finalised cases from 2008 to 2013

Indicator	2008/09	2009/10	2010/11	2011/12	2012/13
Conviction rate	86.3%	88.6%	88.7%	88.8%	89.9%
District court	88.1%	90.5%	90.7%	90.8%	91.9%
Regional court	73.7%	73.6%	73.4%	74.3%	75.1%
High court	86.3%	87.7%	87.8%	84.6%	87.5%

Source: SAPS, 2012, Stats SA, 2012

Between 2011 and 2013, the conviction rate of the serious crimes classified as organised crimes, trio crimes and crimes committed through cyberspace, stood at an average of 90 percent, 84 percent and 94 percent respectively. The conviction rate for sexual offences for the same period averaged 65 percent.

In 2009/10, the JCPS sector set itself the goal of increasing the number of finalised cases by 2 percent annually until 2014, from a baseline of 350 910 cases. The annual targets for 2010/11 and 2011/12 were not met. If this trend continues, it is unlikely that the 2014 goal will be achieved. Despite this, the number of finalised cases through ADRM has increased by 89 percent, from 14 808 in 2002/03 to 132 695 in 2011/12.

Courts

The improvement of the performance of the courts has been one of the priority areas of the JCPS Cluster. This is a critical priority, as it facilitates the rendering of the accessible, fair, speedy and cost-effective administration of justice in the interests of a safer and more secure South Africa. Part of this performance concerned the reduction of case backlogs, as well as the improvement of the performance of the courts, in particular, with respect to the disposal and finalisation of cases. Interventions introduced include the case flow management system, which found greater impetus with the establishment of a task team by the Chief Justice to deal with case delays and backlogs. In addition, the Office of the Chief Justice (OCJ) has initiated a process to set uniform standards and norms for the judiciary, as well as aligned performance measurement. Furthermore, the Integrated Case Management System (ICMS) enables the Department of Justice and Constitutional Development to electronically manage and track cases handled in different areas. It also provides crucial information for decision-making.

Good progress has been made in expanding the Case Backlog Project. By the end of April 2013, there were 81 additional backlog courts in operation, comprising 60 regional and 21 district backlog courts throughout South Africa. These courts provide additional capacity to deal with the workload in courts. As a result of these and other interventions, between November 2006 and the end of March 2013, the regional and district backlog courts have removed 82 188 cases from the court rolls. These make up 57 607 cases finalised, 21 912 cases withdrawn and 2 669 cases transferred to higher courts.

An important measure taken to contribute to performance relates to court utilisation, i.e. the amount of time that is devoted to the hearing and determination of matters enrolled in the courts. The average number of hours spent in court has a bearing on the speed with which cases are disposed of and finalised. Table 7 shows the efficiency of the courts in disposing of matters before them. From 2008/09 to 2012/13, the total number of court hours was 954 155, while the number of court days during the same period averaged 262 103.[12]

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[12] Information supplied by officials of the National Prosecuting Authority

Table 7: Court performance between 2008/09 and 2012/13[13]

Court efficiency as measured through court days and average hours	2008/09	2009/10	2010/11	2011/12	2012/13	Change over previous year	Change over period
Court days	255 587	256 821	265 269	268 581	264 257	-1.6%	3.4%
District court	178 886	179 443	184 055	183 461	178 865	-2.5%	0.0%
Regional court	67 508	68 415	71 637	75 458	74 979	-0.6%	11.1%
High court	9 193	8 963	9 577	9 662	10 413	7.8%	13.3%
Total court hours	980 999:38	967 712:27	950 201:44	9463 53:31	925 512:17	-2.2%	-5.7%
District court	694 110:14	682 100:04	665 452:24	650 983:42	630 309:44	-3.2%	-9.2%
Regional court	257 772:05	257 378:13	256 065:08	265 393:24	264 401:54	-0.4%	2.6%
High court	29 117:19	28 234:10	28 684:12	29 976:25	30 800:39	2.7%	5.8%
Average hours	03:50	03:46	03:34	03:31	03:30	-0.6%	-8.8%
District court	03:52	03:48	03:36	03:32	03:31	-0.7%	-9.2%
Regional court	03:49	03:45	03:34	03:31	03:31	0.3%	-7.6%
High court	03:10	03:09	02:59	03:06	02:57	-4.7%	-6.6%

Corrections

The effectiveness of the criminal justice system in dealing with crime is also dependent on a correctional system that, among other things, ensures that those who have been prosecuted, convicted and sentenced are securely kept in correctional facilities, thereby making certain that they serve out the sentence meted out to them. Over and above ensuring their secure incarceration, the criminal justice system endeavours to enrol these sentenced individuals into diverse rehabilitation programmes aimed at ensuring that, upon their release, the possibility of returning to a life of crime is substantially diminished. The challenge is therefore to deal simultaneously with a number of objectives: reorienting the system to rehabilitation rather than retribution to help reduce crime, fighting corruption and maintaining safe custody.

