

# **CIVILIAN SECRETARIAT FOR POLICE**



## **DRAFT WHITE PAPER ON SAFETY AND SECURITY**

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## **1. VISION**

A society where all people:

- Live in safe environments;
- Play a role in creating and maintaining the safe environment;
- Feel safe from crime and violence and conditions that contribute to it; and
- Have equal access and recourse to high quality of services when affected by crime and violence.

## **2. AIM AND PURPOSE**

The objectives of the White Paper on Safety and Security are:

- To provide an overarching policy for safety and security that will be articulated in a clear legislative and administrative framework to facilitate synergy and alignment of policies on safety and security; and
- To facilitate the creation of a sustainable, well-resourced implementation and oversight mechanism, which will co-ordinate, monitor, evaluate and report on implementation of crime prevention priorities across all sectors.

## **3. RATIONALE FOR A NEW SAFETY AND SECURITY WHITE PAPER**

Since 1994, government policy in relation to safety and security has been articulated in two key documents, the National Crime Prevention Strategy (NCPS) adopted in 1996, and the White Paper on Safety and Security (1998-2004). In addition to these key policy interventions, government has responded with a series of initiatives to address challenges within the criminal justice cluster.

A review of the 1998 White Paper on Safety and Security in 2010 identified the need for two distinct policy interventions; a White Paper focused on the

policing environment and a White Paper on Safety and Security that would focus on an integrated and developmental approach to safety, in recognition that safety extends far beyond the purview of the police.<sup>1</sup>

### **3.1 Motivation for a White Paper on Safety and Security**

Responses to crime and violence in South Africa are located in two complimentary approaches, that of law enforcement which responds primarily post the fact in detecting, investigating, bringing to trial and if guilty, imposing sanction and, that of longer term developmental approaches to building safer communities which aim to address the factors that place people at risk of becoming either perpetrator or victim.

In an uncertain global climate of terrorism and transnational crime resorting only to the more direct responses provided by the criminal justice system is essential but also only partially effective. As demonstrated in research, an over reliance on criminal justice approaches risks prioritisation of increasingly repressive and punitive responses to crime that are ultimately reactive and therefore limited in their ability to achieve longer term results. The reactive nature of the criminal justice system must be complimented by longer term developmental strategies, espoused in this document that will ultimately reduce the number of persons coming into conflict with the law and increase levels of safety in communities.

The adoption of the National Development Plan (NDP) by Cabinet in 2012 provides a clear blue print for South Africa to eliminate poverty and reduce inequality by 2030.<sup>2</sup> The NDP articulates, among others, a vision, and recommendations, for building safer communities acknowledging the need to build safety using an integrated approach.

The development of a new updated policy on safety and security provides substance and policy direction to achieving this vision with respect to *Building Safer Communities* enshrined in the NDP. The White Paper will facilitate new

legislative and administrative arrangements necessary to operationalise this policy including:

- A clear understanding of the roles and responsibilities of individual government departments and different spheres of government;
- Mechanisms for co-operation between government departments and different spheres of the state;
- Monitoring and evaluation systems;
- Resources; and
- Accountability.

The White Paper will provide policy direction to government departments in the development and alignment of their respective policies, strategies and operational plans along with the necessary governance and oversight tools against which, departments can be measured and held accountable.

### **3.2 Locating the Policy**

Safety and security is a fundamental human right enshrined in the Constitution of the Republic of South Africa,<sup>3</sup> and "*a necessary condition for human development, improved quality of life and enhanced productivity.*"<sup>4</sup>

The NDP recognises that crime and violence is not just a security issue, but has deep social and economic roots and consequences. Addressing these cannot be seen as the mandate of the criminal justice system alone, but rather requires the involvement of all government departments, particularly those within the social and economic clusters. These departments will, in executing their respective legal mandates, collectively and individually contribute to a safe and secure environment for all South Africans. It also acknowledges that the contribution of government has to be complemented by an active citizenry, civil society and the private sector.

This White Paper therefore re-affirms that safety is a collective responsibility, and is located within the broader, social and developmental agenda of Government as set out in the National Development Plan Vision 2030.

#### **4. UNDERSTANDING SAFETY, CRIME AND VIOLENCE PREVENTION**

The National Development Plan states *“safety should be measured by the extent to which the most vulnerable in society feel and are safe from crime [and violence] and the conditions that breed it”*. Safety refers principally to the state of an area and is determined based on the real and perceived risk of victimisation. Unsafety therefore refers to areas characterised by the significant prevalence of violence and crime. Security as defined in the National Security Strategy of South Africa 2013 refers to the *“maintenance and promotion of peace, stability, development and prosperity using state power. It also involves the protection of our people and their being free from fear and want; and the preservation of the authority and territorial integrity of the state.”*

Crime and violence prevention then, is a precondition for safe communities. While used together, Crime Prevention and Violence Prevention is somewhat different: Crime Prevention is defined by the United Nations Guidelines for the Prevention of Crime (2002) as *“strategies and measures that seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and societies, including fear of crime, by intervening to influence their multiple causes.”* Violence is defined in broader developmental terms, as *“the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development, or deprivation”*.<sup>5</sup>

Substantial evidence exists to show that, in order to effectively prevent crime and violence, a developmental life-course approach, building on the socio

ecological model espoused by the World Health Organisation (Krug 2002), is required.<sup>6</sup> A life-course approach takes into account the full context of – and cumulative impact of this context on – a person’s life, including structural, environmental, developmental, cultural and social dimensions of life. Exploring these life course dimensions, means exploring the immediate and secondary factors that make individuals – from the time they are conceived - vulnerable to violence (‘risk factors’). These might, for example, include social factors such as low (or non-existent) family and parenting bonds; exposure to, and victimisation by violence; low educational attainment and poor attitudes towards educational achievement.

#### 4.1 Risk and resilience

Effective interventions need to be embedded in broader and complementary initiatives aimed at reducing violence. The socio-ecological model recognises that violence results from a combination of multiple influences that can interact with each other in different ways. Individuals in society are located in relation to their family and community, and to the broader environment. The model allows for the multiple factors that put people at risk, and to protect them from experiencing or perpetrating violence (‘protective factors’) to be addressed. Prevention strategies can be used at each of these three levels to address these factors, thus increasing safety. Each level is associated with a different (often overlapping) set of risk factors.

An overview of risk factors for crime and violence is depicted in the table below:

Table 1: Risk factors for crime and violence

Individual	Risk Factors
	Gender
	Age
	Low social status related to class, race, ethnicity
	Poor nutritional/pre-natal and health care

	Low self-esteem; lack of empathy
	Engagement in risky behaviours (alcohol/drug misuse, high-risk sexual behaviour)
<b>Relationship</b>	<b>Risk factors</b>
	Family violence
	Harsh, authoritarian parenting
	Low levels of parental involvement
	Neglect and/or maltreatment
	Caregivers or siblings in trouble with the law
	Teenage parenthood
<b>Community</b>	<b>Risk factors</b>
	Family/community attitudes condoning violence
	High levels of neighbourhood crime and violence
	Low access to quality education, training opportunities
	Easy availability of drugs, alcohol, firearms
<b>Macro/structural</b>	<b>Risk Factors</b>
	Structural inequalities (economic, political)
	Rapid urbanisation, migration (both rural-urban and external)
	Demographic factors (youth bulge)
	Social norms condoning inequality
	Social norms condoning violence
	Institutional fragility (poor, discriminatory or uneven provision of services, weak criminal justice system, weak governance, weak or absent control of arms and drug trade)
	Poor service delivery

While addressing the **risk** factors for crime – enhancing parenting practices, improving access and attachment to education, addressing access to alcohol, illegal substances and weapons, and improving employment opportunities – it is important to concurrently build individuals, families and communities **resilience** to crime and violence. Resilience is the “*process of, capacity for, or outcome of, successful adaptation, despite challenging or threatening circumstances*”.<sup>7</sup> Safety strategies and those aimed at addressing crime and

violence, must also therefore include mechanisms to build individuals and institutions positive or pro-social capacity to deal with adversity that they may face that makes them more vulnerable to crime.

## **4.2 Poverty, Inequality and crime**

The importance of these factors in determining safety outcomes is reflected in the National Development Plan, which states that safety and security are *“directly related to socioeconomic development and equality”*, and requires an environment *“conducive to employment creation, improved educational and health outcomes, and strengthened social cohesion”*. A simple causal relationship between crime, violence and poverty is often drawn. This is misleading as the relationship between crime, violence, poverty, deprivation and inequality, is more complex. There is little evidence to show that poverty causes crime, while there is substantial evidence to show how those living in poverty are particularly vulnerable to, and affected by, crime and violence.<sup>8</sup> This is evident in the risk factors for crime.

