

Crime, Criminality and Victims of Crime in South Africa: Issues Arising

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ABSTRACT

Murder, burglary, theft and many other criminal activities are some of the vices that every country on the planet has had to grapple and contend with. The question is how has any country dealt with this dark side of humanity? A country may imprison convicted offenders, deal with the offenders through rehabilitation or exceedingly harsh punishments, yet countries have had to develop strategies to help prevent, control and reduce to its barest minimum such criminal activities from occurring.

In respect of crime, South Africa (SA) has never had what would be regarded as the cleanest image. Crime situation in SA is exceptionally bad, with an average of nearly 50 murders per day, child kidnappings at a rate of around one every five hours, and a record of rape that is noted to have affected nearly one in three women. One of the most notorious crimes that remain quite stable is murder, homicide and carjacking. Carjacking is so rife in SA to the point that certain vehicles are no longer insurable by some insurance companies of the country as the rate of theft is simply too high. Sadly, policies are not swiftly implemented in SA and the police in SA have maintained a reputation for being too slow to respond to crime, and often without enough power to properly enforce law. As a result of what has been said, South African citizens who can afford it have carried on the tradition of private armed security to ensure their own safety.

The paper examines the issue of crime, causes, consequences, criminality, victims of crime and the death sentence in South Africa and

suggests some workable solutions on crime prevention, control and risk management strategies that consider the dynamics of crime in South Africa.

Keywords: crime, crime victims, criminal offenders, death penalty, South Africa, murder, rape

1. INTRODUCTION

“Something that unites South Africans of all stripes is the fear of crime and what’s the point of having free public spaces if people are too scared to use them?”¹

Crime is a prominent issue in South Africa.² SA has a very high rate of murders, the 8th most violent country in the world,³ with an average of nearly 50 murders per day,⁴ child kidnappings at a rate of around one every five hours,⁵ and a record of rape that is noted to have affected nearly one in three women.⁶ Assaults, rapes of adult, children, the elderly and infants are also common.⁷ In addition, homicide and carjacking are rife.⁸ Carjacking is so rife in SA to the point that certain vehicles are no longer insurable by some insurance companies of the country as the rate of theft is simply too high.⁹ Sadly, policies are not swiftly implemented in SA¹⁰ and the police in SA have maintained a reputation for being too

- 1 R. Davies, “Analysis: South Africa a Country of Fear” (2017) <https://www.dailymaverick.co.za/.../2017-02-14-analysis-south-africa-a-country-of-fe...> (accessed September 18, 2017).
- 2 “Crime in South Africa” www.https://en.wikipedia.org/wiki/Crime_in_South_Africa (accessed September 18, 2017).
- 3 “South Africa is One of the Most Violent and Unsafe Countries in the World,” www.https://businessstech.co.za › News › Government (accessed September 18, 2017).
- 4 A. Krieglner and M. Shaw, “South Africa's Mysterious Murder Rate,” (2015) <https://www.dailymaverick.co.za/.../2015-10-02-south-africas-mysterious-murder-rate...> (accessed September 18, 2017).
- 5 A. Wakefield, “A Child Goes Missing Every Five Hours in SA – MCSA,” (2015) <http://www.news24.com/SouthAfrica/.../A-child-goes-missing-every-five-hours-in-SA-MCS> (Accessed September 18, 2017).
- 6 A. Krieglner and M. Shaw, “South Africa's Mysterious Murder Rate,” (2015) <https://www.dailymaverick.co.za/.../2015-10-02-south-africas-mysterious-murder-rate...> (accessed September 18, 2017).
- 7 “10 Photo's That Will Inspire You Not to Travel South Africa,” www.https://southafricatoday.net › Home › Places of Interest (accessed September 18, 2017).
- 8 “Shocking Levels of Murder and Carjacking in South Africa,” (2016) <https://www.businessstech.co.za/.../shocking-levels-of-murder-and-carjacking-in-south-africa...> (accessed September 18, 2017).
- 9 R. Schutte “Hijacking in SA: 76.5% of Motorists 'Solve' Incidents Themselves,” (2017) <http://www.wheels24.co.za/.../hijacking-car-theft-in-sa-5-things-you-should-about-vehicle-c...>(accessed September 18, 2017).
- 10 “How does Policy Respond to Violence and Crime in South Africa?” <http://www.saferspaces.org>.

slow to respond to crime,¹¹ and often without enough power to properly enforce law.¹² As a result of what has been said, South African citizens who can afford it have carried on the tradition of private armed security to ensure their own safety.¹³

The South African Police Service (SAPS) is saddled with the responsibility of crime control, investigation of crime, protect and secure the inhabitants of South Africa and foreigners alike.¹⁴ The SAPS is the national police force of the Republic of South Africa,¹⁵ its 1,138 police stations in South Africa are divided according to the provincial borders, SAPS currently has 150,950 serving police officers with Mr. Fikile Mbalula as the Minister of police,¹⁶ and a Provincial Commissioner is appointed in each of the nine provinces responsible for policing functions.¹⁷ With all of these, the SAPS is rated to have underperformed in keys areas in crime preventions in SA.¹⁸

As far back as 1990s, South Africa is named as the crime capital of the world, and it is believed, that crime levels are high, but usually higher than those with which the rest of humanity can contend.¹⁹ Crime Index for Country 2017 Mid-Year places SA at the fourth position of the 110 countries surveyed; it has 75.39% crime index and 24.61% safety index.²⁰

A research conducted by the Institute for Security Studies on September 29, 2015, updated on the 24th of July 2017, showed the following:²¹

1. Every day, 49 people are killed and 48 people are victims of attempted murder;
2. Incidents of murder increased by 4.6% from 17,023 murders in 2013/14 to

za/.../how-does-policy-respond-to-violence-and-crime-in-south.. (accessed September 18, 2017).