Some of the noteworthy achievements in Correctional Services include the establishment of the Remand Detention Branch in 2012/13 for the management of

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[13] Ditto

remand detainees, the approval of the policy on awaiting trial detainees (Government of SA, 2000), which focuses on remand detention and rehabilitation of offenders, the approval of the Correctional Matters Amendment Act of 2011, which provides a new medical parole policy to strengthen the general policy on parole and correctional supervision, while also providing a legislative basis for the management of remand detention. The development and rollout of a detention system that monitors the average length of stay and assists in trend analysis was another major achievement.

The number of persons participating in the various correctional and rehabilitation programmes has also increased. Government has embarked on a programme to ensure the employability of parolees by involving them in projects that will improve their chances of getting a job upon conclusion of their sentences. One such project is the one being implemented by the Forest Fire Association, which has already employed paroles on a permanent basis. Government also partnered with a non-profit organisation that provides work skills and tool to parolees who were trained in different trades while in prison. It has also partnered with the City of Johannesburg to ensuring the employability of former offenders.

The Correctional Services data provides confirmation of the effectiveness of the criminal justice system with respect to responding to the challenge of reducing incidents of serious and violent crime. The data shows that the number of inmates serving sentences of ten years and above, including life sentences has been increasing. This could be attributed to the increase in the detection rate recorded by the police, as well as the high conviction rate registered by the NPA.

Table 8: Correctional Services data between 2000/01 and 2011/12

	2000/	2001/	2002/	2003/	2004/	2005/	2006/	2007/	2008/	2009/	2010/	2011/
Between 5	13	12	12	12	12	10	8	7	7	8	8	8
Between 7	19	20	21	21	21	20	17	15	14	14	14	14
Between 10	11	14	17	20	22	23	23	23	22	22	20	20
Between 15	5	6	7	8	10	10	11	11	12	12	12	11
More than 20	5	6	7	8	8	9	9	9	10	10	10	10
Life Sentence	1	2	3	4	5	6	6	7	8	9	9	10

Source: Department of Performance Management and Evaluation, 2012

Another area in which government has been successful has been ensuring safe and secure conditions for all persons incarcerated, consistent with the principles human dignity, thereby providing security for personnel and the public. Over the past 10 years, escapes from the Department of Correctional Services have been showing a downward trend. The highest recorded escapes in ten years were in 2002/03. In 2004/05, the Department escalated its measures to improve security. This included security operations, technological installations, policy developments and the training of personnel (Department of Correctional Services, 2010). These measures contributed to the decrease in the number of escapes since 2004.