Those living in communities characterised by a lack of services, with little or poor access to water and sanitation, to childcare and health facilities, educational and employment opportunities, or who are marginalised or excluded, are at the same time most vulnerable to falling victim to crime violence, most at risk for engaging in crime, and are usually those least able to access the criminal justice system or victim support services. The poorest of the poor are therefore those who are most at-risk, most vulnerable to, and most affected by, high levels of crime and violence. Similarly, societies reflecting high levels of inequality are also most likely to be characterised by high levels of violence. It is thus important that in adopting a developmental approach to safety, both macro and structural factors are addressed at the same time as addressing individual and community level risk factors of crime.

### 4.3 Primary, Secondary and Tertiary Prevention

The importance of primary, secondary and tertiary prevention should also be noted. Researchers, for example, distinguish between primary, secondary and tertiary prevention: *“the site of primary prevention [is] the general public or environment, the site of secondary prevention are those regarded as being “at risk” of offending or criminal victimisation; and the site of tertiary prevention are those who have already succumbed to either criminality or victimisation.”*<sup>9</sup>

It is only through a combination of all three prevention areas – primary, secondary and tertiary – that safe communities can be achieved.

### 4.4 Vulnerable Groups

Persons with disabilities, the elderly, youth, women and children, and members of the Lesbian, gay, bisexual, transgender and intersex (LGBTI) community are particularly vulnerable to violence. The NDP makes explicit reference to, and underscores the need to address, the safety of both women and children in South Africa.

Because of the nature of sexual and gender-based violence, and violence against children, these acts are often hidden and go unreported. The hidden nature of these acts of violence also often preclude victims from accessing adequate, or any, health or criminal justice services. At the same time, such experiences can further marginalise victims, and exponentially increase related negative health and educational outcomes, both for the individuals, and their families.<sup>10</sup>

The way that women and children “experience” safety must also be understood within the context of the spaces – social, physical and economic – that they occupy. It is thus essential, that in examining and understanding safety at a community level, the voices of both women and children, are heard, and that policies and strategies are informed by these voices. The draft South African Integrated Programme of Action addressing Violence Against Women and Children (2013-2019) in response to these challenges provides

for “a comprehensive, multi-sectoral and long-term set of strategic interventions... that will allow all sectors of government to coordinate and systematise their interventions, evaluating and building on initiatives, to ensure adaptive and responsive approaches.”

LGBTI people are particularly prone to discrimination, persecution and violence for expressing who they are and choose to love. For many, violence begins at home, in schools, the workplace and in the streets. Laws that treat LGBTI people like criminals, dehumanise them, reinforce a stigma, and allow serious human rights violations. Policies and strategies aimed at preventing discrimination must reflect the vulnerabilities of the LGBTI community.

Both children and adults who live with disabilities are at much higher risk of violence than their non-disabled peers. It is estimated that in general, children with disabilities are 3.7 times more likely to be victims of any sort of violence, 3.6 times more likely to be victims of physical violence, and 2.9 times more likely to be victims of sexual violence. Children with mental or intellectual impairments appear to be among the most vulnerable, with 4.6 times the risk of sexual violence, than their non-disabled peers. In respect of adults, overall, persons living with disabilities are 1.5 times more likely to be a victim of violence, while those with mental health conditions are at nearly four times the risk of experiencing violence. The United Nations Convention on the Rights of Persons with Disabilities reinforces the need to protect the rights of children and adults living with disabilities and to ensure their full and equal participation in society. This includes protecting them from violence and other environmental factors that they adversely affect their health and safety.

Older persons too are vulnerable to a number of crimes, including the intentional or reckless infliction of pain or injury; the use of violence or force for participation in sexual conduct or conduct contrary to their wishes; the intentional imposition of unreasonable confinement; or the intentional or deliberate deprivation of food, shelter, or health care. Comprehensive interventions that empower older persons in a manner that will reduce the risk

of abuse, that highlight public education, and that address the systemic issues that make it easier for abuse to occur, are therefore required.

#### **4.5 Human Trafficking**

Trafficking in persons is a multi-dimensional threat that has a devastating impact on individuals, mostly women and children, depriving them of their fundamental freedoms. This heinous crime is fuelled by organised criminal enterprises who seek to profit from the exploitation of victims through forced labour or the sex trade. Human trafficking is a complex issues with a diverse range of victims and circumstances, and the conditions that drive it often find root in the search for improved socio-economic circumstances; making persons vulnerable to becoming victims of trafficking. In the South African context, “push” factors such as extreme poverty, unemployment, lack of education, inadequate social programmes and gender-based inequality have not been adequately addressed, leaving countless persons vulnerable to becoming victims of human trafficking. It follows then that effectively addressing this pervasive crime requires a multi-layered approach, drawing in a wide network of role players that cut across government and civil society. Effective strategies aimed at reducing and combating human trafficking must essentially deal with the root cause and drivers.

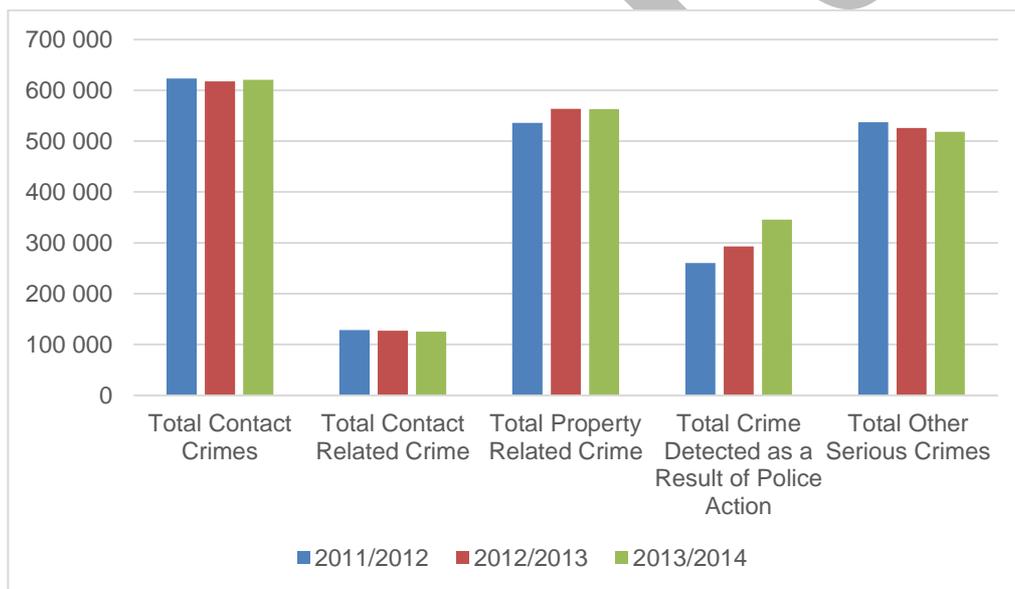
#### **4.6 Crime and Violence in South Africa**

South Africa experiences high levels of crime and particularly, violent crime. While over the past ten years the country has seen a steady decrease in crime, this reduction has slowed since 2011 and the past two years have seen an increase in the most significant categories of crime.<sup>11</sup> Murder increased by 5.0%, attempted murder by 4.6%, theft out of or from motor vehicle by 3.0%, robbery with aggravating circumstances by 12.7% and common robbery increased by 0.6%.<sup>12</sup> For the first time in 20 years, the murder rate increased for a second consecutive year in 2013/2014.<sup>13</sup> In 2013/2014 the number of sexual offenses decreased by 5.6%, malicious damage to property by 1.1%,

burglary at non-residential (business) premises by 0.04%, burglary at residential premise by 0.6% and commercial crime (fraud) by 13.6%.<sup>14</sup> There has been a decrease in the instances of sexual offences, but this may suggest decreased confidence in the police rather than decreased incidents of violence.

According to police reports, crime in South Africa in 2013/2014 was distributed proportionally in the following way. Assault with intent to inflict grievous bodily harm made up 29% of the total amount of crime, common assault contributed 27%, robbery with aggravating circumstances contributed 19%, total sexual offences contributed 10%, common robbery contributed 9%, murder contributed 3% and attempted murder contributed 3%.<sup>15</sup>

#### Summary of South Africa's Crime Statistics for 2011/2012 to 2013/2014



Source: South African Police Service, *Crime Research and Statistics (2014)*. April to March 2004 - 2014: Provincial and National Figures and Ratios.