11 "Police Response Time Too Slow - UCT Professor," <http://www.iol.co.za/news/south-africa/police-response-time-too-slow---uct-professor-234116> (accessed May 2017).

12 M. Kasipo "The Watchdog Over South Africa's Elite Police unit is in Serious Need of Teeth" (2016) The Conversation <https://www.mg.co.za/.../2016-08-24-the-watchdog-over-south-africas-elite-police-unit-is-i-...> (accessed September 18, 2017).

13 D. Govender "Private Security Involvement in Crime Prevention: A Critical Evaluation," (2016) UNISA Department of Criminology and Security Science School of Criminal Justice 6.

14 The Constitution of the Republic of South Africa section 205(3).

15 As above section 205(1).

16 "South Africa Police Service" www.https://en.wikipedia.org/wiki/South_African_Police_Service. (accessed September 18, 2017).

17 SA Constitution (n 13 above) section 206(4).

18 SAPS strategic management, "Annual Performance Plan 2016/17 South African Police Service" (2017) 1.

19 A. Altbeker, "Puzzling Statistics: Is South Africa Really the World's Crime Capital?," SA Crime Quarterly 11 (2005): 1.

20 "Crime Index by Country 2017 Mid-Year - Cost of Living," www.https://www.numbeo.com/crime/rankings_by_country.jsp (accessed September 18, 2017).

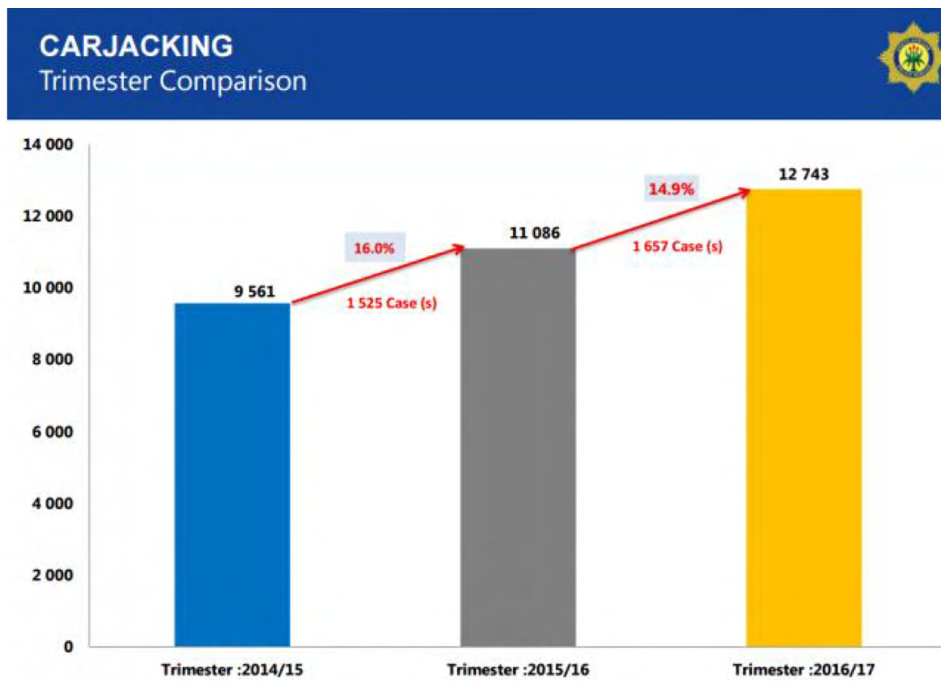
21 Institute of Security Studies "FACTSHEET: South Africa's 2014/15 Murder and Robbery Crime Statistics," www.https://africacheck.org/.../factsheet-south-africas-201415-murder-and-robbery-crime-s-... (accessed September 18, 2017).

17,805 in 2014/15. Two people were murdered per day than in the previous year, and six more per day than in 2011/12;

3. Using Statistics of South Africa's 2014 mid-year estimates, the murder rate in 2014/15 was 33 per 100,000, up from 32.1 in the last reporting period;
4. South Africa's murder rate is more than five times higher than the 2013 global average of 6.2 murders per 100,000; and;
5. Attempted murder cases increased by 3.2% from 16,989 in 2013/14 to 17,537 in 2014/15.

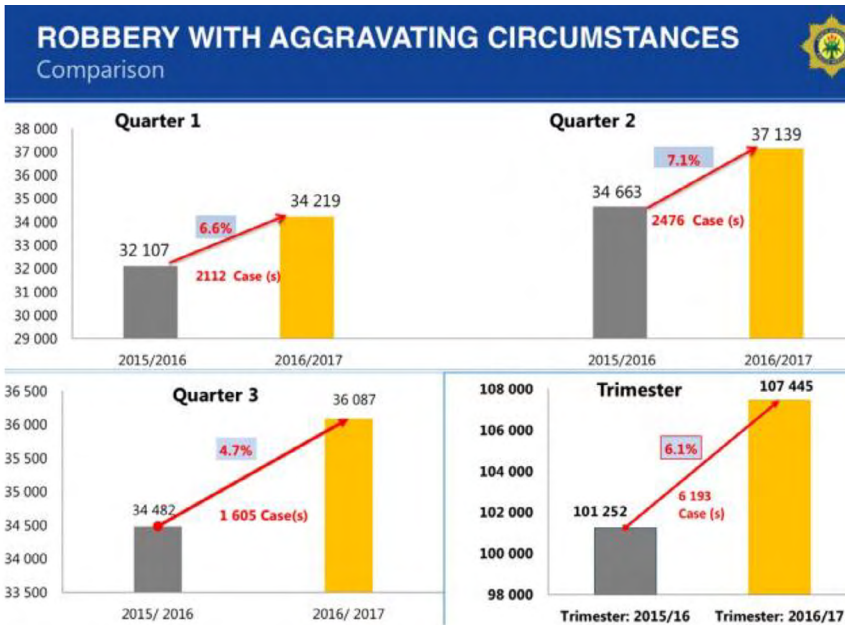
2. CRIME STATISTICS IN SA²²

Table 1. Detection of crimes increased by 8.9% from April to December 2015/2016



22 Tables 1–4. "South Africa's Latest Crime Stats: Everything You Need to Know," <https://www.businessstech.co.za/News/Government> (accessed September 19, 2017).