Figure 3: Escapes in Correctional Services facilities from 2000 to 2010
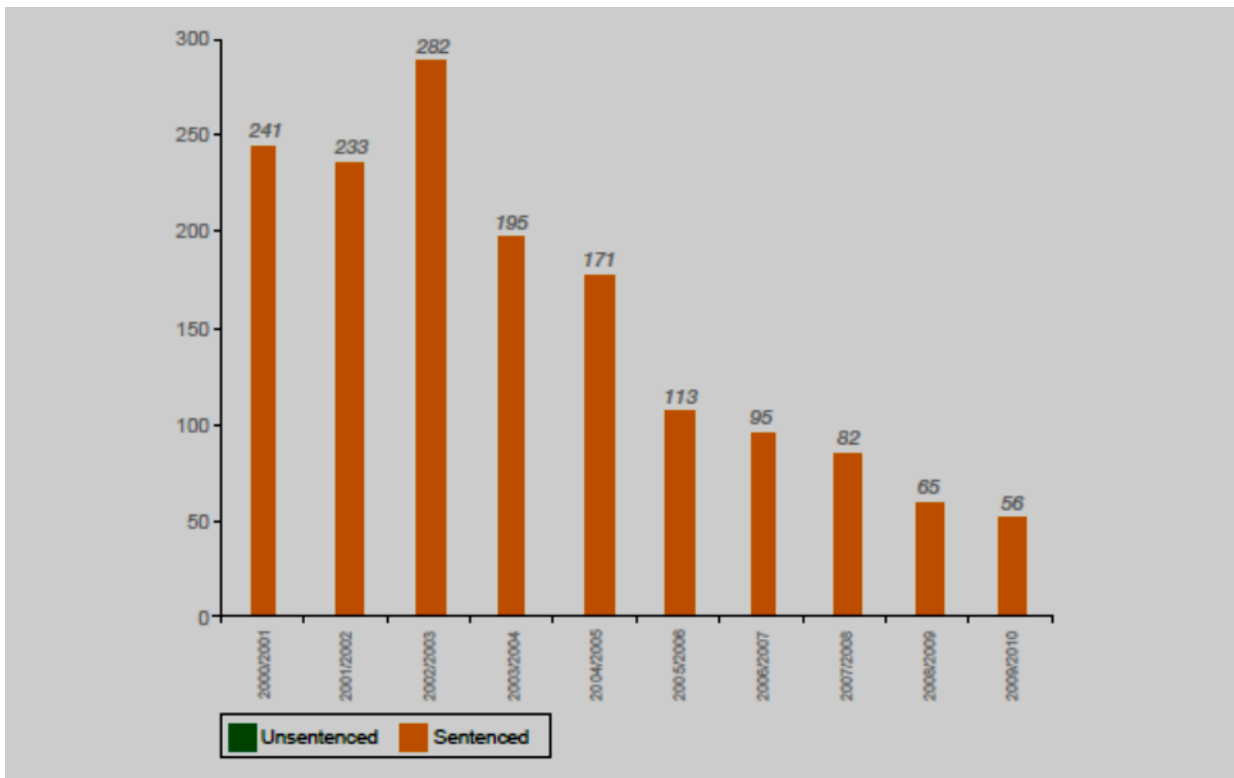
Source: Department of Correctional Services, 2010

The fight against crime also implies that there should be concerted efforts to minimise the possibility of those who are in conflict with the law after their release from correctional facilities (re-offending). The total number of inmates who have been enrolled in the various rehabilitation programmes offered by the Department of Correctional Services has exhibited a steady increase, rising from 199 in 2001 to 274 in 2011.

**Table 9: Offenders who benefited from rehabilitation between 2000/01 and 2011/12**

	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Correctional programmes								24 657	60 543	44 481	116 097	116 716
Development programmes	22 998	29 114	41 392	40 938	41 546	35 162	44 663	43 593	25 238	101 620	34 875	33 807
Psychological services								157 444	9 073			
Social work	23 783	31 122	8 851	103 380	77 858	118 057	86 571	13 034	116 115	28 187	134 358	40 469
Spiritual Care	152 786	124 374	168 009	156 457	161 618	165 615	164 582	165 965	168 784	178 776	198 859	83 198
Total	**199 567**	**184 610**	**218 252**	**300 775**	**281 022**	**318 834**	**295 816**	**404 693**	**379 753**	**353 064**	**484 189**	**274 190**

Source: Department of Performance Management and Evaluation, 2012

An important aspect of the work of the Department of Correctional Services is the preparation of offenders for release, their effective supervision after release on

parole and the facilitation of their social reintegration into their communities. The successful implementation of the Prevention and Management of absconding and parole violation project which was initiated in 2008/09 has resulted in the sizable reduction in parole violations.   As will be seen from the graph on parole violations by inmates released on parole, the number of violations diminished from just over 20, 000 in 2009 to below 10,000 in 2010.