#### 4.6.1 Murder and Attempted Murder

The murder rate in South Africa was 32.2 per 100 000 people in 2013/2014, having increased slightly from a national average of 31.1 per 100 000 people in 2012/2013.<sup>16</sup> Across the nine provinces the murder rate was the highest in the Eastern Cape at 52.1 per 100 000 people and the lowest in Limpopo at

13.2 per 100 000 people.<sup>17</sup> The rest of the provinces had the following rates: Western Cape had 48.3 per 100 000 people, Northern Cape had 37.7 per 100 000 people, KwaZulu-Natal had 34.7 per 100 000 people, Free State had 34.4 per 100 000 people, Gauteng Province had 26.2 per 100 000 people, North-West Province had 22.9 per 100 000 people and Mpumalanga had 19.2 per 100 000 people.<sup>18</sup> While global figures can be unreliable, South Africa has repeatedly been noted in the UNDOC Homicide Report as a country with one of the highest murder rates in the world (most recently in the 2014 report), although the murder in the country has halved since 1995.<sup>19</sup> South Africa's homicide rate was among the ten highest in the world in 2012.<sup>20</sup> It is important to note that murder is often considered the most reliable indicator of the crime rate because it is the crime most likely to be reported to the police.<sup>21</sup>

In terms of attempted murder, a rate of 32.3 per 100 000 population was recorded for South Africa in 2013/2014, also having increased from the previous year (31.3 per 100 000 people in 2012/2013).<sup>22</sup> Slightly different patterns across provinces can be seen for attempted murder. Eastern Cape was no longer the highest at 28.1 per 100 000 people. The Western Cape had the highest attempted murder rate at 55.9 per 100 000 people, followed by Northern Cape at 52.2 per 100 000 people, KwaZulu-Natal at 37.0 per 100 000 people, Free State at 33.1 per 100 000 people, Gauteng at 30.6 per per 100 000 people, North West Province at 30.0 per 100 000 people, Mpumalanga at 18.7per per 100 000 people and Limpopo at 13.6 per 100 000 people.<sup>23</sup>

In general, the murder and attempted murder rate have been on a steady downward trend since 2005, though they have increased slightly since their lowest point in 2012.<sup>24</sup>

#### **4.6.2 Assault with the Intention to Cause Grievous Bodily Harm (Assault GBH) and Common Assault**

Assault GBH was reported in South Africa at a rate of 345.7 per 100 000 people in 2013/2014, having decreased marginally since 2012/2013 from

355.6 per 100 000 people.<sup>25</sup> According to police statistics, this marginal decrease suggests a levelling out the rates of assault GBH after a substantial and steady decline in rates since 2004/2005 where the rate was 535.3 per 100 000 people.<sup>26</sup> While this is a positive finding, the Department of Justice has noted that criminal cases of assault are regularly not filed with the police, suggesting that official statistics may not accurately reflect the extent of this crime in the country.<sup>27</sup> Northern Cape had the highest rate of assault GBH of all the provinces at 751.0 per 100 000 people, while Limpopo had the lowest rate at 229.8 per 100 000 people.<sup>28</sup>

Levels of common assault in the country were reported at 315.5 per 100 000 people for 2013/2014, also showing a significant downward trend in frequency since 2004/2005 when the rate was 575.0 per 100 000 people.<sup>29</sup> However, despite these decreases, assault GBH and common assault remains the most common contact crimes and two of the most common crimes nationally.<sup>30</sup> The Free State had the highest rate of assault at 622.0 per 100 000 people, only marginally more than the Western Cape, which had 619.5 per 100 000 people, while Limpopo again had the lowest rate at 164.5 per 100 000 people.<sup>31</sup>

The official crime statistics do not provide disaggregated data on incidents of family violence or gender-based violence. National research conducted by the Medical Research Council has found that 40% of men report being physically violent to a partner, and 40% to 50% of women report having been victims.<sup>32</sup>

#### **4.6.3 Sexual Offences**

Although disaggregated data on the rates of rape and sexual assault, or intimate partner violence is not available in the 2013/2014 official crime statistics, the exact number of cases for rape and sexual assault are available.<sup>33</sup> There were reportedly 46 253 cases of rape in 2013/2014 and 6 795 cases of sexual assault.<sup>34</sup> While acknowledging that all forms of violence (except murder) are generally underreported in crime statistics, a

study by the Centre for the Study of Violence and Reconciliation (CSVR) notes that rape is 'probably more underreported' than other categories of violent crimes.<sup>35</sup> This is widely acknowledged in international and national literature.<sup>36</sup> For example, the CSVR study estimates that the actual rate of rape in South Africa was over 300 000 cases in 2006/2007, significantly higher than the 52 617 reported in official crime statistics from that period.<sup>37</sup> The reasons for possible underreporting are largely relate to the deeply sensitive and personal character of sexual violence. The reasons for underreporting can include a lack of recognition by victims of the criminal nature of sexual violence, as well as, barriers to reporting sexual violence, such as shame, self-blame, community taboos, discriminatory police practices, and secondary victimisation.<sup>38</sup>

The total sexual offences in the country were reported at a rate of 118.2 per 100 000 people for 2013/2014.<sup>39</sup> This rate has decreased since 2004/2005 when it was recorded as being 148.4 per 100 000 people. However, despite this overall trend in declining rates of sexual offenses, the rates have fluctuated over that time.<sup>40</sup> These fluctuations, particularly the change in rates from 2007/2008 to 2008/2009, where rates increased from 133.4 per 100 000 people to 144.8 per 100 000 people respectively, may have been partly attributable to the introduction of the Criminal Law (Sexual Offences and Related Matters) Act, 32 of 2007 which broadened the definition of rape.<sup>41</sup> The amount of rapes and sexual assaults reported in 2013/2014 were less than in previous year, and while this may represent a decrease in confidence around reporting to the police, it may also represent a genuine decline in these crimes.<sup>42</sup>

The following provincial trends were noted in 2013/2014: Free State had a rate of 174.9 per 100 000 people, Northern Cape of 150.8 per 100 000 people, Eastern Cape of 149.5 per 100 00 people, North-West Province of 134.8 per 100 000 people, Western Cape of 134.0 per 100 000 people, Limpopo of 116.4 per 100 000 people, KwaZulu-Natal of 113.6 per 100 000 people, Mpumalanga of 95.8 per 100 000 people, and Gauteng Province of 86.6 per 100 000 people.<sup>43</sup>

The 2013/2014 victims of crime survey reported that sexual offence victims (16 years and older) were most likely to be victimised by their relatives (25.1%), followed by a known community members from their area (24.0%).<sup>44</sup> In only 6.1% of cases was the perpetrator a spouse or lover.<sup>45</sup> Half (50.0%) of all sexual offences occurred at home, while only 15.4% occurred in someone else's home and even less (9.6%) in the street in a residential area.<sup>46</sup> A positive finding of the study was that most victims (81.6%) indicated that they knew where to access medical assistance, while 76.8% knew of a place they could go to for counselling and 54.0% knew where to obtain a protection order.<sup>47</sup>

#### **4.6.4 Burglary**

The national residential burglary rate was 491.6 per 100 000 people for 2013/2014, showing a marginal decrease from the previous year when the rate was 501.4 per 100 000 people.<sup>48</sup> Of the provinces, the Western Cape had the highest rate of residential burglary at 840.8 per 100 000 people, while Limpopo had the lowest at 299.1 per 100 000 people.<sup>49</sup>

Burglaries at non-residential premises were reported in South Africa at a much lower rate of 138.9 per 100 000 people in 2013/2014.<sup>50</sup> This was marginally lower than the rate the previous year of 140.9 per 100 000 people, but higher than in 2004/2005 where the rate was 120.3 per 100 000 people. Figures therefore suggest that the rate has fluctuated around an average rate of 133.7, and has not shown a clear increasing or decreasing trend over a ten-year period.<sup>51</sup> Again, the Western Cape had the highest rate of non-residential burglary at 224.2 per 100 000 people, while KwaZulu-Natal had the lowest at 107.2 per 100 000 people.

According to the Victims of Crime Survey 2013/2014, most housebreaking/burglary incidents occurred at night (49.2%), followed by afternoon hours (22.8%) and morning hours (20.4%).<sup>52</sup> The Northern Cape (68.3%) had the highest percentage of housebreaking/burglary incidents that occurred at night, followed by Limpopo (63.9%) and Free State (62.9%).<sup>53</sup>

The most popular method of entry used by perpetrator(s) during housebreaking/burglary was through a door (40.7%) followed by through a window (36.1%).<sup>54</sup>

#### **4.6.5 Illegal Possession of Firearms and Ammunition**

The Medical Research Council reports that South Africa's rate of firearm deaths is one of the highest in the world and a third of all homicides are a result of the use of firearms.<sup>55</sup> According to SAPS figures, illegal possession of firearms and ammunition occurred at a rate of 29.1 per 100 000 people in 2013/2014.<sup>56</sup> This rate has been largely stable over the last ten years, never recorded as being above 33.3 per 100 000 people (2004/2005) or below 28.2 per 100 000 people (2008/2009).<sup>57</sup> The Western Cape had the highest rate of illegal possession of firearms and ammunition at 46.7 per 100 000 people, while the Northern Cape had the lowest rate at 8.1 per 100 000 people.<sup>58</sup>

#### **4.6.7 Stock Theft**

South Africa had a stock theft rate of 52.9 per 100 000 people in 2013/2014, slightly less than the previous years rate of 57.2 per 100 000 people.<sup>59</sup> The Free State had the highest rate of stock theft at 161.7 per 100 000 people, while the Gauteng had the lowest rate at 6.9 per 100 000 people.<sup>60</sup>

