



7



safety and
security

7.1 WHAT DEMOCRATIC SOUTH AFRICA INHERITED IN 1994

Before 1994, separate systems for the administration of justice functioned in South Africa. The former homelands had police and justice departments and other justice-related structures. As a result, there was a disparity in the delivery of services, depending on race and geographic location. Commanding personnel were mostly white men.

Before 1994, the primary focus of law enforcement and the justice system was on upholding, securing and entrenching the apartheid state. The resulting highly centralised, para-militarised and authoritarian police service concentrated its efforts and resources on eliminating opposition to the apartheid system.

To the extent that some attention was paid to fighting crime, this occurred mainly in white areas. Scant resources, both human and financial, were apportioned to areas inhabited by blacks. By 1994, levels of crime and insecurity had increased dramatically in the absence of effective crime prevention and investigative policing services. Between 1983 and 1992, the murder rate increased by 135 percent, the robbery rate by 109 percent, the housebreaking rate by 71 percent, car theft by 64 percent and rape by 62 percent¹.

Most South Africans were denied access to courts, legal services and advice during apartheid. The legal services and legal aid offered to the majority were inadequate. For example, in 1992, 150 890 convicted persons were sentenced to imprisonment with no legal representation².

7.2 DEVELOPMENTS SINCE 1994

7.2.1 Overview

In 1994, a broader concept of safety and security was embraced to align policing practices with the Constitution. Emphasis was put on ensuring the legitimacy, accountability and effectiveness of the security and criminal justice functions. The democratic state sought to create a criminal justice system representative of the population regarding gender, disability and race. The importance of involving citizens in creating a safe atmosphere for all was emphasised.

The Presidency's Ten Year Review confirmed that significant progress had been made in improving national security, establishing the rule of law and transforming institutions that had previously served the apartheid state. The review identified particular challenges, including the following:

- Slow transformation of the criminal justice system
- Poor integration of the crime prevention and criminal justice system

- Inadequate human resources development across the justice, crime prevention and security (JCPS) Cluster.

The review recommended that the government strengthen the skills and numbers of members of the South African Police Service, reduce case backlogs, establish an effective offender rehabilitation programme, enhance the capacity of intelligence structures and the South African National Defence Force, improve efficiency in ports of entry and at border controls, and accelerate the implementation of social programmes, along with visible policing and increased social partnerships. Citizen involvement and a stronger social fabric were highlighted as essential for significant crime reduction.

Following the review, government adopted a seven-point plan to realise a modern, integrated, well-resourced and well-managed criminal justice system. It redoubled its efforts to integrate the 11 different systems. The budgets of key departments in the JCPS Cluster, in particular those of the police and correctional services, were exponentially increased. In nominal terms, the police budget increased from about R6 billion in 1994 to R63 billion in 2013 and the budget for correctional services increased from about R1 billion in 1994 to R17 billion in 2013.

Despite these measures, the Presidency's Fifteen Year Review noted that some critical goals had not yet been achieved. Persistent challenges included the negative effect of organised crime, ineffective operation across the JCPS Cluster and poor integration in terms of strategy and implementation. It was highlighted again that involving communities in the fight against crime was critical. Prevalent violent crime affected investor confidence, as well as small and micro-enterprise development. Fear and vigilantism weakened the rule of law and strained the social fabric.

The government responded by adopting a new approach to crime, regarding it as a social, as well as a security issue. It undertook to encourage community respect for the law and cooperation with the police service, while requiring courts to be service-orientated and prisons to focus on rehabilitating offenders to break the cycle of crime. The White Paper on Correctional Services sought "to gear all its activities to serve a rehabilitation mission that ensures successful reintegration into society"³. This was based on the National Crime Prevention Strategy, which shifted the focus from reactive crime control to proactive crime prevention. The strategy was complemented by other strategies and structures, including the Crime Combating Strategy, the Integrated Justice System, the Sexual Offences and Community Affairs Unit (focusing on crimes against women and children), the Directorate of Special Operations and the Asset Forfeiture Unit in the National Prosecuting Authority, the Financial Intelligence Centre (focusing on organised crime) and the Victim Empowerment Programme.