Figure 4: Parole violations – correctional supervision and parole supervision from 2000/01 to 2009/10
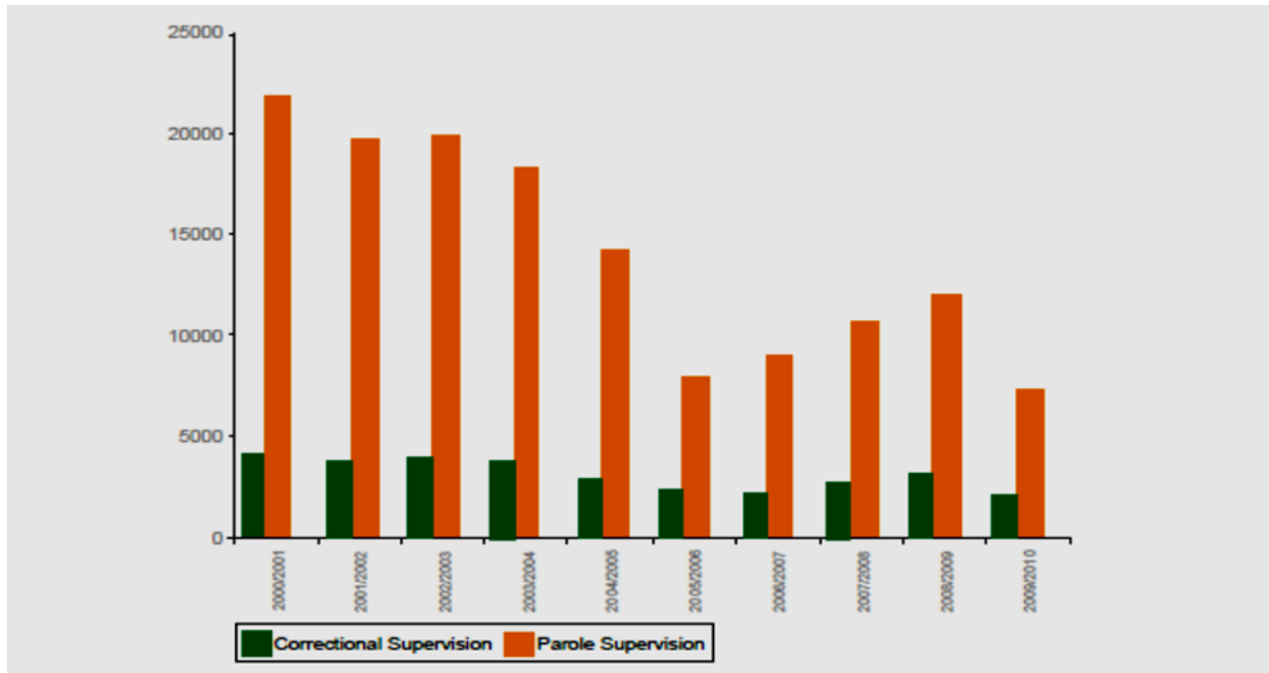
Source: SAPS, 2012

3.3   Community partnerships

To overcome the challenge of serious and violent crime, it is vital that cooperative relationships with communities are nurtured. After all, criminals live with and among communities and, quite often, the spoils of their misdeeds are peddled to some members of the community. Furthermore, to ensure higher rates of detection and convictions, the assistance and support of citizens is critical. To strengthen partnerships between government and communities, the Community Policing Policy and the Community Safety Forum Policy Framework have been put in place. Community policing forums (CPFs) were introduced on the premise that success in fighting crime depends on the cooperation of the community and the police, while community safety forums (CSFs) are meant to facilitate the delivery of a multisectoral governmental approach to safety in local communities.

Since the adoption of community policing as a key policy of the SAPS, CPFs have been established at each of the approximately 1 200 police stations in the country (Pelser, 2001). The forums work with local government to implement crime

prevention policies. Their strengths vary, but they have established a better relationship between the police service and the communities they serve. While Table 10 shows that there were 1 122 functioning CPFs at all but three police stations[14], not all were functioning optimally. The SAPS advises that the functionality of a CPF at a particular police station may be affected by waning community participation or strained relationships between the community and the police, both of which may lead to the disbandment and reconstitution of a particular CPF.

Table 9: Number of CPFs at station level

Province	Number of police stations	Number of functioning CPFs
Eastern Cape	191	191
KwaZulu-Natal	184	184
Free State	110	110
Northern Cape	91	91
Western Cape	149	149
Mpumalanga	86	86
North West	82	81
Gauteng	138	137
Limpopo	94	93
Total	**1 125**	**1 122**

Source: South African Police Service, 2012

To complement the CPFs, there are neighbourhood watch and residents' associations, which are a wide variety of locally based groupings designed to respond to neighbourhood-level crimes in most suburbs and townships in South Africa. They are akin to street committees and interact with CPFs. They are a unique source of information and often serve as systems of disbursing and gathering information. This forms a substantive part of their activities. They are fully supported and officially encouraged by the SAPS and were developed principally to prevent crimes that harass communities and residents. Their basic principle is for neighbours to join together and undertake to keep an eye on one another's homes and properties. In areas where neighbourhood watches have been introduced, there has been a marked decrease in crimes such as housebreaking.