Table 2. Robbery with aggravating circumstances increased by 6.1% between April and December 2016



Crimes detected as a result of police action are crimes that are not reported to the police, but are rather uncovered as the police conduct its business, such as apprehending criminals in road blocks.

Table 3. Murder

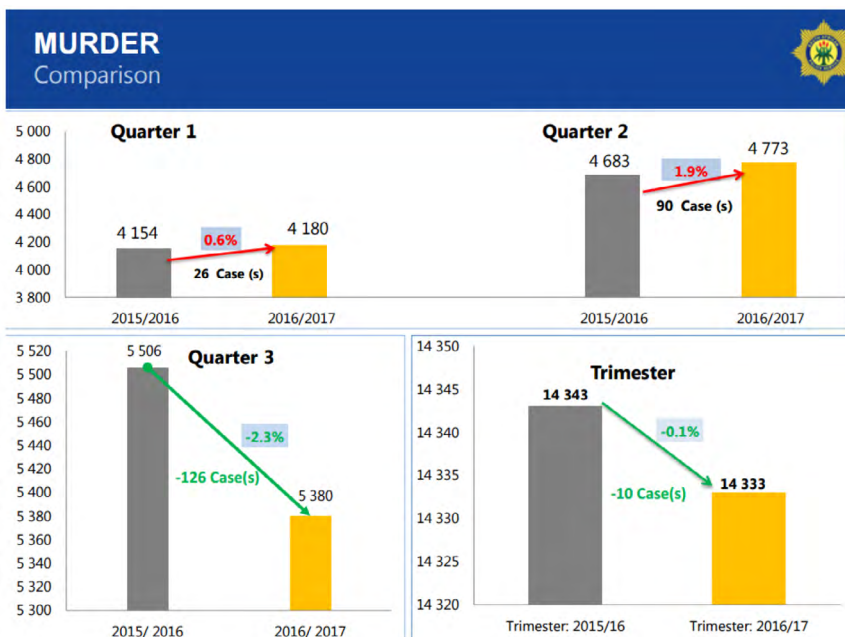


Table 4. The table below details all the latest crime stats as reported by South Africa Police Service

| CRIME CATEGORY | April to December 2015 | April to December 2016 | Case Diff | %Change |
|--|------------------------|------------------------|--------------|--------------|
| CONTACT CRIMES (CRIMES AGAINST THE PERSON) | | | | |
| Murder | 14 343 | 14 333 | -10 | -0.1% |
| Sexual Offences | 40 143 | 37 630 | -2 513 | -6.3% |
| Attempted murder | 13 806 | 13 698 | -108 | -0.8% |
| Assault with the intent to inflict grievous bodily harm | 137 200 | 129 454 | -7 746 | -5.6% |
| Common assault | 122 351 | 117 811 | -4 540 | -3.7% |
| Common robbery | 41 247 | 40 972 | -275 | -0.7% |
| Robbery with aggravating circumstances | 101 252 | 107 445 | 6 193 | 6.1% |
| Total Contact Crimes (Crimes Against The Person) | 470 342 | 461 343 | -8999 | -1.9% |
| CONTACT-RELATED CRIMES | | | | |
| Arson | 3 982 | 3 574 | -408 | -10.2% |
| Malicious damage to property | 91 176 | 89 118 | -2 058 | -2.3% |
| Total Contact-Related Crimes | 95 158 | 92 692 | -2466 | -2.6% |
| PROPERTY-RELATED CRIMES | | | | |
| Burglary at non-residential premises | 55 793 | 56 461 | 668 | 1.2% |
| Burglary at residential premises | 186 843 | 185 756 | -1 087 | -0.6% |
| Theft of motor vehicle and motorcycle | 40 743 | 40 413 | -330 | -0.8% |
| Theft out of or from motor vehicle | 105 612 | 105 020 | -592 | -0.6% |
| Stock-theft | 21 409 | 21 847 | 438 | 2.0% |
| Total Property-Related Crimes | 410 400 | 409 497 | -903 | -0.2% |
| OTHER SERIOUS CRIMES | | | | |
| All theft not mentioned elsewhere | 259 212 | 250 156 | -9 056 | -3.5% |
| Commercial crime | 53 536 | 54 442 | 906 | 1.7% |
| Shoplifting | 52 088 | 51 503 | -585 | -1.1% |
| Total Other Serious Crimes | 364 836 | 356 101 | -8735 | -2.4% |
| CRIMES DETECTED AS A RESULT OF POLICE ACTION | | | | |
| Illegal possession of firearms and ammunition | 11 312 | 11 800 | 488 | 4.3% |
| Drug-related crime | 194 535 | 215 941 | 21 406 | 11.0% |
| Driving under the influence of alcohol or drugs | 57 241 | 58 555 | 1 314 | 2.3% |
| Sexual offences: As result of police action | 4 412 | 4 924 | 512 | 11.6% |
| Total Crime Detected As A Result Of Police Action | 267 500 | 291 220 | 23720 | 8.9% |
| SUBCATEGORIES OF AGGRAVATED ROBBERY (TRIO CRIMES) | | | | |
| Carjacking | 11 086 | 12 743 | 1 657 | 14.9% |
| Robbery at residential premises | 16 003 | 16 844 | 841 | 5.3% |
| Robbery at non-residential premises | 14 955 | 15 925 | 970 | 6.5% |
| TRIO CRIMES | 42044 | 45512 | 3468 | 8.2% |
| BREAK DOWN OF TOTAL SEXUAL OFFENCES | | | | |
| Rape | 32 161 | 30 069 | -2 092 | -6.5% |
| Sexual Assault | 4 817 | 4 815 | -2 | 0.0% |
| Attempted sexual offences | 1 918 | 1 573 | -345 | -18.0% |
| Contact sexual offences | 1 247 | 1 173 | -74 | -5.9% |
| TOTAL SEXUAL OFFENCES | 40 143 | 37 630 | -2513 | -6.3% |

3. CAUSES OF CRIME AND VIOLENCE IN SA

South Africa is one of a small number of countries experiencing very high levels of crime. Some of the factors which distinguished SA are many, but few are reproduced hereunder.