#### **4.6.8 Gangsterism**

Gangsterism is a significant problem in some areas of the country, most notably, the Western Cape, Eastern Cape and Gauteng, although gang activity has been identified elsewhere.<sup>61</sup> Sporadic incidences of gang related violence typically result in additional murder, attempted murder, assault with grievance body harm, burglaries and illegal possession of firearms and drug related cases being registered. However, statistics on this phenomenon are not readily available from the police, as crimes are not categorised in terms of whether they are gang-related. This particular brand of crime usually does not

only affect the people directly involved, but frequently results in casualties among innocent bystanders (including children) and law enforcement personnel.<sup>62</sup>

#### **4.6.9 Children as Victims and Offenders**

Nationally, the Department of Correctional Services reports that as of February 2011, there were 846 children under 18 years of age in detention, of which 305 were un-sentenced and 541 were sentenced.<sup>63</sup> The most common crime for both sentenced and un-sentenced children in detention were 'aggressive' crimes, followed by 'economical', then 'sexual' crimes.<sup>64</sup> While these statistics are the most recent figures available, they are unlikely to be any indication of current levels and trends in incarcerated children. This finding emphasises the fact that statistics on children in conflict with the law are 'notoriously unavailable, inaccurate and unreliable'.<sup>65</sup>

Although police crime statistics no longer include rates of neglect and ill treatment of children in their reports, the national average was 5.2 per 100 000 people in 2012/2013.<sup>66</sup> Again, this figure is likely to be unreliable as the abuse and neglect of children is usually greatly under-reported.

Corporal punishment is major problem in South Africa and while law prohibits it, it is highly normalised as caregivers and teachers, in some places, continue to practice it.<sup>67</sup> According to the National School Violence Study, conducted in 2012, half (49.8%) of all learners experience some form of corporal punishment as a form of discipline at school.<sup>68</sup> Corporal punishment was most common in KwaZulu-Natal schools (73.7%) and least common in Western Cape schools (22.4%).<sup>69</sup> There is no reliable information available on the rates at which corporal punishment is used by South African parents but the rates in schools suggest that proportion of children exposed to violent forms of punishment at home may be high.

#### **4.6.10 Use of Drugs and Alcohol**

The Medical Research Council reports that nationally, South Africa has one of the highest per capita alcohol consumption levels in the world.<sup>70</sup> This is significant because many fatal and non-fatal forms of violence are initiated while the perpetrator is under the influence of alcohol and drugs, including assault, homicide and rape.<sup>71</sup> SAPS reported a national rate of 131.7 per 100 000 people driving under the influence of alcohol or drugs in 2013/2014 and the rate of drug related crime (the unlawful possession of drugs and dealing drugs) at 492.1 per 100 000 people.<sup>72</sup>

It is well documented that addressing perceptions of crime and violence is as important in promoting safety, as preventing and responding to acts of crime and violence themselves.<sup>73</sup> In many instances, perceptions, and the public agenda, is determined by those who see themselves as most affected by acts of criminality and violence, rather than a comprehensive data-driven analysis of the extent, and the nature, of crime and violence. This entails going beyond the SAPS and victimisation data on rates and experiences, to fully understanding the nature of crime – who is involved, who is victimised, where it is happening, and when it is happening. This detailed analysis falls within the ambit of intelligence-led policing, but in order to effect social or developmental prevention – the prevention of crime and violence through addressing the drivers, and by working with those who are most affected – disaggregated data is required by all those stakeholders – across government departments - working towards a safe and inclusive society.

#### **4.7 The Importance of Research and Data for Monitoring Safety**

In order to achieve safe communities, reliable and up-to-date data on a range of health, education, developmental and security measures are required to identify and define the scale and scope of safety problems; identify specific risk and protective factors; develop and test interventions; and then assure widespread adoption at a community level. Safety is not static, and social and structural factors that contribute to crime and violence may change over time.

On-going data that can be disaggregated by, age, gender, geography, and a range of other measures, is thus essential in order to adequately develop, and adapt, relevant local, provincial and national strategies and policies. This approach builds on the public health approach espoused by the World Health Organisation (WHO).

## **5. POLICY ARCHITECTURE IMPACTING ON THE WHITE PAPER ON SAFETY AND SECURITY**

In the development of this White Paper a range of policy and legal instruments has been consulted (see Annexure A). Particularly relevant to the scope of the White Paper are, the Constitution of the Republic of South Africa 1996, the National Development Plan, the National Security Strategy, the Integrated Social Crime Prevention Strategy, the Integrated Criminal Justice System Review, Community Safety Forums, the National Crime Prevention Strategy, the 1998 White Paper on Safety and Security and the Victim Charter. A significant number of policy and strategy developments deal with issues of safety and security, crime and violence prevention. This White Paper on Safety and Security provides for the opportunity to locate these developments in an overarching, comprehensive framework for safety, security, crime and violence prevention, providing for greater synergy, cooperation and integration of initiatives.

### **5.1 The Constitution of the Republic of South Africa, 1996**

The Constitution of the Republic of South Africa, 1996, is the supreme law of the country and the cornerstone of all government's policies and legislation. Safety and security is so fundamental that it is captured both within the Bill of Rights as well as Chapter 11 of the Constitution. The Bill of Rights affirms the democratic values of human dignity, equality and freedom and emphasises the right of every person to security and freedom of expression. Chapter 11 outlines the governing principles of the security services highlighting the roles of key players in criminal justice system, stating in particular that:

*“The following principles govern national security in the Republic:*

- a) *National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.*
- b) *The resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in terms of the Constitution or national legislation.*
- c) *National security must be pursued in compliance with the law, including international law.*
- d) *National security is subject to the authority of Parliament and the national executive.”*

## **5.2 National Development Plan 2030**

The National Development Plan 2030 (NDP) recognises that law enforcement approaches alone cannot address South Africa’s crime problems:

*“In discussing crime, the danger is to focus on policing as the only solution. It is necessary to move from a narrow law-enforcement approach to crime and safety, to identifying and resolving the root causes of crime. To achieve this, South Africa will have to mobilise state and non-state capacities at all levels, which requires an integrated approach, with active citizen involvement and co-responsibility.”<sup>74</sup>*

The NDP identifies safety as one of the critical milestones towards the achievement of the ultimate goals of the plan, which are the reduction of poverty and inequality.<sup>75</sup>

The NDP establishes *“Building Safer Communities”* as a key objective, and establishes the following as the vision for the country by 2030:

*“In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk*

*freely in the streets and children play safely outside. The police service is well-resourced and professional, staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence, and respect the rights to equality and justice."*<sup>76</sup>

The NDP sets five priorities for the achievement of the above vision:

- Strengthen the criminal justice system;
- Make the police service professional;
- Demilitarise the police;
- Build safety using an integrated approach; and
- Build community participation in safety.

The NDP argues that a holistic approach needs to be adopted in order, to effectively address violent crime. Such an approach should address itself to the causes of such crime, and requires attention over the long term.<sup>77</sup>

The NDP also focuses specifically on corruption. It states:

*"Corruption undermines good governance, which includes sound institutions and the effective operation of government in South Africa. The country needs an anti-corruption system that makes public servants accountable, protects whistle-blowers, and closely monitors procurement."*<sup>78</sup>

On this issue, it establishes the following as its vision for 2030:

*"Our vision for 2030 is a South Africa that has zero tolerance for corruption. In 2030, South Africa will be a society in which citizens do not offer bribes and have the confidence and knowledge to hold public and private officials to account, and in which leaders have integrity and high ethical standards. Anti-corruption agencies should have the*

*resources, independence from political influence, and powers to investigate corruption, and their investigations should be acted upon.*"<sup>79</sup>

The following four priorities are established for achieving the above vision:

- Build a resilient anti-corruption system;
- Strengthen accountability and responsibility of public servants;
- Create a transparent, responsive and accountable public service;  
and
- Strengthen judicial governance and the rule of law.

### **5.3 National Security Strategy**

The National Security Strategy for South Africa (NSS) recognises the threat posed to the people of South Africa by violent and organised crime, and points out the negative impact of this, among others, on people's sense of safety and security, and on the economy, and that it undermines the social fabric. The NSS asserts that successfully combating crime in South Africa is not dependent on effective policing alone, but hinges on a comprehensive national response that involves coordinated government action to address the root causes. The NSS addresses the negative impact of perceptions around crime on the collective psyche of South Africans and the country's international reputation. Finally, the strategy recognises linkages between crime combating and border and air security, the activities of the private security industry, domestic stability challenges, counter-corruption work, managing illegal migration, and efforts to eradicate the illicit economy.