Government approved the Community Safety Forums Policy in 2011. CSFs are meant to facilitate the delivery of a multisectoral governmental approach to safety in local communities. The intention is to align them to the municipal and/or district municipal jurisdictions and/or boundaries. Once formalised and established, they will facilitate and enhance cooperation and integrated planning, and coordinate the implementation of safety programmes and projects in the local sphere. They will consist of representatives formally nominated and endorsed by the relevant

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[14] According to the SAPS Annual Report 2011/12, there were 1 125 police stations throughout the country.

department, institution or community-based organisation. The principles that inform the establishment of CSFs are integrated service delivery, multi-agency collaboration, joint planning of operations, strong community participation and consultation, a commitment to sharing resources, community engagement and accountability, and responsiveness, openness and transparency. To date, 44 CSFs have been established and plans are underway to revive 15 defunct CSFs and establish an additional 70 during 2014.

Relations with organised business have progressed from the partnership with Business against Crime South Africa (BACSA) which, among other things, brought about major declines in street crime in targeted city centres, to the joint initiative with the Big Business Working Group to review and revamp the criminal justice system. The activities of BACSA include the following:

- Supporting government's efforts to modernise the criminal justice system through wide-ranging interventions, such as executive leadership, human resources, business strategies, business and information technology systems, business processes and infrastructure
- Seconding key individuals with specialist skills and expertise in areas such as leadership, finance and project management
- Building capacity and providing specialist input for the formulation of new legislation, such as the Second-hand Goods Act, and supporting its implementation
- Assisting the NPA and the SAPS to establish specialised commercial crime investigations and prosecutions, as well as dedicated courts across South Africa

4. Fighting corruption

According to the NDP (National Planning Commission, 2012), South Africa is generally perceived to be plagued with high levels of corruption that undermine the rule of law and hinder development and socio-economic transformation. Defined as the misuse of an official position for personal gain, corruption occurs in both the public and private sectors. The costs of corrupt practices fall most heavily on the poor, as they degrade the quality and accessibility of public services. State systems of accountability have been uneven, enabling corruption to thrive. This is not specific to the public sector. It is a broader societal disease. To address this comprehensively, anti-corruption efforts should target the bribe-maker, as well as the bribe-taker. Evidence shows that it harms poor people more than others, stifles economic growth and diverts desperately needed funds from education, healthcare and other public services. It increasingly undermines government's ability and resolve to deliver on its promise to offer South Africans the lives they deserve. Corruption has the effect of diverting scarce resources intended for key service delivery programmes.

Government's 15-year review pointed out that from the moment democratic rule was ushered in in 1994, successive administrations have been wrestling with the challenge of corruption. Measures to fight corruption in the public sector have included the following:

- 1996: The Special Investigating Units and Special Tribunals Act was adopted, mandating the President to establish structures to investigate and adjudicate cases of serious malpractice or maladministration in state institutions
- 2001: The National Anti-corruption Forum was launched
- 2002: The Public Service Anti-corruption Strategy was adopted
- 2004: The Prevention and Combating of Corrupt Activities Act was passed
- 2005: The Second Anti-corruption Summit was hosted
- 2008: The Third Anti-corruption Summit was held

For the criminal justice system, the appropriate response was the investigation and prosecution of cases involving corruption. In 2010, Cabinet mandated the creation of the Anti-corruption Task Team (ACTT), comprising entities such as the Directorate for Priority Crime Investigations (the Hawks), the Asset Forfeiture Unit (AFU), the Special Investigating Unit (SIU), the Serious Commercial Crime Unit (SCCU) and the Financial Intelligence Centre Act (FICA), to ensure an integrated approach to combating corruption in the public and private sector. Since 2011, more than 100 dedicated law enforcement officers, together with technical specialists from the different agencies, have been managed in a single coordinated fashion through the ACTT. The ACTT has made decent progress in investigating individuals involved in corruption, as well as in restraining assets that may have been secured through corrupt activities. The JCPS Cluster delivery agreement set a target of prosecuting and convicting 100 individuals by 2014 for corruption where the amount involved is more than R5 million per incident. Furthermore, the Cluster was determined to reduce corruption within its midst so as to enhance its effectiveness and ability to serve as a deterrent against crime by finalising all internal disciplinary cases related to corruption within an average of three months and to convict 170 JCPS personnel for offences related to corruption.