In 2009, government noted that even though serious crime levels had decreased and substantial resources had been made available, performance in the criminal justice system was still below the required standard and did not satisfy public expectation. In response to this challenge, government adopted an outcomes-based system and renewed its commitment to ensuring that citizens would be and feel safe. This meant paying particular attention to those types of crimes that induced feelings of insecurity among citizens, particularly trio (vehicle hijackings, residential and business robberies) and contact crimes (assault, murder and rape). Targets were set for lowering these categories of crime. Government committed itself to improving capacity in the criminal justice system, increasing the number of finalised cases, reducing case backlogs, strengthening rehabilitation and victim support programmes, and addressing cyber-security and cyber-crime threats.

The NDP states that South Africa “suffers from high levels of corruption that undermine the rule of law and hinder development and socio-economic transformation”. Building on the interventions introduced since 1996 to fight corruption, in 2010 government established the Anti-corruption Task Team to target corruption cases involving large amounts of money and address challenges relating to uncoordinated responses to corruption.

7.2.2 The administration of justice

In line with the new Constitution, most structures relating to the administration of justice underwent restructuring and transformation to meet the constitutional obligations of human dignity, equality, human rights and freedom. The role of the Judicial Services Commission (JSC) in appointing judges constituted a radical break with the past and contributed to the evolution of a judiciary that is increasingly representative of South African society⁴. Progress has been made, although there is still some way to go to fully reverse the imbalances of the past regarding the training of black lawyers.

The Constitution states that judicial authority is vested in the courts, which are independent and subject only to the Constitution and the law. The courts are enjoined to apply the law impartially and without fear. As a measure to guarantee that the courts discharge their

constitutional mandate in an unfettered manner, the Constitution insulates them from interference by any person or organ of state. This cements the separation of powers between the judiciary, the legislature and the executive with a system of checks and balances. The courts are the final arbiters on all legal and constitutional disputes.

In 2012, the Constitutional Court was designated the sole centre of South Africa’s jurisprudence. It has jurisdiction on any matter that raises an arguable point of law of general public importance. The role played by the courts, in particular the Constitutional Court, constitutes developmental jurisprudence in line with the imperative contained in the NDP to create a capable developmental state. Government’s response to court judgments continues to be respectful, whether the judgments are favourable or not. This has helped reinforce the legitimacy of the courts. After 1994, homeland courts were incorporated into the legal system and customary law acknowledged in the Constitution. This played a part in changing people’s experience in accessing justice. In addition, 283 small claims courts were established throughout the country. The goal is to establish one in every district. New court buildings have been built in previously disadvantaged communities.

Challenges regarding access to justice remain. Most prospective litigants do not possess the necessary legal skills or finances to institute or defend a case. Affordable legal representation is a critical and integral part of access to justice.

Legal Aid South Africa was established to provide legal aid services to the poor and indigent in both criminal and civil matters. It currently provides service through its 64 justice centres, 64 satellite offices and 13 High Court units, established throughout the country. These centres provide general legal advice through their professional and paralegal staff.

In 2010, a toll-free legal aid advice line was established to facilitate access to telephonic general advice services. In 2012, government introduced the Legal Practice Bill in Parliament, which was passed by the National Assembly in 2013. The bill allows for the provision of free legal services by candidate legal practitioners as part of their practical training. Furthermore, the bill



enjoins legal practitioners, juristic entities and justice centres to charge fees that are in accordance with a determined fee structure.

7.2.3 Reducing crime

Several surveys have shown that citizens and communities are beginning to feel safer. The Victims of Crime Survey⁵ found that over 40 percent of households felt the levels of violent and non-violent crime had decreased in their area of residence during the period 2008 to 2010. Furthermore, about 60 percent of households surveyed were satisfied with the way the police and courts were doing their work⁶.

To strengthen partnerships between government and communities, the Community Policing Policy and the Community Safety Forum Policy Framework have been adopted. Recognising that effective crime fighting relies on community cooperation, community policing forums have been put in place. Community safety forums have also been set up to coordinate crime-prevention activities