3.1. The Impact of Apartheid on Families and the Education System

According to report on crime prevention “the children who become persistent offenders tend to grow up with more negative family and school experiences.”²³ As is well known, the apartheid system, particularly through the migrant labor system and influx control, had a profoundly undermining effect on African families, an effect which may be seen to have been reinforced by other aspects of the broad social and economic transformation which South Africa has undergone many years ago.²⁴ With what has been said, many children, particularly among the poorer sections of South African society, have grown up in single-parent families (characterized by an absent father), or in circumstances characterized by the absence of consistent primary caregiver, and plagued by problems such as alcoholism and violence.²⁵

3.2. Firearms

White South African culture legitimized the ownership of personal firearms which are available to white South Africans who saw them as a personal safety measure.²⁶ Intensifying violent conflict during the 1980s and 1990s was also associated with an increasing proliferation of firearms with many guns being imported from conflict areas in neighboring countries and distributed both by the liberation movements and by the apartheid government as part of an agenda of arming their allies in African communities.²⁷ After democratization, firearm proliferation further increased, through legally sanctioned and illegal means and this has played a central role in the rapid growth of crime in South Africa.²⁸

23 “SA’s Violent Crime has Roots in Apartheid,” [www.http//.sanews.gov.za/features/sas-violent-crime-has-roots-apartheid-says-report](http://www.sanews.gov.za/features/sas-violent-crime-has-roots-apartheid-says-report) (accessed September 18, 2017).

24 D. Viljoen, “The Impact of Apartheid on Urban Poverty in South Africa: What We Can Learn from History,” *Mediterranean Journal of Social Sciences* 4 (2) (2013): 731.

25 Why Does South Africa have Such High Rates of Violent Crime?: Supplement to the Final Report of the Study on the Violent Nature of Crime in South Africa (Centre for the Study of Violence and Reconciliation (CSV) for the Justice Crime Prevention and Security (JCPS), 2009), 6.

26 R. Stoffels, *Differences in Discourses of Black and White Gun Owners as a Function of Socially Constructed Identity* (University of Cape Town, South Africa 2001), 2.

27 Y. Taheri-Keramati, “South African Violence: Looking Further than the Government’s Explanation,” (2011) 259.

28 Centre for the Study of Violence and Reconciliation (CSV), *Adding Injury to Insult: How Exclusion and Inequality Drive South Africa’s Problem of Violence* (Unpublished report. Johannesburg: Centre for the Study of Violence and Reconciliation & Department of Safety and Security, 2008b).

3.3. Inequality

International research indicates that levels of crime and violence have a high correlation with levels of inequality.²⁹ The high level of inequality in South Africa is seen as contributing to the crime and violence with South Africa being one of the most unequal societies in the world as measured by the Gini coefficient (statistical dispersion intended to represent the income or wealth distribution of a nation's residents).³⁰ But while inequality may be seen as a contributing factor, the clear indication that South Africa suffers from such high levels of crime and violence is a reflection of the fact that inequality, and in particular increasing levels of inequality in the black community, reinforces the psychological legacy of apartheid.

3.4. Poverty

According to Calvo- Armengol and Zenout, "it is commonly observed for most countries that the unemployment and crime rates are positively related and unemployment leads to a lack of income, and in the absence of income people are more likely to commit crimes in order to obtain income; and income inequality among people exacerbates poverty and crime."³¹ The level of poverty is high in SA and this situation has led to crime increase.³² The argument goes that people are so poor that they are forced into crime.³³ The problem with only looking at poverty is that there are many and much poorer countries than SA, where the levels of crime and violence are not as high, much less the crime as brutal. Just look at neighboring Zimbabwe, for example.

3.5. Dysfunctional Police Force

The Crime Intelligence Division of the South African Police Service (SAPS) is currently in shambles and is unable to function effectively and efficiently. This is largely the result of years of in-fighting, poor leadership and maladministration caused by inappropriate political interference.³⁴ The SAPS inherited many of the vices of the apartheid police, to which it added new ones, such as ubiquitous corruption. Police brutality is very real, as is the use of police units as hit squads to settle political scores. Policemen, even while on duty, can themselves be members

29 The Centre for the Study of Violence and Reconciliation, "Why South Africa is so Violent and What We Should be Doing About It," (2010) 3.

30 CSVr (n 23 above) 22.

31 A. Calvo-Armengol and Y. Zenou, "Does Crime Affect Unemployment? (2003) No 71/71 The Role of Social Networks In Analyses of Economics Statistics," 173-188.

32 J. May, V. Sulla and P. Zikhali, "South African Poverty and Inequality Assessment," (2016) 10.

33 I. Brian-Vincent, "'Crime,' Poverty, Political Corruption and Conflict in Apartheid and Post-Apartheid South Africa: The Implications on Economic Development," *African Journal of Political Science and International Relations* 3(10) (2009): 454.