By the end of the 2012/13 financial year, the ACTT had initiated criminal investigations against some 242 accused persons in 89 priority cases involving serious incidents of corruption. The investigation of another 193 individuals is being pursued. The ACTT has also successfully secured the conviction of 42 individuals for corrupt activities in incidents involving R5 million or more. In June 2013, the JCPS Cluster demonstrated its commitment to deal with corruption by releasing a list containing the names of 42 people who have been convicted of fraud and corruption.

An instrument that is increasingly being used by the anti-corruption agencies to destabilise the activities of persons involved in corruption, pending their prosecution and conviction, is the freezing and or seizure of assets suspected to have been obtained through corrupt means. Freezing orders totalling R1.07 billion have been obtained to date. In 2012/13, the AFU completed 302 forfeiture cases involving a sum of R118.4 million. In the same period, 276 freezing orders, valued at R518 million, were secured.

With regard to the target to have convicted 170 JCPS staff members for offences related to corruption by 2014, the JCPS sector has obtained convictions against 254 individuals, while cases against 370 individuals are in progress. In terms of the target of finalising internal disciplinary cases relating to corruption within an average of three months, 1 322 cases have been completed.

The SIU is currently probing alleged maladministration and/or corruption in various government departments, municipalities and institutions. The SIU has 25 active presidential proclamations authorising investigations into 10 national government departments, seven provincial government departments, six local government authorities and two state-owned enterprises. Seven proclamations were finalised in the 2012/13 financial year. It is envisaged that another 15 and 10 proclamations will be finalised in the 2013/14 and 2014/15 financial years respectively. Of the current investigations, 67 percent focus on procurement and irregularities in supply chain management.

Critical to ensuring the vigorous combating of corruption is the enhancement of the capacity of the anti-corruption entities. The JCPS sector is currently developing an Anti-corruption Framework, the purpose of which is to give effect to government's anti-corruption policies and to give effect to the NDP's instruction of establishing a resilient multi-agency anti-corruption system, as well as the National Anti-corruption Strategy, which will guide the Minimum Anti-corruption Capacity (MACC) for the Public Service. The framework is aimed at enhancing the prevention, detection, investigation and resolution of corruption in the JCPS Cluster by ensuring the development and enhancement of appropriate operational capabilities. The implementation of the framework will align the performance indicators of departments in a focused effort to fight corruption from April 2014.

5. Security

5.1 Borders

Borders are a physical manifestation of our national sovereignty, and their control and management remains a priority. Border control has to facilitate legitimate trade and commercial activities, as well as tourism, while detecting and preventing the illegal movement of goods and people, and the operation of transnational organised criminal networks. However, South Africa's land and maritime borders, as well as its

airspace, need to be effectively safeguarded and secured to curb organised crime and corruption, particularly at ports of entry. Some of the criminal activities in this regard include illegal immigration and cross-border crime involving drug trafficking, human trafficking, arms proliferation, vehicle smuggling and the illegal importing of contraband. This is exacerbated by the presence of some corrupt border officials at the country's ports of entry.

The establishment of a legislatively mandated border management structure will improve security and the integrity of the country's borders through the implementation of a single, integrated and secure border process and the compilation of a national border safeguarding strategy. The responsibilities of departments have been rationalised. Infrastructure at entry control points has been upgraded and technology modernised. Government has entered into agreements with neighbouring and other countries. It is envisaged that the establishment of the Border Management Agency (BMA), which is currently underway under the leadership of the Department of Home Affairs, will be completed by 2014 and will assist in creating safer borders and ports of entry.

While the establishment of the BMA is underway, certain key activities have been implemented to ensure the security of our borders. These include the deployment of the South African National Defence Force (SANDF) at the borders between Zimbabwe, Mozambique, Swaziland, Lesotho, Botswana and Namibia, automating risk management linked to the movement control system with real-time risk assessment of passengers, countering the illegal movement of goods and people through ports of entry across the borders, and introducing automated cargo inspection and case management systems. Decent progress has been made on these activities.