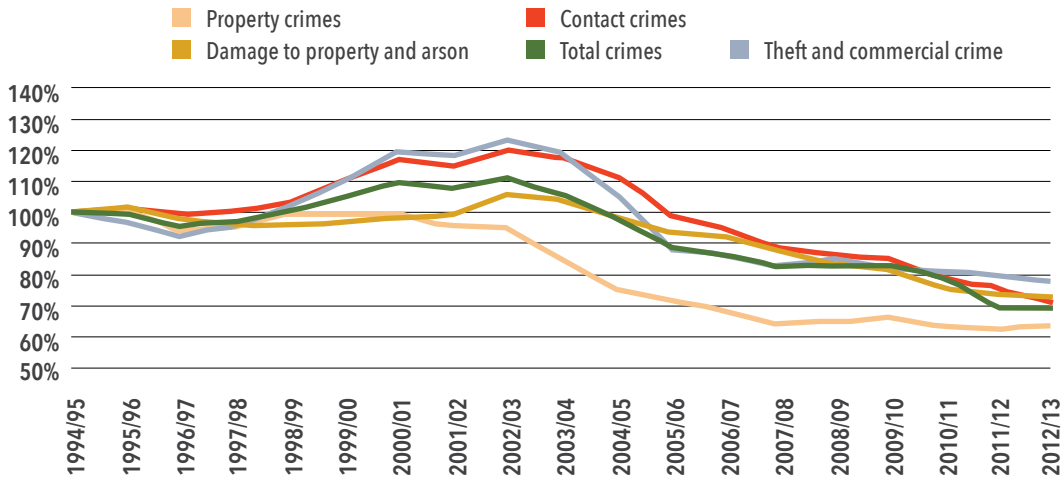
between government and non-governmental organisations in an area to prevent duplication and encourage information-sharing. Successful partnerships with organised business include the Business Against Crime initiative, which has resulted in major declines in crime in targeted city centres, and the Business Working Group, which aims to review and revamp the criminal justice system.

In the last five years a cyber-crime policy has been developed and is being 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 respectively.

Serious crimes

Overall, the reported crime rate remained stable between 1994 and 1998 before peaking in 2003, and then declining after 2003. Figure 7.1 shows the change in intensity of serious crimes between 1994/95 and 2012/13. Reduced crime levels after 2003/04 could

Figure 7.1: Serious crimes, 1994/95–2012/13



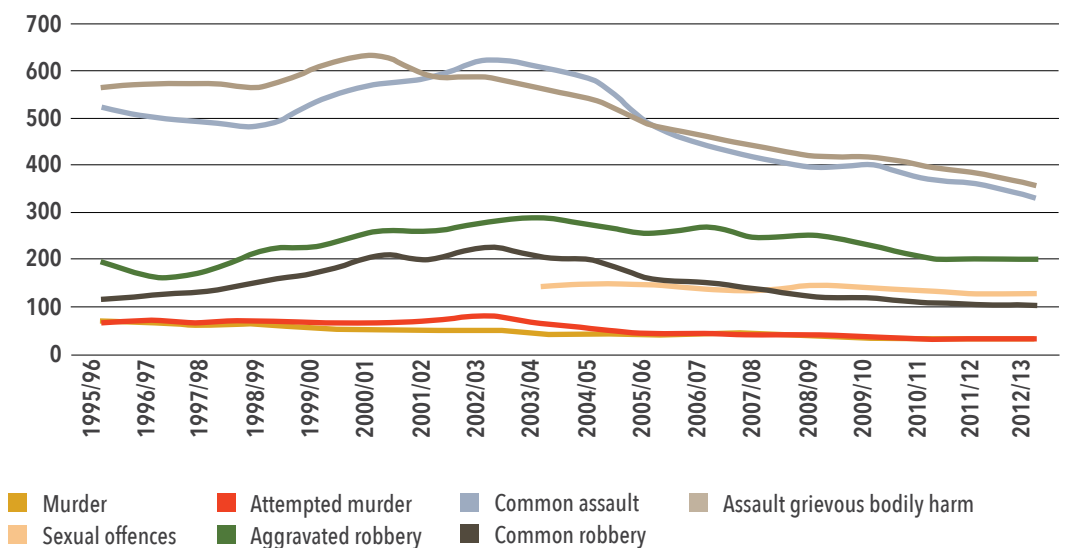
Source: Department of Performance Monitoring and Evaluation, 2012, based on data from South African Police Service

be attributed to an increase in visible policingⁱ and improved crime-combating initiatives, which were part of the National Crime Prevention Strategy. Improvements in conviction rates and the imposition of harsher sentences could also have acted as disincentives. Developing delivery agreements with clear indicators and targets, along with adopting the outcomes-based

system in 2010, maintained the momentum begun in 2003/04.