### **5.4 Integrated Social Crime Prevention Strategy**

The Integrated Social Crime Prevention Strategy (ISCPS) of the Department of Social Development (2011) sets out a framework for the promotion of social crime prevention nationally. This strategy sets out as its vision, "*A safe South Africa, safe communities, safe families and responsible individuals*".<sup>80</sup> The ISCPS targets vulnerable groups of society, including "*the poorest of the poor,*

*and marginalised and disadvantaged groups*”, and indicates that such groups should be comprised of children, youth, adults and older persons.

The Strategy sets out the following focus areas for intervention:

- Families;
- Early Childhood Development;
- Social assistance and support for pregnant women and girls;
- Child abuse, neglect and exploitation;
- Domestic violence and victim empowerment programmes;
- Victim support and dealing with trauma;
- Community mobilisation and development;
- Dealing with substance abuse;
- HIV & AIDS, and feeding and health programmes;
- Social crime prevention programmes;
- Extended public works programmes;
- Schooling;
- Prevention, reduction and law enforcement with regard to gun violence.

In relation to the above 13 areas, the Strategy sets the following six strategic objectives:

- To increase internal and external capacity;
- To ensure equitable and integrated site-based service delivery for local service providers;
- To facilitate targeted collaborative partnerships;
- To promote sustained institutional mechanism in communities;
- To improve the social fabric and cohesion within families; and
- To ensure investment in prevention and early intervention, with long-term benefits.

## 5.5 Department of Social Development - The White Paper on Families

The Department of Social Development White Paper on Families was developed in 2012. The objectives of this White Paper are the following:

- *“Enhance the socialising, caring, nurturing and supporting capabilities of families so that their members are able to contribute effectively to the overall development of the country;*
- *Empower families and their members by enabling them to identify, negotiate around, and maximize economic, labour market, and other opportunities available in the country; and*
- *Improve the capacities of families and their members to establish social interactions, which make a meaningful contribution towards a sense of community, social cohesion and national solidarity.”*

This White Paper on Families has the following three strategic priorities, which complement safety and security priorities and play a huge role in ensuring a safe and secure South Africa, as envisaged in the NDP.

- Promotion of healthy family life;
- Family strengthening; and
- Family preservation, which includes prevention and early intervention paradigms.

## 5.6 Integrated Criminal Justice System

The Integrated Criminal Justice System (ICJS) review was proposed in 1998 with the objective to transform the criminal justice system *“into a modern, efficient, effective and integrated system”*.<sup>81</sup> The South African Police Service (SAPS), Departments of Justice and Constitutional Development, Correctional Services were the primary drivers of the ICJS, with support from Legal Aid South Africa, the National Prosecuting Authority and the National Department

of Health. A seven-point plan with the following components was agreed upon – as amended:

- Alignment through a single vision and mission for the criminal justice system leading to a single set of objectives, plans, priorities and performance measurement targets for the criminal justice system.
- Establish through legislation or by protocol a new and realigned single criminal justice system coordinating and management structure that flows in a seamless manner from the Cabinet to each court to improve the end-to-end coordination of the criminal justice system in conjunction with the current National and Provincial JCPS structures.
- Practical short and medium term proposals to improve the all-round performance of courts.
- Improved component parts of the criminal justice system with a focus on areas with serious shortcomings.
- Provision of an integrated and seamless national criminal justice information system to facilitate more informed strategies, plans and decision making as well as to facilitate better day-to-day operational management.
- Provision of technology solutions aimed at modernising operations, reducing costs and eliminating waste.
- Involvement of the population at large in the fight against crime.<sup>8283</sup>

The NDP endorses the seven point plan and recommends that:

- *"Departments in the JCPS cluster align their strategic plans with the seven point plan;*
- *The project manager appointed in the Office for Criminal Justice System Reform coordinates the plan's activities and programmes to ensure that the JCPS departments implement the seven-point plan in sync;*
- *Dedicated budgets for each participating department be established and outcomes reported on in relation to the plan.*

- *Continuous monitoring by the JCPS cluster and regular reporting on the plan's implementation to Cabinet is institutionalised.*
- *The overall implementation of the plan be evaluated annually and assessed against its overarching objectives."*

## **5.7 Community Safety Forums Policy**

The Community Safety Forums Policy provides a framework for integrated, localised safety planning and co-ordination, with provincial and local government as key players, and community representation in the form of the Community Police Forum.

The Community Safety Forum Policy of 2011 emanated from the requirements to implement the NCPS and the 1998 White Paper of Safety and Security through better integration among actors in the implementation of crime prevention and safety strategies.<sup>84</sup>

The policy provides for the establishment of Community Safety Forums (CSF) within the sphere of Local Government and under the auspices of District and Local Authorities.

CSFs are based on the premise that increased co-operation and interaction at the local sphere on a programme that is aligned to a national agenda, would improve the functioning of the criminal justice system and the delivery of crime prevention projects.

*"The jurisdiction of a CSF is aligned to the municipal and/or district municipal jurisdiction/boundary. Once formalised and established, it will facilitate and enhance co-operation, integrated planning and coordinate implementation of safety programmes and projects in the local sphere".*

The establishment of CSFs is intended:

*"To promote the development of a community where citizens live in a safe environment and have access to high quality services at local level, through integrated and coordinated multi-agency collaboration among organs of state and various communities".<sup>85</sup>*

The principles underpinning the CSF are:

- Integrated service delivery,
- Multi-agency collaboration,
- Joint planning of operations,
- Strong community participation and consultation,
- A commitment to sharing of resources,
- Community engagement and accountability,
- Responsiveness and Openness and Transparency.

The CSFs are designed to serve as a platform for integration and monitoring the implementation of multi-sectoral crime prevention- and community safety initiatives within the context of the National and Provincial priorities. They will operate through facilitating regular safety audits in partnership with civil society, develop Safety Strategies and Plans aligned with national, provincial and local priorities and monitor and evaluate the implementation of safety programmes or projects.

## **5.8 National Crime Prevention Strategy**

The National Crime Prevention Strategy (NCPS) was approved by Cabinet in May 1996 and provides the foundation for crime prevention policies in South Africa. The NCPS was based on four pillars around which coordination and integration must take place.

These pillars were:

- The Criminal Justice process;
- Reducing crime through environmental design;
- Public values and education;
- Trans-National crime.

The location of the strategy, the facilitation of its implementation and accountability through oversight and monitoring, has been identified as some of the key factors that inhibited the full achievement of the National Crime Prevention Strategy.<sup>86</sup>

### **5.9 1998 White Paper on Safety and Security**

The 1998 White Paper on Safety and Security (1998 White Paper) set out a policy framework for safety and security for 1999 - 2004 period.

The 1998 White Paper on Safety and Security was developed in the context of the need to respond to *"the challenge of enhancing the transformation of the police so that they are able to function effectively within the new democracy; and enhancing social crime prevention activities to reduce the occurrence of crime. This requires, on the one hand, focusing on issues relating to the role of the police within the constitutional order, their legitimacy and the delivery of an effective service to the public. On the other hand, this also requires a dedicated focus on preventing citizens from becoming victims of crime."*<sup>87</sup>

The 1998 White Paper on Safety and Security elaborated further on the need for crime prevention setting out a *social crime prevention* approach and the roles of provincial and local governments.

The objectives of the 1998 White Paper on Safety and Security were to:

- Define the strategic priorities to deal with crime;
- Articulate the roles and responsibilities of various role-players in the safety and security sphere; and
- Clarify the role of the Department of Safety and Security within a constitutional framework.<sup>88</sup>

### **5.10 Victim Charter**

The Victim Charter (2004) provides a policy framework that aims to prevent secondary victimisation of victims of crime and to ensure consistently high levels of service to victims by all criminal justice agencies in all parts of South Africa.

## **6. AN INTEGRATED APPROACH TO SAFETY AND SECURITY**

### **6.1 Approach**

The approach advocated by the White Paper recognises the importance of inter-sectoral consultation, cooperation and collaboration using integrated digitised systems; effective and integrated service delivery; and community engagement and accountability, at a local, provincial and national sphere, to achieve safe communities. The roles of the health system, social development system, and the education system, in addition to the criminal justice system, are thus particularly important in addressing those risk factors that contribute to violence, and undermine safety. Shorter-term measures, most often the domain of the South African Police Services (SAPS) and the criminal justice system, therefore need to be combined with longer term prevention approaches that generate positive “social change”.<sup>89</sup>

The collection of reliable data to inform evidence-based approaches is thus an essential component of a crime and violence prevention approach. Data should be sourced from a range of administrative sources, including SAPS,

clinics, early learning centres, schools, trauma centres and local government, and should also include independent data collected through the use of instruments such as community surveys, safety audits and community scans and stored electronically in a manner that is seamless, secure and accessible.

## 6.2 Themes

An integrated approach to safety and security is informed by six key themes. Underpinning each theme are general principles of equality: in access, protection, and service; and commitment to high quality of service.