5.2   Cyber insecurity

The negative impact of cyber-crime on the economy and the general wellbeing of citizens cannot be underestimated. It has the potential to negatively impact on national security. Information and communication technologies have become indispensable to the functioning of the South African society. The expected growth in international bandwidth will increase the uptake and usage of the internet. It is envisaged that there will be an increase in criminal activities in cyberspace. Cyber security policies and legal frameworks do not adequately address existing challenges; neither does South Africa have the necessary institutional mechanism to address this matter in a coordinated manner.

The JCPS Cluster has put mechanisms in place to fight cyber-crime. Cabinet approved a draft Cyber Security Policy Framework in 2012, and the accompanying implementation plan is being affected. A cyber-crime policy has also been developed and is being successfully implemented. During 2011/12 and 2012/13, the courts

finalised 216 cyber-crime cases, with a conviction rate of 87.5 percent, and 136 cyber-crime cases, with a conviction rate of 97.8 percent.

5.3   Domestic stability

The high levels of violent protests taking place in the country undermine the rule of law. Violent protests destabilise the country, as most often infrastructure and individuals are targeted, thereby causing damage to public facilities and, in some instances, private property. Government has put measures in place to stabilise the situation and address violent protests. A committee has been established to focus on the implementation of policy provisions and guidelines to police public protests, gatherings and major events. Through collaborative efforts, the committee seeks to ensure the effective enforcement of the Regulation of the Gatherings Act of 1993 and other applicable legislation. The committee also focuses on the development of strategies to enhance capacity to guarantee sustainable interventions in order to achieve public order.

6.   Managing and improving perceptions of crime

There is often incongruence between the perceptions of citizens about the performance of the criminal justice system and the statistics showing the gradually improving crime situation. This is most probably an outcome of inadequate communication of the positive changes in the crime situation. The management of society's perception of the crime situation and levels of crime is therefore vital. Part of this exercise involves conducting regular opinion surveys to test public perceptions on the crime situation. Several surveys have shown that citizens and communities are now beginning to feel safe. The JCPS sector is winning the fight against crime, and its successes are also verified by the results of the 2011 Victims of Crime Survey by Statistics South Africa, commissioned by government. Among other things, the Victims of Crime Survey found that over 40 percent of households felt that the level of both violent and non-violent crimes had decreased in their area of residence during the period 2008 to 2010. Furthermore, of those surveyed, about 60 percent of households were satisfied with the way the police and courts were doing their work.

The 2011 Victims of Crime Survey also revealed that 32.1 percent of households recorded that levels of crime had decreased, compared to 2007, when 57.1 percent felt that crime had increased. With regard to personal safety, 88.2 percent and 27 percent felt safe walking in their areas during the day and at night respectively, compared to 2007 when the response was 76 percent and 23 percent respectively.

7.   Overcoming the challenges

7.1   The fight against crime

Crime in South Africa has occupied centre stage on the public agenda. Unacceptably high levels of crime, especially serious and violent crimes, result in people in South Africa, especially vulnerable groups such as women, children, older persons and people with disabilities, living in fear and feeling unsafe. It also impacts negatively on the country's economic development, undermines the wellbeing of people in the country and hinders their ability to achieve their potential.

Over the past 20 years, some progress has been made in reducing the levels of serious crimes such as murders, aggravated robberies, crimes against women, children and other vulnerable groups, but they remain unacceptably high. Government has not yet been able to provide sufficient capacity in areas of forensic, detective, investigation and prosecution services, which hamper the JCPS Cluster's efforts to reduce the overall levels of crime, particularly trio and contact crimes. To address the problem, a demilitarised and professionalised police service, and highly trained and specialised prosecutors are needed.

There is also a need to strengthen and accelerate the implementation of the Seven-point Plan to make the criminal justice system more efficient and effective. Public confidence is being eroded by perceptions that criminals escape the law, that arrests do not lead to convictions and that prisoners escape from courtrooms and correctional facilities.

Lengthy court processes, case backlogs, undue lengths of remand detention, the inadequate use of diversion programmes, overcrowding in correctional centres, limited rehabilitation and welfare programmes for first and young offenders, and recidivism remain issues that require more coordinated and focused intervention to restore confidence in the justice system.