Contact crimes (a category of serious crimes) induce the most fear, as the victim comes into contact with the perpetrator, usually resulting in bodily harm or death. Government pays particular attention to these types of crimes. As illustrated by

Figure 7.2: Contact crimes rate (per 100 000 of population)



Source: South African Police Service

ⁱVisible policing aims to discourage crime by providing a proactive and responsive policing service. Key sub-programmes of visible policing include the provision of basic crime prevention, visible policing services at police stations and community service centres, and specialised interventions (the air wing, special task force and improving crime-combating capacity).

Figure 7.2, contact crimes have also declined since 1995/96.

Violent crimes against women and children

After 1994, several interventions were introduced to address gender-based violence and sexual offences against vulnerable groups, in particular women and children.

These interventions included the following:

- Specialised courts dedicated to sexual offences
- Thuthuzela Care Centres to help prevent secondary trauma for victims of these crimes
- Introducing specialised police units (such as family violence, child protection and sexual offences units)
- Resourcing and establishing victim-friendly rooms at police service points
- Empowering prosecutors, police officers, magistrates and doctors with specialised skills
- Keeping dangerous sexual offenders under long-term supervision on release from prison.

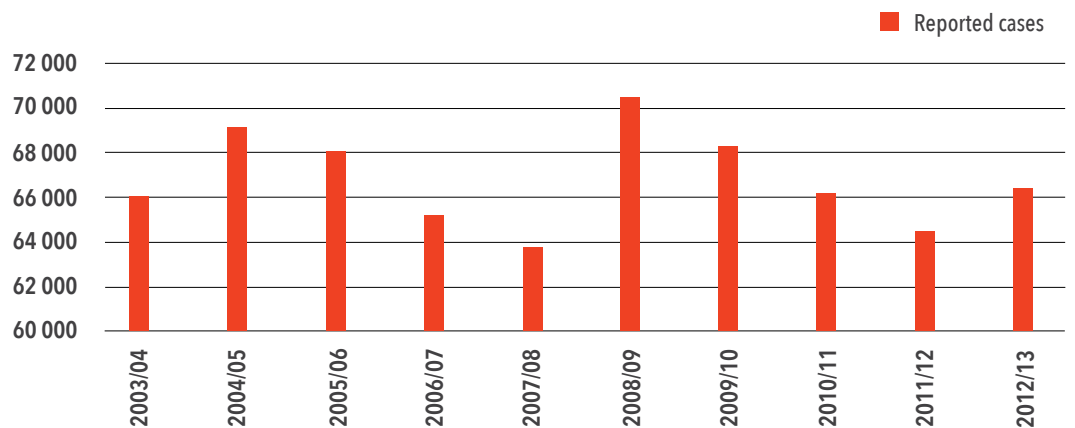
The Criminal Law (Sexual Offences and Related Matters) Amendment Act was passed in 2007 and a Child Justice Act was passed in 2008. These acts provided

for expanded definitions of crimes, such as rape, and provided greater protection for children. A number of new policy frameworks were also introduced and implemented, including the Child Justice National Policy Framework, the Restorative Justice National Policy Framework (including forming linkages with traditional justice), the Social Crime Prevention Strategy and the Diversion Accreditation Framework. Government has also adopted a Plan of Action to combat violence against women and children.

Figure 7.3 shows the total reported sexual offences crimes between 2003/04 and 2012/13. The increase in the number of cases in 2008/09 is probably due to the expansion in the definitions of certain sexual offences in 2007. Since then, the number of cases per annum has generally declined, but it is cause for concern that the number of reported cases rose again by almost 2 000 in 2012/13, in comparison with 2011/12. This indicates that the country clearly still needs to reduce violent and sexual attacks against the vulnerable, in particular women, children, the elderly, and lesbian, gay, bisexual, transgender and intersex people.

In this regard, government has recently restored the sexual offences courts to ensure that vulnerable groups get the care, respect and support they need. These dedicated services use intermediaries, audio-visual equipment and specialised training, among

Figure 7.3: Total reported sexual offences cases



Source: South African Police Service

other measures. A strategy to address gender-based and sexual orientation-based violence against lesbian, gay, bisexual, transgender and intersex people is being developed. More work still needs to be done on the National Register for Sex Offenders. While the national register is not open to the public, employers in the public or private sectors, such as schools, crèches and hospitals, are accorded the right to check whether a job applicant is fit to work with children or mentally disabled people.