34 J. Burger, *Worrying Increases in Crimes Relating to Aggravated Robbery in South Africa can Be Linked to Failures by the Police* (Institute for Security Studies, 2013), 1.

of criminal gangs. It is quite telling that 630 police officers were arrested in a single province, Gauteng, for various offences in 2012.³⁵ As unfathomable as it may seem (and as impossible as it should be in law), 1,448 policemen and women were discovered to have criminal records³⁶ and nearly 1,500 South African police exposed as convicted criminals.³⁷

4. ISSUES ARISING IN SA ON CRIME AND CRIMINALITY

4.1. Advocacy for the Reinstatement/Reintroduction of the Death Penalty

It is now 22 years since the Constitutional Court abolished the death penalty and the court did so at a time when opinion polls showed that most South Africans supported capital punishment.³⁸ Although there is now little public debate on the issue, some people believe such abolition was a luxury South Africa could not afford. Others believe the death sentence should be reinstated. The arguments in some quarters are that the removal of the death sentence has been responsible for the high rate of crime and criminality in South Africa.³⁹

The fact of the matter is that the overwhelming majority of people who commit murder are never apprehended, prosecuted or punished, the conviction rate for murder is currently under 11%, which means that for every 100 people who are murdered only 11 murderers are ever convicted of the crimes.⁴⁰ The foregoing suggests that most South Africans who commit murder do so not because they are happy to face life imprisonment instead of the death penalty, but rather because they believe that they will never be caught. A case in point is that of Oscar Pistorius. Surely, Oscar did not murder Reeva Steenkamp because he knew that he would not be sentenced to death for her murder.⁴¹ He did so because he thought he would never be convicted of murder in the first place.

4.2. Abolition of the Death Sentence in SA

On February 2, 1990, former State President F W de Klerk told Parliament, during one of the most historically significant speeches made in South Africa's history, that:

35 "South Africa Troubled by Corrupt Cops," <https://www.pri.org/stories/2012-05-10/south-africa-troubled-corrupt-cops> (accessed September 18, 2017).

36 "1,448 Cops have Criminal Records," [www.http://news24.com/SouthAfrica/News/1-448-cops-have-criminal-records-20130814](http://news24.com/SouthAfrica/News/1-448-cops-have-criminal-records-20130814) (accessed September 18, 2017).

37 "Nearly 1,500 South African Police Exposed as Convicted Criminals," [...http://www.theguardian.com › World › South Africa](http://www.theguardian.com › World › South Africa) (accessed September 18, 2017).

38 F. Cronje (ed.), "Capital Punishment in South Africa: Was Abolition the Right Decision?" (2016) 1.

39 J. Strauss, "South Africans Receive Death Penalty," https://www.en.wikipedia.org/wiki/Capital_punishment (accessed September 18, 2017).

40 P. de Vos, "Getting Away with Murder: The Case Against the Death Penalty," (2016) <https://www.dailymaverick.co.za/.../2016-11-23-getting-away-with-murder-the-case-a> (accessed September 18, 2017).

41 Oscar Pistorius, "I Thought Reeva Steenkamp was a Burglar," <https://www.theguardian.com › World › Reeva Steenkamp shooting> (accessed September 18, 2017).

The death penalty should be limited as an option of sentence to extreme cases, and specifically through broadening judicial discretion in the imposition of sentence; and that an automatic right of appeal be granted to those under sentence of death.⁴²

When capital punishment was legal in South Africa, it was implemented not only for murder, but also for rape, housebreakings, robbery or attempted robbery with aggravating circumstances, sabotage, and training abroad to further the aims of communism, kidnapping, terrorism and treason.⁴³

4.3. The 1995 Constitutional Court Decision

The Constitutional Court (CC), which is the highest court in South Africa, was born in 1994 out of the country's first democratic Constitution.⁴⁴ This court outlawed capital punishment in the case of *State v Makwanyane and Mchunu*,⁴⁵ which was heard in February 1995, judgment being handed down in June 1995.

In this case, the two accused were sentenced to death in terms of the Criminal Procedure Act 51 of 1977 ("the CPA") on each of four counts of murder.⁴⁶ In delivering the unanimous judgment, Judge Arthur Chaskalson, the President of the CC, said:

The carrying out of the death sentence destroys life, it annihilates human dignity, elements of arbitrariness are present in its enforcement and it is irremediable ... I am satisfied that in the context of our Constitution the death penalty is indeed a cruel, inhuman and degrading punishment.⁴⁷

The point was further raised that the value of the death sentence as a deterrent, as a form of retribution, and as a means of preventing further crime, had to be weighed against alternative measures available to the State, particularly life imprisonment. It had not been shown that the death sentence was materially more effective than life imprisonment, with the result that the requirements of the limitations clause (found in section 36 of the current Constitution) were not met. It

42 "F. W. de Klerk's Speech at the Opening of Parliament 2 February 1990," <https://www.nelsonmandela.org/omalley/index.php/site/q/.../06lv02105.htm> (accessed September 19, 2017).

43 "Capital Punishment in South Africa: Was Abolition the Right Decision?," www.politicsweb.co.za/news-and.../was-abolishing-the-death-penalty-the-right-decisio (accessed September 19, 2017).

44 "The Establishment of the Constitutional Court of South Africa 1994," The Constitutional Court was established in 1994 by South Africa's first democratic constitution—the interim constitution of 1993. The Court, the key institution of SA constitutional democracy, continues to function under the final Constitution of 1996. The Constitutional Court is the highest court in South Africa.

45 *S v Makwanyane and Another* (CCT3/94) [1995] ZACC 3.

46 Section 277(1)(a) of the Criminal Procedure Act No. 51 of 1977.

47 *S v Makwanyane and Another* (CCT3/94) [1995] ZACC 3 Par 26.

was found that the CPA and any other legislation sanctioning capital punishment were "inconsistent" with the Constitution and therefore "invalid". The State was, therefore, "forbidden to execute any person already sentenced to death" under any law now declared invalid—such persons were to remain in custody pending the imposition of another punishment.”