- Effective criminal justice system:
  - Efficient and professional public service;
  - Effective diversion, rehabilitation and reintegration programmes; and
  - Effective restorative justice mechanisms.
- Early intervention to prevent crime and violence, and promote safety:
  - A healthy start for infants and children, including the first 1000 days of life, pre-school and school children, and their parents, care-givers and guardians;
  - A safe and supportive home, school and community environment for children and youth; and
  - Context-appropriate child and youth resilience programmes in place in identified areas.
- Victim support:
  - Quality psycho-social support for victims of crime, particularly victims of violent crimes; and
  - Implementation of Victims Charter.

- Effective and integrated service delivery for safety, security and violence and crime prevention:
  - Access to essential services; and
  - Professional and responsive service provision.
  
- Safety through environmental design:
  - The integration of safety, security and crime prevention principles into urban and rural planning and design that, promotes safety and facilitates feeling safe; and
  - The integration of safety, security and crime prevention as an outcome in government programmes at national, provincial and local levels.
  
- Active public and community participation:
  - Sustainable forums for coordinated and collaborative action on community safety.

### **6.3 Role of National, Provincial and Local Government**

While recognising the Constitutional authority assigned to each of the spheres of government, achieving the safety and security objectives contained in the NDP necessitates optimal cooperation and alignment within all sectors and across all spheres of government.

#### **6.3.1 Role of National Government**

- Ensure the allocation of sufficient budgets towards safety, security and crime and violence prevention measures;
- Account to Parliament on the spending of budgets and outputs on safety, security and crime and violence prevention;
- Provide clear and sufficient guidance on planning and budgetary processes; and

- Support by providing guidance, technical support and capacity building on safety and security, crime and violence prevention strategies and implementation.

### **6.3.2 Role of Provincial Government**

- Develop and implement provincial strategies and plans in alignment with the White Paper and National Strategies on safety and security, crime and violence prevention;
- Initiate and coordinate safety and security, crime and violence prevention programmes;
- Mobilise resources for safety and security, crime and violence prevention programmes;
- Coordinate the range of provincial competencies including health, education, social development, and local government in implementation of safety and security, crime and violence prevention programmes;
- Evaluate and support safety and security, crime and violence prevention programmes at local government level;
- Implement and take joint responsibility for safety and security, crime and violence prevention programmes with local government; and
- Establish public and private partnerships to support safety and security, crime and violence prevention agendas.

### **6.3.3 Role of Local Government**

- Establish Community Safety Forums
- Develop and implement local strategies and plans in alignment with White Paper and National and Provincial Strategies on safety and security, crime and violence prevention;
- Allocate roles, programmes and budgets for safety, security and crime and violence prevention plans, at local and district municipality levels;

- Integrate safety and security, crime and violence prevention priorities into IDPs;
- Contribute to setting joint safety and security priorities and identifying possible areas for local government intervention;
- Align internal resources and objectives with safety and security, crime and violence prevention;
- Ensure that integrated development plans (IDPs) take safety and security, crime and violence prevention into account;
- Coordinate safety and security, crime and violence prevention initiatives operating within a municipal area;
- Ensure the effective enforcement of by-laws on safety and security, crime and violence prevention;
- Assist victims of crime through the provision of information around services that are available or where capacity exists, provide victim support services; and
- Initiate targeted crime prevention programmes aimed at specific problems and groups at risk.

#### **6.4 Community Participation in Safety**

The National Development Plan recognises active citizenry and coordinated partnerships, as a key component to a sustainable strategy for citizen safety.<sup>90</sup> All state parties should work with non-state bodies to establish safety needs and develop strategies to fulfil them. Core representation of civic bodies that are inclusive of all sectors of society including different faiths, youth, business, the aged, women and other marginalised or disadvantaged groups, as well as street committees or area committees (where streets do not exist) within the Community Safety Forums, should be through the Community Police Forums and Ward Committees. Active citizenry should include community participation in safety audits, development of strategies, implementation of plans and monitoring and evaluating impact.

## **6.5 Location and Ownership of the White Paper**

In order to muster the appropriate level of political leadership, support and the authority to drive the White Paper, and further noting the multiplicity of departments and spheres of government responsible for implementation, the overall authority and responsibility for implementation of the White Paper is located within the Presidency and specifically the Department of Planning, Monitoring and Evaluation<sup>91</sup> .

## **6.6 Institutional Arrangements**

Institutional arrangements must be put in place to operationalise the White Paper.

These arrangements should be guided and informed by:

- The Intergovernmental Relations Framework Act 2005;
- The need for a mechanism which is representative of all relevant implementing departments; and
- The roles and responsibilities of different spheres of government.

Institutional mechanisms need to be equipped and resourced, and supported with a permanent dedicated staff capacity.

## **6.7 Implementation Mechanisms**

The location, implementation, monitoring and evaluation are critical to the success of the White Paper and it is therefore recommended that a dedicated National Crime and Violence Prevention Centre be established.

### **6.7.1 National Crime and Violence Prevention Centre**

The implementation of the White Paper on Safety and Security will be supported through the creation of a National Safety and Crime and Violence Prevention Centre.

This National Centre will champion the goal of the National Development Plan of safe communities<sup>92</sup> by providing the technical expertise, seed funding and evaluation of agreed plans of action that promote community safety. The National Safety, Crime and Violence Prevention Centre will interact with the Civilian Secretariat for Police at national and provincial spheres as well as community safety forums within the sphere of local government.

The objectives of a National Safety, Crime and Violence Prevention Centre are to:

- Provide technical support in the development of plans, priorities and targets.
- Influence the policies of other departments and the distribution of resources.
- Develop partnerships.<sup>93</sup>
- Monitor implementation and collate and analyse data related thereto.

The Centre will be capacitated and resourced with:

- Strong analytical tools and ability to identify trends and best practices, analyse effects on policy, evaluate projects, disseminate results, and provide training and technical assistance.
- Financial resources to support local partnerships, invest in demonstration and pilot projects, the provision of training and technical assistance, and dissemination of lessons and best practice.

The Centre will be staffed by full time, dedicated personnel. Furthermore, it will help mobilise the resources needed to sustain safety, security and crime and violence prevention activities through its influence and technical support and the ability to communicate effectively across multiple sectors and disciplines.

## **6.7.2 Local Implementation**

In line with an integrated approach to safety and security across the three spheres of government, Community Safety Forums will be responsible for championing the implementation of the White Paper of Safety and Security at the local sphere. The CSFs will consist of representatives formally nominated by the respective departments, and private institutions, community based organisations and sector forums as represented by Community Police Forums.

Community Police Forums (CPFes) play a key role in facilitating community participation including: reciprocal responsibilities in respect of crime fighting programmes; ensuring police accountability to the community; joint identification and co-ownership of policing programmes and identifying policing projects with the police.<sup>94</sup>

## **6.8 Monitoring and Evaluation**

The support of evidenced based interventions is key to the success of the strategy. Such evidence and any assessment on what works is dependent of a robust system of monitoring and evaluation.

### **6.8.1 Monitoring**

Community participation in monitoring will be promoted.

Monitoring tools will be designed to be:

- User-friendly: easy to understand and apply;
- Relevant: focused on data that would be very easy to collect, record and measure; and
- Sustainable: exciting and interesting to use.

And

- Include community surveys that are quick and easy to administer and score; and
- Mapping tools that a community can use to map the hot spots and problem areas on a regular basis.

### **6.8.2 Evaluation**

The National Safety, Crime and Violence Prevention Centre will be responsible for conducting evidence-based studies to assess the impact of strategies, projects and programmes.

A baseline study should be completed prior to the start of any activities and include safety, crime and violence prevention audits examining key indicators developed by Strategies.

Indicators should be developed and informed by objectives of the White Paper taking into consideration international and local best practice.<sup>95</sup>

### **6.9 Resourcing and Capacity**

Resources for driving and implementation the White Paper will be allocated from line function department budgets.<sup>96</sup>

Funding for community safety programmes must be allocated from respective sector departments as part of their normal budgeting processes. Relevant departments must capture safety and security, crime and violence prevention programmes as part of their strategic plans. At local level, these should be captured in municipalities IDPs. The facilitation of community structures and public participation must be provided for in these processes.

Treasury at national and provincial spheres must ensure that such funding is ring-fenced and subject to compliance monitoring and auditing.

## Appendix A

Herewith follows a list of legislative and policy developments that would have an influence on the proposed, reviewed White Paper on Safety and Security.

Legislation:

- ***The Civilian Secretariat for Police Act 2 of 2011***

The Civilian Secretariat for the Police Act was passed to provide a mandate for the Civilian Secretariat for the Police. This Act defines the establishment and composition of the Civilian Secretariat for the Police. The Civilian Secretariat for the Police plays a key role in the drafting and implementation of a White Paper on Safety and Security, as this falls within its mandate to: draft policy positions for the Minister of Police and enhance the quality and accessibility of safety programmes through improved participation by the community, together with encouraging national dialogue on safety and crime prevention.