Drug-related crimes

Because of the prevalence of drug abuse in serious and violent crimes as well as the severe long-term effects of drug abuse on users, over the last 20 years, law enforcement agencies have introduced various initiatives to seize and destroy drugs and, most importantly, to bring those involved – users, manufacturers, dealers and distributors – to justice.

Figure 7.4 shows progress made in this regard. The increase in drug-related cases can be attributed to increased police detection, resulting in suspects being arrested and large quantities of various types of narcotics being confiscated.

However, much more needs to be done. There is a need to target major drug syndicates

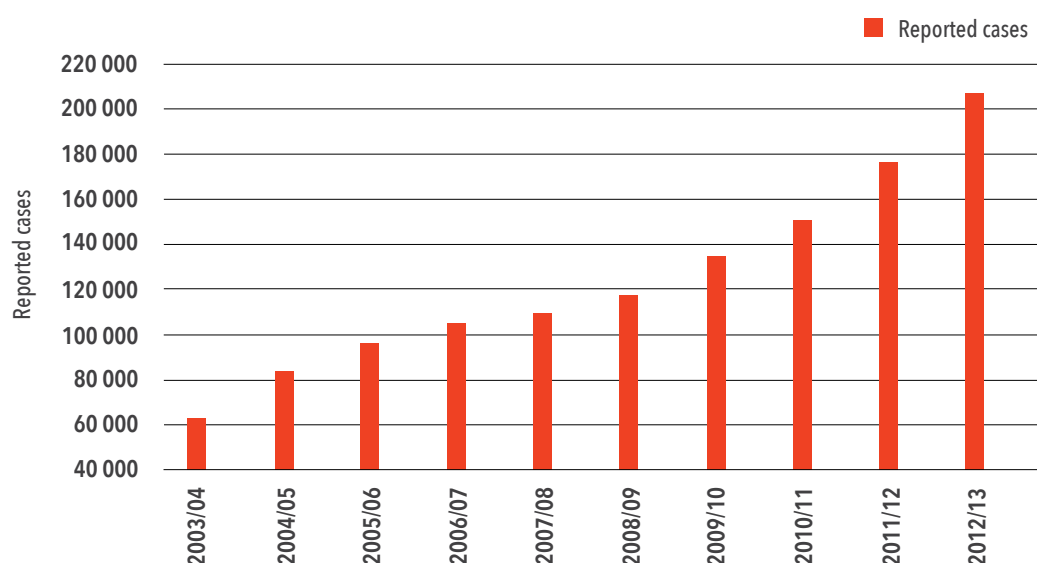
through intelligence-led investigations. These should be complemented by issuing freezing and seizure orders against the assets of individuals involved in the drug trade, pending their prosecution.

Corruption-related crimes

In Chapter 2 of this review, corruption in the public service is examined, together with government’s initiatives to address it. The Presidency’s Fifteen Year Review described how fighting corruption in both the public and private sectors has preoccupied successive democratic governments. It mentions the preparation of legislation for a Public Protector, the establishment of special anti-corruption investigating units in the criminal justice system and the passing of the Prevention and Combating of Corrupt Activities Act in 2004. It also describes how the establishment of a National Anti-corruption Forum in 2001 and subsequent anti-corruption summits mobilised social partners in a national multisectoral anti-corruption effort.

It further described how specialised courts to prosecute acts of corruption had been created and had yielded some successes. For instance, in 2005/06, over 900 commercial crime trials were finalised with a conviction rate of over 94 percent. Other measures mentioned included

Figure 7.4: Total reported drug-related cases



Source: South African Police Service



sector coordinating structures, blacklisting of individuals and businesses engaging in corrupt activities, and a National Anti-Corruption Hotline. It was mentioned that there were multiple agencies with an anti-corruption mandate, and that there were debates about their individual capacity and collective coordination.

In 2009, government set targets for convicting people of corruption involving large sums of money, and between 2009 and 2013, criminal investigations were carried out into allegations of corruption against 298 people. Successful convictions of 48 individuals for corrupt activities involving R5 million or more were obtained. The names of the 42 people convicted have been released. Freezing orders totalling R1.3 billion were obtained over the same period, while assets to the value of R157 million have been forfeited.