4.4. Public Opinion on the Death Penalty

Speaking for the state, Von Lieres argued as follows:

Overwhelming public opinion in favor of the retention of the death penalty is sufficiently well known to be accepted as the true voice of South African society.⁴⁸

Justice Chaskalson said he was prepared to accept this contention. However, he added:

The question before us is not what the majority of South Africans believe a proper sentence for murder should be. It is whether the Constitution allows the sentence. The Constitution, in other words, outweighed public opinion.⁴⁹

Von Lieres submission was dismissed by the court (along with the notion of submitting the matter to a referendum).

To corroborate his position, Justice Chaskalson went on to quote an American judge, Robert Jackson, in the case of *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943):

The very purpose of a bill of rights is to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.⁵⁰

It came as no surprise that the overwhelming majority of public opinion was in favor of the retention of the death penalty, but Judge Chaskalson noted that the Constitution outweighed public opinion.

48 As above Par 27.

49 As above Par 87.

50 As above Par 89.

5. WILL THE DEATH PENALTY REALLY SERVE AS A DETERRENT?

5.1. The Position now in SA on Death Penalty

Some party leaders in South Africa believe that being tough on crime is the only solution as the country is currently under siege by criminals and that current government and all opposition parties currently taking part in government structures failed ordinary citizens.⁵¹ Most political parties try to silence those exposing the reality in South Africa where 50 people are murdered each and every day.

Julius Malema the leader of Economic Freedom Fighters (EFF) said:

When the party wins the elections, it will hold a referendum on the death penalty and, if the people want it back, so be it. And we will not be apologetic about hanging or castrating men who rape the elderly and children. Though crime is largely caused by unemployment, poverty and inequality, rape is caused by uncontrollable libido.⁵²

As it stands, the position in SA is that the death penalty remained abolished leading to daily increase in crime in the country.

6. CRIME VICTIMS COMPENSATION IN SA

South Africa does not have a state-funded victim compensation scheme⁵³ such as those which exist in most developed countries like New Zealand,⁵⁴ Britain,⁵⁵ USA and⁵⁶ Canada⁵⁷. The respective proposals of the South African Law Commission⁵⁸ for a victim compensation scheme and revised legislation to deal with offender/victim restitution have not been implemented by the South Africa authorities.⁵⁹

51 "No Mercy for Killers, Rapists and Drug Suppliers," <http://www.south-africa-pig.blogspot.com> > ... > CRIME > GOVERNMENT > MURDER > RAPE (accessed September 19, 2017).

52 "Malema Promises Political Change in S Africa," <http://www.aljazeera.com/.../malema-promises-political-change-s-africa-201310144293612> (accessed September 19, 2017).

53 J. C. von Bonde, *Redress for Victims of Crime in South Africa: A Comparison with Selected Commonwealth Jurisdiction* (unpublished Ph.D. thesis Nelson Mandela Metropolitan University 2006), iii.

54 The New Zealand Criminal Compensation Act 1963.

55 Criminal Injuries Compensation Scheme 2012.

56 In 1984, the United States Congress passed a bill to finance state compensation programme (Victim of Crime Act). California was the first state in the US to implement state victim compensation scheme in 1965 followed by New York and Massachusetts.

57 In Canada, each province has its own Compensation Act or law.

58 South African Law Commission Discussion Paper 97 Project 82 Sentencing (A Compensation Scheme for Victims of Crime In South Africa) 2001.

59 South African Law Reform Commission Project 82 Sentencing (A Compensation Fund for Victims

Several proposals have been made regarding changes to the South African legal⁶⁰ system to bring it in line with international developments regarding restitution and compensation to victims of crime,⁶¹ attention being given to the meaning, significance and implementation of the doctrine of restorative justice when dealing with the aftermath of criminal injury. As it stands now, crime victims are not compensated by the state in SA.

7. CRIME PREVENTION AND CRIME MANAGEMENT STRATEGIES FOR SA

7.1. Avoid Repressive Policies

Many countries have approached the problem of violence from a crime and security angle, focusing their action on law-enforcement only.⁶² While justice and police have an important role to play, repression only is counter-productive if not combined with development interventions that look at the drivers of crime and violence, and tackle things like skills and education of youth, socio-economic inequalities, and access to communal services.⁶³

7.2. Be Proactive

The South African government has to systematically invest in protective factors. Supporting proactive community associations and schools to activate their involvement has also demonstrated positive results in places like Cape Town, Chicago and New York.

In addition, promoting links between neighboring communities that adjoin each other is also important.⁶⁴

7.3. Create Well-Targeted Programs

If the goal in SA is to reduce homicides and other crimes, then program selection should be located in hotspot areas (Johannesburg, Cape Town, Gauteng)⁶⁵ and focused on the population group most likely to commit violent crimes, often young

of Crime) Report 2004.

60 Service Charter For Victims of Crime in South Africa: The Consolidation of The Present Legal Framework Relating to The Rights of And Services Provided to Victims of Crime.

61 Minimum Standards On Services for Victims of Crime for Implementing The Service Charter for Victims of Crime in South Africa.

62 "24 Ways to Reduce Crime in the World's Most Violent Cities," <https://www.theguardian.com › World › Working in development> (accessed November 12, 2017).

63 Ibid.

64 John de Boer, senior policy adviser United Nations University Centre for Policy Research Tokyo Japan.

65 South African Cities Network, "The State of Urban Safety in South Africa," (2017) Urban safety reference group 90.

males between 10 and 29 years old.⁶⁶ The risk factors for why these young men get involved in criminality also need to be clearly diagnosed and complemented with a treatment plan that involves the family and community.⁶⁷

7.4. Focus on Gun Control

Where there are no guns, there are no gun deaths.⁶⁸ A simple and practical way to start impacting crime is to try to stem the flow of illegal guns because gender roles are also at work in South African demands for guns.⁶⁹

There were 3,735,686 licensed firearms in private hands in South Africa in 2004, or one for every 8.4 people.⁷⁰ About 3.5 million were licensed to private individuals; the rest were licensed to private security companies.