Political and/or domestic instability is a serious challenge that, if left unabated, will undermine our democracy, rule of law and development trajectory. Issues that contribute to this instability are violent industrial and service delivery-related protest actions, as well as disrespect for authority and for one another. It is therefore imperative to prevent and combat the violent crime that accompanies what is otherwise legitimate industrial and protest action.

7.2   Recommendations

Dealing with the challenges highlighted above will require the identification of critical actions to be undertaken during the 2014–2019 period in order to put the country on a positive trajectory towards the achievement of the 2030 goals and objectives. In doing so, there will be a need to be precise and clear in identifying indicators and targets to be achieved during this period. The key outputs to be delivered and departments or groups of departments that would be responsible for these outputs will have to be clarified. Where groups of departments are identified as being responsible for an output, there should – as far as possible – be an indication of exactly what each department in the group should do for the output to be achieved. Therefore, a sufficiently detailed framework to inform and guide detailed sectoral planning will have to be provided. Elements requiring joint planning between departments for cross-cutting implementation programmes will also need to be determined. More importantly, it will be imperative to make certain that more direct accountability of departments is promoted by ensuring that departmental strategic plans reflect the identified core priorities.

In this context, the JCPS Cluster will have to pay particular attention to the following sub outcomes:

- Reduced overall levels of serious and violent crimes, in particular contact crimes, including crimes against women and children, as well as crimes against lesbian, gay, bisexual, transsexual and intersex persons, and trio crimes
- A more effective criminal justice system
- Managed and improved perceptions of crime among the population
- Effectively safeguarding and securing South Africa's borders
- Securing the integrity of the identity and status of citizens and residents
- Securing cyberspace

To ensure that the Cluster achieves the above sub outcomes, the following activities will have to be undertaken:

- Ensuring a demilitarised and professionalised police service and highly trained and specialised detectives, forensic experts, prosecutors and correctional officers
- Strengthening and accelerating the implementation of the Seven-point Plan to make the criminal justice system more efficient and effective
- Addressing lengthy court processes, case backlogs, undue lengths of remand detention, the inadequate use of diversion programmes and overcrowding in correctional centres
- Attending to the expansion of limited rehabilitation and welfare programmes for first and young offenders in order to reduce recidivism or re-offending

- Safeguarding and securing South Africa's land and maritime borders, as well as the airspace, to effectively curb organised crime and corruption, particularly at ports of entry
- Strengthening and implementing cyber security and cyber-crime policies and legal frameworks to address existing challenges
- Ensuring political and/or domestic stability through the lessening of violent industrial and service delivery-related protest actions, as well as disrespect for authority and for one another
- Finalising policies such as the National Security Strategy, the *White Paper on Safety and Security* and the *White Paper on Policing*
- Revising and implementing the National Crime Prevention Strategy (other strategies that need urgent implementation are the Integrated Social Crime Prevention Strategy, the Border Management Strategy and the Maritime Strategy)

7.3 Fight against corruption

The country faces intolerably high levels of corruption in the public and private sectors that undermine the rule of law and impede government's efforts to achieve its socio-economic development and service delivery objectives. Some local and foreign investors are not willing to invest in the country on account of perceptions of high levels of corruption. Furthermore, incidents of corruption and other illegal acts perpetrated by members of departments working in the criminal justice environment erode the trust and confidence of citizens in the ability of the criminal justice system to effectively and efficiently combat corruption.

Anti-corruption measures have not resulted in the sufficiently rapid prosecution and conviction of persons involved in corruption, especially where the amount involved is more than R5 million per case. To combat and eliminate corruption both in the public and private sectors, the country needs an anti-corruption system that makes public servants and other persons accountable, protects whistle-blowers and closely monitors procurement.

To fight corruption, the Cluster will have to pay particular attention to the following:

- Reducing the level of corruption in the public and private sectors, thus improving investor perception, trust in and willingness to invest in South Africa
- Reducing corruption in the Cluster to enhance its effectiveness and ability to serve as a deterrent
- Reviewing existing anti-corruption legislation
- Reviewing existing institutions and interdepartmental mechanisms
- Assessing the need for special anti-corruption courts
- Strengthening capacity in all sectors of anti-corruption work
- Integrating public and private approaches to countering corruption

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