In addition to the large-scale corruption cases mentioned above, there has been an on-

going process of prosecuting and convicting public servants and members of the public for involvement in corruption and fraud. For example, between 2009 and 2013, over 30 000 accused have been convicted in connection with commercial crimesⁱⁱ.

The Special Investigating Unit currently 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.

Despite this considerable effort, as described in Chapter 2, surveys show that public perceptions of corruption in government have worsened slightly over the past 20 years. The JCPS Cluster is currently developing an Anti-corruption Framework to give effect to the NDP's recommendation to establish a resilient, multi-agency, anti-corruption system. This will need to include elements of improving coordination between the

ⁱⁱ Commercial crimes include crimes such as internet fraud, fraud with counterfeit or stolen credit cards, advance fee fraud (419 scams), forgery and uttering etc.

various agencies involved in the fight against corruption, as well as increasing investigative, forensic and prosecution capacity to deal with corruption cases.

7.2.4 The efficiency of the criminal justice system

Progress has been made towards achieving a more efficient criminal justice system, but more needs to be done. Since 1994, crime detectionⁱⁱⁱ rates have generally improved. For example, the crime detection rate for contact crimes improved from 39.5 percent in 2001/02 to 60.7 percent in 2011/12⁸. However, a 60.7 percent detection rate still means that many reported cases remain unresolved. This indicates that there is still much room for further improvement in detective and investigative capacity in the police force.

Of those cases that do go to court, a substantial number are removed from the roll due to withdrawals, transfers, abscondments, and cases being struck from the roll. Of the remaining cases (finalised cases), some are verdict cases (with a judgment) and others are referred for alternative dispute resolution. As indicated in Table 7.1, the number of finalised cases through the alternative dispute resolution mechanism increased by 89 percent, from 14 808 in 2002/03 to 132 695 in 2011/12.

The conviction rate, which is the percentage of verdict cases in which a guilty verdict is handed down, has also generally improved.

As indicated in Table 7.1, the conviction rate for all crimes increased from 81.5 percent in 2002/03 to 88.8 percent in 2011/12. Notwithstanding the improved conviction rate, there is room for improving the efficiency of the system further by reducing the number of cases that are removed from the roll. In this regard, there will need to be an ongoing focus on improving the quality of investigations and prosecutions in future.

There are issues of high judicial workload and backlogs in South African courts. Several initiatives, such as the Case Backlog Reduction Project (allocating additional staff to handle the backlog cases to the worst affected regional courts) and opening the courts for extra hours during the 2010 World Cup, have helped reduce the backlog or mitigate the effects of an increase in cases. Government has also introduced a case-flow management system, bolstered by a task team established by the Chief Justice, to deal with case delays and backlogs. Nevertheless, the backlogs remain a challenge, partly due to an increasing number of cases being brought before the courts. Since 1987, the number of cases handled by the country's two largest high courts, in Pretoria and Johannesburg, has increased by 400 percent, without a significant increase in the number of judges⁹.

7.2.5 Correctional services

As indicated in The Presidency's Fifteen Year Review, between 1994 and 2009, government

ⁱⁱⁱ The detection rate is the total number of charges referred to court minus cases withdrawn before court plus charges closed as unfounded divided by the number of charges investigated.

^{iv} The NPA defines disposed cases as the number of criminal court cases disposed of in the reporting period. These include court cases finalised by verdict (judgment) and sentence (including section 57A of the Criminal Procedure Act, i.e. admissions of guilt), through the use of alternatives, such as diversion or informal mediation, or removed from the roll by means of withdrawals, warrants of arrest issued, transferred from the court roll, and struck from the roll. In the High Court, it also includes minimum sentence matters (sentenced, acquitted or referred back to the regional court).

^v According to the NPA, cases removed from the roll refers to the number of criminal court cases removed from the court roll by means of withdrawals, warrants of arrest issued, transferred from the court roll, mental referrals and struck from the roll.