The biggest leap in licensed gun ownership happened between 1986 and 1996 when gun ownership rose from 2,492,633 to 3,503,573 licensed firearms, or 40.5%. The growth rate then slowed to 6.6% between 1996 and 2004.⁷¹

The police gave the following break-down in the types of guns licensed in 1998:⁷²

Breakdown of Firearms Licensed (1998):

| | |
|--------------------|-----------|
| Pistols | 1,942,550 |
| Rifles | 1,286,628 |
| Revolvers | 841,870 |
| Shotguns | 453,486 |
| Combinations | 19,847 |
| Light machine guns | 179 |
| Carbines | 80 |
| Humane killers | 48 |
| Homemade firearms | 13 |
| Pen flash | 2 |
| Machine guns | 2 |

66 A focus on certain groups such as young males between 10 and 29 years old can help to reduce violence. Photograph: LUNAE PARRACHO/REUTERS.

67 In defining the risk factors for young offending, the focus is on reducing criminality and on factors in children and young people's lives that can, to some extent, be influenced by practical community-based prevention programmes.

68 L. S. Bopape, "An Analysis of the Firearms Control Measures used by the South African Police Service," (2016) 3. The significant rise of firearm deaths and injuries in South Africa in the early 1990s led to a vigorous campaign for stricter firearm control which gave birth to the Firearms Control Act 60/2000 that replaced the ineffective and outdated Arms and Ammunition Act 75/1969.

69 M. Keegan, "The Proliferation of Firearms in South Africa 1994–2004," (2005) 30.

70 C. Gould, G. Lamb, G. Mthembu-Salter, S. Nakana, and D. Rubel, South Africa. Hide and Seek. Taking Account of Small Arms in Southern Africa (Pretoria: Institute for Security Studies, Centre for Conflict Resolution and Gun Free South Africa, 2004), 132–266.

71 A. Vines, "Disarmament in Mozambique," *Journal of Southern African Studies* 24 (1) (1998): 191–205.

72 Gould n 65 above 196.

7.5. Focus on Prevention

Prison populations are overflowing, and SAs overcrowded, poorly ventilated prisons house 40,000 more inmates than they should, and at least 10 prisons have over 200% occupancy.⁷³ Pollsmoor Prison in Cape Town holds 4,162 prisoners (238% occupation), with 60–80 awaiting trial.⁷⁴

Crime is high and in fact, crime has become a culture in South Africa.⁷⁵ The focus needs to be on preventing the conditions that draw people into criminal behavior, such as unemployment,⁷⁶ economic hardship⁷⁷ and low level of education.⁷⁸ Findings showed that children who become violent men are mostly victims themselves: of trauma, racism, bullying, corporal punishment and brutalizing institutions; additionally, their families are often dysfunctional or broken and they continually encounter adults who reinforce their distrust of authority figures, and lead them further into crime.⁷⁹ In order to prevent conditions leading to criminal conduct, the SA authorities need a systematic, integrated, coordinated approach combining the responsibilities of a wide range of state and civil society because the civil society actors are demonstrating their value as facilitators, conveners and innovators as well as service providers and advocates.⁸⁰

7.6. Intervene Early

We know that a better understanding of the drivers of crime is essential, and that starting interventions early (childhood—possibly even before kids are born at a pre-natal stage) is crucial.⁸¹ It is, therefore, essential to find effective, cost-efficient ways of reducing incidents of crime and violence and to limit the negative effects and the destructive impact thereof. Crime prevention is a proven approach that could make a substantial contribution in this regard.

In essence, crime prevention aims to stop crime from happening rather

73 S. Benatar, “The State of Our Prisons and What This Reveals about Our Society,” <http://www.scielo.org.za/pdf/samj/v104n9/16.pdf> (accessed November 12, 2017).

74 R. Wood, “Right to Care in South Africa 2012,” <https://www.facebook.com/rtcса/posts/234287843340645> (accessed November 12, 2017).

75 Centre for the Study of Violence and Reconciliation, “Why Does South Africa have Such High Rates of Violent Crime?,” (2009) 3.

76 R. Burger and D. von Fintel, “Determining the Causes of the Rising South African Unemployment Rate: An Age, Period and Generational Analysis,” (2009) 1.

77 L. L. Ndabeni and R. Maharajh, *The Informal Sector and the Challenges of Development in South Africa (Human Development and Knowledge Economy, Centre for Development Economics and Innovation, 2013)*, 1–24.

78 S. van der Berg, S. Taylor, M. Gustafsson, N. Spaul, and P. Armstrong “Improving Education Quality in South Africa,” (2011) 1.

79 C. Gould, “The Solution to South Africa’s Violent Crime Problem,” (2016) <https://www.businesslive.co.za/.../2016-09-08-the-solution-to-south-africas-violent-cri> (accessed November 2017).

80 World economic forum “The Future Role of Civil Society,” (2013) 5.

81 A. A. Griggs, “Preventing Crime and Violence in South African Schools: A Review of Learning and Good Practice from Eight Interventions,” (2002) 1–75.

than responding to it after it has occurred. Crime prevention entails any action designed to reduce the actual level of crime and/or perceived fear of crime.⁸²

7.7. The Impact of Drugs

The global war on drugs is a massive driver of crime, violence and insecurity, not only in other parts of the world⁸³ but increasingly in SA.⁸⁴ It is time for all concerned individuals, government and private anti-crime development initiatives to take this on board. It is amazing to know how much taboo there is around this issue, especially regarding the cocaine,⁸⁵ cigarette,⁸⁶ even though smoking rates are declining, there are an estimated 7 million smokers in South Africa,⁸⁷ and alcohol consumption in SA.⁸⁸