- ***The Domestic Violence Act 116 of 1998***

The Domestic Violence Act (DVA) was passed in order to give greater protection to victims of domestic violence. The Prevention of Family Violence Act (that precedes the Domestic Violence Act) had a very narrow definition of family violence and relationships. The DVA broadened those definitions and provided for a system that aimed to ensure the safety and security of victims of domestic violence.

- ***The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007***

Also known as the Sexual Offences Act, was amended to update the out-dated Sexual Offences Act of 1957. The amended Act provides for broader definitions of rape, sexual assault and other sexual related offences. It also contains provisions on sexual offences against children and persons with disabilities. The ultimate aim is to provide for the safety and security of victims or potential victims of sexual offences

and sets a victim-friendly justice procedure in place for the prosecution of sexual offences.

- ***The Child Justice Act 75 of 2008***

The Child Justice Act was passed in order to create a comprehensive, inter-sectoral justice system for the needs of children. One of the purposes of the legislation to provide for a system that embeds elements of the prevention of crime. This is certainly in synergy with the intention of the White Paper on Safety and Security.

- ***The Children's Act 38 of 2005***

The Children's Act replaces the Child Care Act. This piece of legislation provides for various elements in relation to the protection of children, together with the prevention and early intervention for children at risk of entering the child protection system. The provisions in relation to prevention and early intervention are key developments that would seek to ensure the safety and security of all children, especially those at risk.

- ***The Firearms Control Act 60 of 2000***

The Firearms Control Act was passed to add further regulation to the ownership of firearms in South Africa. It was developed from the basis that firearms is central to the high rates of murder and violent crime in South Africa. The regulation of firearms ownership has certainly yielded positive results in the fact that the statistics on murder has decreased since the implementation of the Act.

- ***The Traditional Leadership and Governance Framework Act 41 of 2003***

This Act was established to give legislative authority to traditional leaderships and councils within traditional communities. These councils and leadership provide a clear framework and opportunity for restorative justice initiatives that have been already been deeply imbedded within traditional communities and applied by councils and leadership. Thus the safety and security of traditional communities is certainly also embedded within traditional councils and leadership.

- ***The Prevention and Combatting of Corrupt Activities Act 12 of 2004***

This Act was passed to create a legal definition for the crime of corruption and codifies procedures in dealing with corruption investigations. Importantly from a safety and security angle, this Act provides for a mechanism to prevent corruption from taking place by establishing a Register of companies and persons convicted of corruption. This, it is hoped, would deter persons from committing corruption, as names entered on the Register will not be able to apply for tenders with the State.

- ***The Older Persons Act 13 of 2006***

The Older Persons Act, as stated in its preamble, was adopted to: “deal effectively with the plight of older persons by establishing a framework aimed at the empowerment and protection of older persons and at the promotion and maintenance of their status, rights, well-being, safety and security; and to provide for matters connected therewith.”

- ***The Protection from Harassment Act 17 of 2011***

This Act was passed in order to provide for a system to protect persons against harassment, as defined by the Act. The system is similar to the one provided for in the Domestic Violence Act, but is not limited to domestic relationships. The success of this system is influential to the safety and security of persons and the perceptions that they might have in this regard.

- ***Prevention of and Treatment for Substance Abuse Act 70 of 2008***

This Act was passed to provide for a comprehensive response for the combating of substance abuse through among others, mechanisms aimed at reducing dependency through prevention, early intervention, treatment and re-integration programmes, and the establishment of treatment centres for the committal of persons to and from treatment centres. Primary focus will be on ensuring proper treatment of dependency, complemented by rehabilitation and skills development programmes. Drug and alcohol abuse and dependency has a huge

impact on committing offences. Dealing with it in an efficient manner, will also have impact on the safety and the prevention of crime and violence.

- ***The Intergovernmental Relations Framework Act 13 of 2005***

The success of the White Paper on Safety and Security will rest on successful intergovernmental relations, as safety is national, provincial and local government competency. The Intergovernmental Relations Framework Act provides the blueprint for such intergovernmental relations. Thus the various layers of the Executive branch of government within the White Paper on Safety and Security need to be cognisant of the provisions of this Act.

- ***Municipal Systems Act 32 of 2000***

Local Government is important for the implementation of safety and security in a developmental manner. The preamble of the Municipal Systems Act states that it was passed: "To provide for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all; to define the legal nature of a municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structures."

- ***Local Government: Municipal Structures Act 117 of 1998***

This Act provides for the establishment of municipalities and defines the difference between metro, local and district municipalities. As stated above, municipalities are important for the implementation of safety and security provisions and programmes and the demarcation of communities is defined within the parameters of this Act.

- ***Correctional Services Act 111 of 1998***

The successful rehabilitation and integration of offenders into communities is vital to the secondary and tertiary prevention of crime models. The Correctional Services Act places this obligation on the Department of Correctional Services.

Policy:

- ***The Public Service Anti-Corruption Strategy (2002), and the SAPS Corruption and Fraud Prevention Strategy.***

The purpose of the Public Service Anti-Corruption Strategy of 2002 is to provide for the prevention and combatting of corruption – in the public service – through a multiplicity of supportive actions. The SAPS Corruption and Fraud Prevention Strategy is similar, but only applies to SAPS members. The prevention of corruption within the public service gives credence to public confidence in the public service and the police.

- ***The White Paper on Local Government (1998)***

The White Paper on Local Government was the policy position of government to approach local government in a developmental manner. This set the policy framework for the Municipal Systems Act of 2000 as referred to above.

- ***The White Paper on Traditional Leadership and Governance (2003)***

This White Paper was the first official policy position on the relationship between traditional leadership and government. It set to strengthen traditional leadership and was formed in line with the Traditional Leadership and Governance Framework Act.

- ***The White Paper on Corrections in South Africa of (2005)***

The White Paper on Corrections followed the adoption and implementation of the Correctional Services Act, as referred to above. It calls for an integrated justice and social approach to the rehabilitation of offenders – which is in line with the proposed White Paper on Safety and Security and international best-practice to ensure the secondary and tertiary prevention of crime and violence.

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- <sup>1</sup> "The dichotomy of balancing a vision of core policing against a multi-disciplinary approach to safety is resolved by developing two separate yet inter related policies, the 2014 White Paper on the Police and the envisaged White Paper on Safety and Security, which among others, will elaborate on Government's on-going efforts to promote a developmental approach to citizen safety and promote alignment with other policy such as the Rural Safety Strategy, Community Safety Forum (CSF) Policy, the Municipal Systems Act, The Inter-Governmental Relations (IGR) Framework Act, the Department of Social Development's Integrated Social Crime Prevention Strategy and the Integrated Rural and Urban Development Frameworks." Draft White Paper on Policing
- <sup>2</sup> p. 24 Introduction, National Development Plan 2030
- <sup>3</sup> Constitution Republic of South Africa
- <sup>4</sup> p. 386 NDP
- <sup>5</sup> Krug, 2002
- <sup>6</sup> See for example, Farrington and Welsh (both individually and collectively, 2002, 2005, 2008, & 2013); Krug (2002), Ward (2012), Sherman (1998)
- <sup>7</sup> Masten A, Best K & Germany N, Resilience and development: Contributions from the study of children who overcome adversity, *Development and Psychopathology*, 2, 1990, p 425.
- <sup>8</sup> UNODC *Crime and Development in Africa*, 2005
- <sup>9</sup> Brantingham and Farrington in 1976
- <sup>10</sup> See for example, WHO (2010) *Preventing intimate partner and sexual violence against women*
- <sup>11</sup> Institute for Security Studies (2014). Fact Sheet: Explaining the official crime statistics for 2013/14, Available at: <http://www.issafrica.org/uploads/ISS-crime-statistics-factsheet-2013-2014.pdf> , Accessed 13 January 2015.
- <sup>12</sup> South African Police Service, Crime Research and Statistics (2014). An Analysis of the National Crime Statistics, Addendum to the Annual Report 2013/2014. Available at: <http://www.saps.gov.za/about/stratframework/annualreports.php> , Accessed 13 January 2015
- <sup>13</sup> Institute for Security Studies (2014). Fact Sheet.
- <sup>14</sup> South African Police Service (2014). An Analysis of the National Crime Statistics.
- <sup>15</sup> Ibid
- <sup>16</sup> South African Police Service, Crime Research and Statistics (2014). April to March 2004 - 2014: Provincial and National Figures and Ratios. Available at [http://www.saps.gov.za/resource\\_centre/publications/statistics/crimestats/2014/crime\\_stats.php](http://www.saps.gov.za/resource_centre/publications/statistics/crimestats/2014/crime_stats.php) , Accessed 13 January 2015.
- <sup>17</sup> Ibid
- <sup>18</sup> Ibid
- <sup>19</sup> United Nations Office on Drugs and Crime (2014). Global Study on Homicide 2013, United Nations publication, Available at: [http://www.unodc.org/documents/gsh/pdfs/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf), Accessed 13 January 2015.
- <sup>20</sup> Ibid
- <sup>21</sup> Institute for Security Studies (2014). Fact Sheet.
- <sup>22</sup> South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>23</sup> Ibid
- <sup>24</sup> Ibid
- <sup>25</sup> Ibid
- <sup>26</sup> Ibid
- <sup>27</sup> Institute for Security Studies (2012). Fact Sheet: Explaining the official crime statistics for 2011/12. Pretoria, p. 4.
- <sup>28</sup> South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>29</sup> Ibid
- <sup>30</sup> Ibid
- <sup>31</sup> Ibid
- <sup>32</sup> R Jewkes, N Abrahams, S Mathews, et al. (2009). Preventing Rape and Violence in South Africa: Call for Leadership in a New Agenda for Action. Medical Research Council Policy Brief, Pretoria, p.1
- <sup>33</sup> South African Police Service (2014). An Analysis of the National Crime Statistics.
- <sup>34</sup> Ibid
- <sup>35</sup> The Centre for the Study of Violence and Reconciliation (2008). The Violent Nature of Crime in South Africa: A concept paper for the Justice, Crime Prevention and Security Cluster. The Centre for the Study of Violence and Reconciliation, Braamfontein, p.23
- <sup>36</sup> See for example, WHO (2010) *Preventing intimate partner and sexual violence against women*
- <sup>37</sup> Ibid, p.19
- <sup>38</sup> Ibid, p.23
- <sup>39</sup> South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>40</sup> Ibid