Table 7.1: Case finalisation and convictions between 2002/03 and 2011/12

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
New cases in court	1 117 879	1 117 488	1 084 137	1 069 724	1 062 497	1 037 309	1 058 210	1 044 346	962 317	897 842
Cases disposed ^{iv}	956 509	1 182 163	1 130 006	1 168 936	1 101 395	1 043 373	1 070 435	1 065 292	996 320	937 357
Cases removed from the roll ^v	534 171	767 675	730 040	757 519	722 361	655 029	638 795	595 751	535 429	488 564
Finalised cases ^{vi}	422 338	414 488	399 966	411 417	379 034	388 344	431 640	469 541	460 891	448 793
Verdict cases ^{vii}	407 530	396 536	381 020	373 995	334 551	326 506	349 883	350 910	331 045	316 098
Convictions ^{viii}	332 056	330 146	322 147	322 687	286 861	284 620	307 089	310 951	293 673	280 658
Conviction rate	81.5%	83.3%	84.5%	86.3%	85.7%	87.2%	87.8%	88.6%	88.7%	88.8%
Alternative Dispute Resolution Mechanism (ADRM) ^{ix}	14 808	17 952	18 946	37 422	44 483	61 838	81 757	118 631	129 846	132 695

Sources: South African Police Service and National Prosecuting Authority



focused on reorientating the system to rehabilitation rather than retribution to help reduce crime, fight corruption and maintain safe custody. The Fifteen Year Review pointed out that, despite initiatives to deal with overcrowding – new prisons, alternative sentencing, correctional supervision, an awaiting-trial project and parole – the problem had grown.

From 1995 to 2007, the capacity of the prisons increased from 95 000 to 115 000, while the number of prisoners went from 111 000 (107 percent occupancy) to 161 000 (141 percent occupancy). Due to the high levels of violent crimes, prison sentences had become longer and minimum sentences had been introduced.

Since 2009, there has been an increased focus on addressing overcrowding by reducing the number of awaiting trial detainees. A Remand Detention Branch was created in the Department of Correctional Services and Cabinet approved the White Paper on Awaiting Trial Detainees, which focuses on reducing the number of remand detainees and offender rehabilitation. The Correctional Matters Amendment Act of 2011 provides a new medical parole policy to strengthen the general policy on parole and correctional supervision, and also provides the legislative basis for managing remand detention.

However, overcrowding levels remain high and this issue will require ongoing attention in future. Other challenges to be addressed in correctional services include corruption, maintaining safe custody, strengthening rehabilitation programmes and high levels of gang-related violent crimes in prison.

7.2.6 The role of society in combating crime

The democratic government built partnerships with civil society formations to fight against crime and criminality. Community Policing Forums (CPF's) were formed at police station level to provide a mechanism for citizens to ensure that police are accountable and to determine community needs and policing priorities through consultation. The intention was also to engage communities in joint problem-solving involving the identification of the causes of crime and the measures required to respond to them, to empower communities regarding community policing through education and to enable communities to play a meaningful role in policing. The experience of CPF's has been mixed – some function well, while others are non-functional. The NDP includes plans for strengthening CPF's and rolling out community safety forums.

In addition, civil-society organisations, such as the National Institute for Crime Prevention

^{vi} The NPA defines finalised cases as the number of criminal court cases finalised in the reporting period by verdict, or through the use of alternatives such as diversion or informal mediation, irrespective of the date of enrolment.

^{vii} Verdict cases refer to the number of criminal court cases finalised by verdict (judgment) in the reporting period.

^{viii} According to the NPA, convictions refer to the number of criminal cases in which a verdict of guilty has been handed down.

^{ix} According to the NPA, ADRM refers to the number of cases finalised in the reporting period through the use of alternatives, such as diversion and informal mediation, irrespective of the date of enrolment.

and Reintegration of Offenders (NICRO), Business Against Crime (BAC), Mmatshilo Motsei, Agisanang Domestic Abuse Prevention and Training (ADAPT), Sonke Gender Justice Network, People Opposing Women Abuse (POWA), Rape Crisis and Tswaranang Legal Resources Centre, have played significant roles in partnering with government in the fight against crime and gender-based violence. Additional initiatives include street committees, neighbourhood watch and residents' associations, as well as web-based efforts like the South African Community Action Network, Report a Crime and Crime Line.

These civil society initiatives are important because crime is a problem of society and therefore requires the attention of society as a whole, not just of government. These initiatives have made a significant contribution in raising awareness about crime and violence, especially as it affects vulnerable groups. They have impacted positively on the reduction of certain types of serious crimes, such as property crimes.

Vigilantism and "kangaroo courts" have been carried through from the apartheid era and continue to undermine the rule of law in South Africa today. While citizen involvement in fighting crime is crucial, it is important that citizens act in accordance with the law and do not take the law into their own hands, even when citizens perceive government to be failing to ensure their safety and security. This problem will be addressed through a combination of education and more effective law enforcement.