Globally, it is estimated that in 2012, some 243 million people (range: 162 million-324 million) corresponding to some 5.2 per cent (range: 3.5–7.0 per cent) of the world population aged 15–64 had used an illicit drug—mainly a substance belonging to the cannabis, opioid, cocaine or amphetamine-type stimulant (ATS) group.⁸⁹ Drug use statistics in South Africa, as reported by the United Nations World Drug Report of 2014, drug abuse remains a growing problem in South Africa with 7.06% of the population abusing narcotics of some kind and one in every 14 people is regular user adding up to a total of 3.74 million people (taken as a percentage of the population as of 2013).⁹⁰

7.8. Target Inequalities

The SA government needs to address economic inequality⁹¹ which, in the long run, will reduce crime. South Africa needs universal provision of high-quality child-care that is affordable for South Africans,⁹² and to narrow the difference between

82 T. Kruger, L. Lancaster, K. Landman, S. Liebermann, A. Louw, and R. Robertshaw, *Making South Africa Safe: A Manual for Community-Based Crime Prevention* (The Council for Scientific and Industrial Research, 2016), 6.

83 “The War on Drugs: Undermining Peace and Security,” <http://www.countthecosts.org/sites/default/files/Security-briefing.pdf> (accessed November 12, 2017).

84 United Nations Office for Drug Control; and Crime Prevention, “South Africa Country Profile on Drugs and Crime,” (1999) 1.

85 CDH Parry, “Substance Abuse in South Africa: Country Report Focusing on Young Persons,” (1998) 5.

86 R. N. van Zyl-Smit et al., “South African Tobacco Smoking Cessation Clinical Practice Guidelines,” *South Africa Medical Journal* 11(103) (2013): 869.

87 C. van Walbeek, “Recent Trends in Smoking Prevalence in South Africa—Some Evidence from AMPS Data,” *South Africa Medical Journal* 2(6) (2002): 468–472.

88 M. D. F. Kasolo, “Global Status on Alcohol Abuse: How is South Africa Rated and the Implications for Policy,” https://www.thedti.gov.za/business_regulation/presentations/who_presentation.pdf (accessed November 12, 2017).

89 United Nations Office on Drugs and Crime, “World Drug Report 2014,” (2014) 1.

90 “24 Ways to Reduce Crime in the World’s most Violent Cities,” https://www.theguardian.com/World/Working_in_development (accessed November 12, 2017).

91 K. Philip, M. Tsedu and M. Zwane, “The Impacts of Social and Economic Inequality on Economic Development in South Africa,” (2014) 21.

92 R. Molefe, *Quality in Child Care Practice: A South African Perspective* (Motheo Training Institute

the top-to-bottom earnings and rebuild the link between economic prosperity and wages.⁹³ In South Africa with its high levels of racial inequality, inequality in income distribution is especially large and persistent. For an upper-middle income country (in terms of GDP per capita and economic structure), South African social indicators (e.g. life expectancy, infant mortality or quality of education) are closer to those of lower-middle income or even low-income countries.⁹⁴

8. CONCLUSIONS

Despite South Africa's high crime rate, there are many important questions about serious crime to which there are few definitive answers. This is obvious in relation to murder, where, although it is known unequivocally that South Africa's murder rate is high and that women are much more at risk than men,⁹⁵ it is not known with any great certainty whether per capita murder rates differ greatly by race and income. The general feeling among South Africans and foreigners alike is doom and gloom based on various facts and perceptions. South Africa has been described as the crime capital of the world.

People generally don't feel purposeful and are, therefore, not creating their own lives. Education and mentoring, which translates into self-worth and true empowerment, is the only solution. In addition, the South African media can play a massive role and be the hero in changing perceptions as they reach the people of South Africa. Media involvement in the fight against crime could even transform the government. If all stake holders, the high and the low decide to stay and fight for their birthplace, then they need to move from victim to victor mentality. They should make the South African mantra: "I will stay and help build a great nation."⁹⁶ And remember, if one becomes grateful for what he/she has, they will get more to be grateful for.

In the fight against crime in South Africa, all South Africans, foreigners, and the international community must do more and talk less as everyone's efforts require collaboration.⁹⁷ All of us must be inspired by one Jose Marti, a Cuban revolutionary, poet and lawyer, who said:

Trust, 2016), 1–12.

93 J. May, V. Sulla and P. Zikhali, "South African Poverty and Inequality Assessment Discussion Note," (2016) 11.

94 S. van der Berg, "Current Poverty and Income Distribution in the Context of South African History," (2010) 3.

95 "Crime Situation," https://www.unodc.org/documents/southafrica/country_profile_southafrica_8.pdf (accessed November 12, 2017).

96 J. Demartini, "To Keep Positive," <http://www.community.standardbank.co.za/t5/Public-Archive/A-COMMENT-BY.../125805> (accessed November 12, 2017).

97 F. Mbalula, "The Fight Against Crime in South Africa Requires Collaboration," <https://www.dailymaverick.co.za/.../2017-07-24-the-fight-against-crime-in-south-afric> (accessed November 12, 2017).

Other famous men, those of much talk and few deeds, soon evaporate. Action is the dignity of greatness. Like stones rolling down hills, fair ideas reach their objectives despite all obstacles and barriers. It may be possible to speed or to hinder them, but impossible to stop them.⁹⁸

Accordingly, the struggle for a reduction in crime in SA has become a struggle for the restoration of the dignity of all citizenry and all residents in their homes, in the workplaces and in their recreational areas. The struggle to reclaim the streets of South Africa from criminals, who seek to instill fear and compromise the safety of all citizens, legal visitors and lawful foreigners, must be intensified. This struggle must become the epitome of the pragmatic programme to ensure that all South Africans feel safe.

98 “Full Text of Crime Statistics Speech,” <https://www.iol.co.za/news/crime-courts/full-text-of-crime-statistics-speech-138733> (accessed September 21, 2017).