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- <sup>41</sup>D Bruce, et al (2008). A State of Sexual Tyranny: The Prevalence, Nature and Causes of Sexual Violence in South Africa. The Centre for the Study of Violence and Reconciliation and the Department of Safety and Security, Republic of South Africa, Braamfontein, p.16; South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>42</sup> South African Police Service (2014). An Analysis of the National Crime Statistics.
- <sup>43</sup> South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>44</sup> Statistics South Africa (2014). Victims of Crime Survey 2013/14. Available at: <http://beta2.statssa.gov.za/publications/P0341/P03412013.pdf> , Accessed 13 January 2015.
- <sup>45</sup> Ibid
- <sup>46</sup> Ibid
- <sup>47</sup> Ibid
- <sup>48</sup>South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>49</sup> Ibid
- <sup>50</sup>Ibid
- <sup>51</sup> Ibid
- <sup>52</sup> Statistics South Africa (2014). Victims of Crime Survey 2013/14.
- <sup>53</sup> Ibid
- <sup>54</sup> Ibid
- <sup>55</sup>R Jewkes, N Abrahams, S Mathews, et al. (2009). Preventing Rape and Violence in South Africa: Call for Leadership in a New Agenda for Action. Medical Research Council Policy Brief, Pretoria, p.2
- <sup>56</sup> South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>57</sup> Ibid
- <sup>58</sup> Ibid
- <sup>59</sup>South African Police Service, Crime Research and Statistics (2012) Burglary at residential premises in RSA for April to March 2004/2005 to 2011/2012. Available at: [http://www.saps.gov.za/statistics/reports/crimestats/2012/categories/burglary\\_residential.pdf](http://www.saps.gov.za/statistics/reports/crimestats/2012/categories/burglary_residential.pdf), accessed 26 February 2013
- <sup>60</sup> South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>61</sup> South African Police Service (2014). An Analysis of the National Crime Statistics.
- <sup>62</sup> Ibid
- <sup>63</sup> Department of Correctional Services (2011). Basic Information: Children Incarceration Levels as on the last day of 2011/02, <http://www.dcs.gov.za/AboutUs/StatisticalInformation.aspx>, accessed 13 January 2015.
- <sup>64</sup>.Department of Correctional Services (2011). Basic Information: Inmates per Crime Category as on the last day of 2011/02, <http://www.dcs.gov.za/AboutUs/StatisticalInformation.aspx>, accessed 5 March 2013
- <sup>65</sup>Charmain Badenhorst (2011). Overview of the Implementation of the Child Justice Act, 2008 (Act 75 of 2008): Good intentions, questionable outcomes. Open Society Foundation for South Africa, Pinelands, p.7
- <sup>66</sup> South African Police Service, Crime Research and Statistics (2012) Neglect and ill-treatment of children in RSA for April to March 2004/2005 to 2011/2012. South African Police Service (SAPS). [http://www.saps.gov.za/statistics/reports/crimestats/2012/categories/neglect\\_illtreat\\_children.pdf](http://www.saps.gov.za/statistics/reports/crimestats/2012/categories/neglect_illtreat_children.pdf) , accessed 26 February 2013
- <sup>67</sup> Burton P & Leoschut L, School Violence in South Africa: Results of the 2012 National School Violence Study, Centre for Justice and Crime Prevention Monograph Series, No. 12, Cape Town, 2013.
- <sup>68</sup> Ibid
- <sup>69</sup> Ibid
- <sup>70</sup> R Jewkes, N Abrahams, S Mathews, et al. (2009). Preventing Rape and Violence in South Africa: Call for Leadership in a New Agenda for Action. Medical Research Council Policy Brief, Pretoria, p.2
- <sup>71</sup> South African Police Service (2014). An Analysis of the National Crime Statistics.
- <sup>72</sup> South African Police Service (2014). An Analysis of the National Crime Statistics; South African Police Service (2014). Provincial and National Figures and Ratios.
- <sup>73</sup> Add ref
- <sup>74</sup> National Planning Commission (2012) National Development Plan 2030: Our Future – Make it Work. Pretoria: National Planning Commission, p.393
- <sup>75</sup> Ibid.
- <sup>76</sup> Ibid, p.387
- <sup>77</sup> Ibid, p.393
- <sup>78</sup> Ibid, p.445
- <sup>79</sup>Ibid, p.446
- <sup>80</sup>Department of Social Development (2011) Integrated Social Crime Prevention Strategy. Pretoria: Department of Social Development

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<sup>81</sup> Schönteich Martin (2002) "The integrated justice system project" in *Making Courts Work: A review of the IJS court centre in Port Elizabeth* page 37.

<sup>82</sup> See: <http://www.pmg.org.za/report/20140211-criminal-justice-system-review-constituent-departments-and-entities-progress-reports> (Accessed on 6 January 2015).

<sup>83</sup> In a report to Parliament's Portfolio Committee on Correctional Services, in 2014, the implementing departments reported that the JCPS cluster departments are still aligning their strategic and annual performance plans to the seven-point plan of the integrated criminal justice system. The practical short and medium terms goals were focused on ensuring efficiency at courts.

<sup>84</sup> Community Safety Forum Policy 2011

<sup>85</sup> Civilian Secretariat for Police (2012) *Community Safety Forums Policy*. Unpublished

<sup>86</sup> Omar B, Enforcement or development Position the governments National Crime Prevention Strategy Issue Paper 9 CJCP, July 2010

<sup>87</sup> 1998 White Paper on Safety and Security

<sup>88</sup> *Ibid.*

<sup>89</sup> Ehlers and Tait (2009)

<sup>90</sup> pg. 386

<sup>91</sup> A central facility to drive the strategy must be established to ameliorate many of the challenges experienced by the NCPS, as initially advocated in the 1998 White Paper on Safety and Security and supported by international best practice. (A 2008 review of national crime prevention centres by Louw reveals among others that a successful centre must comprise a coalition of relevant actors from among others police, justice, education, social services, local government, CSOs and community, display strong leadership, have the support of national and provincial government and be underpinned with a good communication strategy and a well researched plan of action that is regularly monitored and evaluated. see Antoinette Louw, 2008 developed form the *Crime Prevention Digest II: Comparative analysis of successful community safety*, International Centre for the Prevention of Crime, Montreal, 1999)

<sup>92</sup> South African National Development Plan 2011, Chapter 12

<sup>93</sup> International Centre for the Prevention of Crime (ICPC),

<sup>94</sup> CSF Policy p. 19

<sup>95</sup> See: Pennington, Stuart, ed. (2008) *Action for a Safe South Africa: What every South African can do to build a Safe Country*, Sandton: The Good News Pty Ltd; and United Nations (2002) [http://www.crime-prevention-intl.org/filebin/Generating%20Links%20for%20Website/UN%20Guidelines%20on%20Crime%20Prevention/United\\_Nations\\_Guidelines\\_for\\_the\\_Prevention\\_of\\_Crime.pdf](http://www.crime-prevention-intl.org/filebin/Generating%20Links%20for%20Website/UN%20Guidelines%20on%20Crime%20Prevention/United_Nations_Guidelines_for_the_Prevention_of_Crime.pdf)

<sup>96</sup> The 2014 -19 Medium Term Strategic Framework provides financial resourcing for the NDP. The MTSF is structured against 14 priorities being quality basic education, improving health outcomes, reducing crime, creating employment, developing skills, and infrastructure sustainable human settlements and effective services. Each of these priority areas has an intrinsic safety utility. The aim of the MTSF is to ensure coordination across government plans as well as alignment with budgeting.