The private security industry has also played a major part in enabling citizens and communities to protect themselves through the provision of alarm systems linked to response teams, regular 24-hour vehicle patrols and closed-circuit television (CCTV) cameras both at private residences and in major cities afflicted by crime. It is important that this industry is properly regulated to ensure that the extensive capacities of the industry are not abused.

More still needs to be done to improve partnerships between law enforcement agencies and civil society, in particular restoring the trust of communities in the commitment and ability of these agencies to respond to the challenge of crime.



7.3 CONCLUSION AND WAY FORWARD

The democratic government inherited a fragmented and discriminatory policing and criminal justice system. Over the past 20 years, it has significantly and systematically transformed the institutions, roles and functions within the system to create a much more responsive, accessible and effective service. Going forward, government will be focusing on further improvements in a number of areas.

Recent deaths of citizens during violent public protests indicate that there is a need to improve the training of public order policing units, and their command and control structures. Public order policing units need to be trained to understand that the use of force in quelling violent public protests should be avoided as far as possible and that the highest degree of tolerance should be displayed. The public order policing units should be equipped with the skills necessary for negotiating with leaders of protesters. Where the use of force is unavoidable, the public order policing units must employ such force in accordance with prescribed policy and guidelines.

Improving capacity in areas of forensic, detective, investigation and prosecution services is important if South Africa is to reduce overall crime levels, particularly trio and contact crimes. South Africa's land and maritime borders and airspace need to be effectively safeguarded and secured to curb organised crime and corruption, particularly at ports of entry. The required plans to improve the criminal justice system are largely in place and, going forward, the emphasis will be on accelerating implementation.

South Africa needs to ratchet up efforts to reduce corruption in the public and private sector. This would make more resources available for service delivery, improve the quality of service delivery, and improve investor perceptions.

Effective responses to the challenge of crime require us to understand the nature of crime and the context in which it occurs. Causes of crime in South Africa, as well as the factors and motivations that lead to the commission of crime, are diverse and complex, and are not dependent on a single set of variables. While poverty may be a contributing factor, international experience demonstrates that even though there is generally a correlation between crime and poverty, most people living in poverty do not, in fact, commit crimes¹⁰. In addition to issues of poverty, other factors that have a bearing on crime and criminality include lack of social cohesion, access to mobility, perceptions of exclusion, economic and social inequalities, the proliferation of legal and illegal weapons, and substance abuse.

Ensuring the safety of citizens and all who live in our country requires us to appreciate that safety is part of a broader quest for human security^x. It implies the need to recognise crime as a national security threat, understand that crime and its risk factors are multidimensional, and that the state's efforts to combat crime require much more than a police force or even a criminal justice approach. The criminal justice system, while having a critical role to play in addressing crime, cannot provide a safe and secure environment for all without other role-players both within and outside government contributing to addressing the causes of crime and violence. In particular, the socio-economic determinants of crime, such as poverty, inequality and unemployment, social cohesion and moral degeneration, need to be addressed.

Moral decay in society as a whole has also contributed significantly to the problem of crime. The late President Nelson Mandela highlighted this when he stated that South Africa faced the challenge of a spiritual malaise, which develops the problems of greed and cruelty, of laziness and egotism, of personal and family failure, which helps fuel the problems of crime and corruption, and hinders our efforts to deal with them¹¹.

The urgency of addressing moral decay and instilling positive values is underlined by the recent spate of terrible violence and sexual offences against women, children and the elderly. It is also underlined by the increasing tendency to turn to violence during public protests against failures or the perceived failure by government to deliver services. The popularisation of the Moral Regeneration Movement's Charter of Values must receive attention. It is critical to inculcate good values in young people, in particular, including respect, human dignity and equality, sound family and community values, honesty, integrity, loyalty, justice, fairness and peaceful co-existence.

^x According to the United Nations Commission for Human Security, human security "means protecting vital freedoms. It means protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms – freedom from want, freedom from fear and freedom to take action on one's own behalf".

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¹¹ Nelson Mandela addressing a meeting in June 1997 with key South African Faith Based Organisation leaders, the then Deputy Minister of Education Father Smangaliso Mkhathshwa and the SABC to discuss spiritual transformation. The meeting gave birth to the Moral Regeneration Movement.