

# **CIVILIAN SECRETARIAT FOR POLICE**



## **2016 WHITE PAPER ON SAFETY AND SECURITY**

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## ACRONYMS

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CFR</b>	Central Firearms Registry
<b>CJS</b>	Criminal Justice System
<b>COGTA</b>	Department of Co-operative Governance and Traditional Affairs
<b>CPFs</b>	Community Police Forums
<b>CRC</b>	Convention on the Right of the Child
<b>CRPW</b>	Convention on the Right of Persons with Disabilities
<b>CSFs</b>	Community Safety Forums
<b>CYCCs</b>	Children and youth care centres
<b>ECD</b>	Early Childhood Development
<b>FAS</b>	Foetal Alcohol Syndrome
<b>FASD</b>	Foetal Alcohol Spectrum Disorders
<b>FCA</b>	Firearms Control Act
<b>GBV</b>	Gender based violence
<b>GHS</b>	General Household Survey
<b>IDPs</b>	Integrated Development Plans
<b>IGR</b>	Inter-Governmental Relations
<b>IGRFA</b>	Intergovernmental Relations Framework Act
<b>ILO</b>	International Labour Organisation
<b>IMAGE</b>	Intervention with Microfinance for AIDS and Gender Equity
<b>IPV</b>	Intimate personal violence
<b>ISCPS</b>	Integrated Social Crime Prevention Strategy
<b>IUDF</b>	Integrated Urban Development Framework
<b>JCPS</b>	Justice Crime Prevention Security Cluster
<b>KPIs</b>	Key Performance Indicators
<b>LGBTI</b>	Lesbian, gay, bisexual, trans-gender and intersex
<b>MSA</b>	Municipal Systems Act
<b>MECs</b>	Member of the Executive Council
<b>MTSF</b>	Medium Term Strategic Framework

<b>NCPS</b>	National Crime Prevention Strategy
<b>NDP</b>	National Development Plan
<b>NSS</b>	National Security Strategy
<b>OHCHR</b>	High Commissioner for Human Rights
<b>RDP</b>	Reconstruction and Development Programme
<b>SAHRC</b>	South African Human Rights Commission
<b>SAMJ</b>	South African Medical Journal
<b>SAPS</b>	South African Police Services
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNHCR</b>	UN High Commission on Refugees
<b>UNICEF</b>	UN Children's' Fund
<b>UNODC</b>	UN Office on Drugs and Crime
<b>US</b>	United States
<b>VAW</b>	Violence against women
<b>VAWC</b>	Violence against women and children
<b>Victims Charter</b>	Service Charter for Victims of Crime and Violence
<b>VPUU</b>	Violence Prevention through Urban Upgrading Project
<b>WHO</b>	World Health Organisation

## **1. VISION**

By 2030, South Africa will be a society in which all people:

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

The vision of the White Paper is aligned to the National Development Plan (NDP) and rights and values enshrined in the Constitution of the Republic of South Africa (Act 108 of 1996).

## **2. POLICY STATEMENT**

The purpose of developing a new policy on safety, crime and violence prevention is to promote an integrated and holistic approach to safety and security, and to provide substance and direction to achieving the NDP's objectives of 'Building Safer Communities'. The White Paper will facilitate, where necessary, new legislative and institutional arrangements necessary for the operationalisation of its objectives, including:

- Clarification 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 for integrated planning and service delivery;
- Monitoring and evaluation systems;
- Resources; and
- Accountability

The White Paper will provide direction to government departments in the development and alignment of their respective policies, strategies and operational plans to achieving safer communities. In addition, the White Paper will provide governance and oversight tools against which departments can be measured and held accountable.

### **3. OBJECTIVES**

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

- Provide an overarching policy for safety, crime and violence prevention that will be articulated in a clear legislative and administrative framework to facilitate synergy and alignment of policies on safety and security; and
- 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.

### **4. MOTIVATION**

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 that would focus on the policing environment, and a White Paper on Safety and Security that would focus on an integrated and developmental approach to crime and

violence prevention, recognising the fact that safety extends far beyond the purview of the police.<sup>1</sup>

Direct responses from the criminal justice system and broader security apparatus are necessary to deal with crime and state security, (including global threats of 'terrorism', transnational, organised crime, as well as cyber crime), and form part of the Government's state and security agenda,<sup>2</sup> as well as its policing strategies. However, reactive policing approaches to crime are only partially effective in the prevention of crime and violence. As demonstrated by research, an over-reliance on criminal justice approaches risks prioritisation of increasingly repressive and punitive responses to crime that are ultimately reactive and limited in their ability to achieve longer term results. The reactive nature of the criminal justice system needs to be complemented by long-term developmental strategies to reduce incidents of people in conflict with the law and to increase levels of safety in communities, such as those espoused in this White Paper.

Safety and security is not only a fundamental responsibility of the state,<sup>3</sup> as provided in Chapter 11 of the Constitution, but also a fundamental human right in terms of Chapter 2 of the Constitution<sup>4</sup> and 'a necessary condition for human development, improved quality of life and enhanced productivity'.<sup>5</sup> The Bill of Rights affirms the democratic values of human dignity and equality,<sup>6</sup> and recognises the right of every person to freedom and security of the person,<sup>7</sup> and the right of every child to be protected from neglect, abuse, degradation and exploitation.<sup>8</sup> Further, the right to safety is also articulated in Section 24 of the Constitution in the right to a safe environment that is not harmful to health or well-being.

## **5. FOCUS OF THE WHITE PAPER**

The focus of this White Paper is crime and violence prevention, which a necessary precondition for increasing people's feelings of safety and building safer communities. The White Paper recognises the importance of initiatives that aim to reduce poverty, inequality, and unemployment, as well as those

that aim to enhance the effectiveness of state. These interventions are integral to addressing risk factors identified in this White Paper.

The White Paper seeks to realise the vision espoused in the NDP. The adoption of the NDP by Cabinet in 2012 provides a blue print for South Africa to eliminate poverty and reduce inequality by 2030.<sup>9</sup> The NDP articulates a vision for a safe and secure South Africa, and identifies building safer communities as central in achieving an integrated and developmental approach to safety and security, which involves all government departments and tiers of government. These departments will, in executing their respective legal mandates, collectively and individually contribute to a safe and secure environment for all South Africans.

The White Paper reaffirms that building safer communities is a collective responsibility of both the state and its citizens, and is located within the broader developmental agenda of government, as set out in the NDP 2030 and Medium Term Strategic Framework (MTSF 2014-2019). In this regard, the White Paper affirms the need for an active citizenry, civil society, and private sector to contribute to the on-going efforts of government in safety, crime and violence prevention.

## **6. APPROACH OF THE WHITE PAPER**

This approach advocated in the White Paper is premised on: addressing the risk factors discussed above; intervening in the individual, familial, community and structural domains in order to build resilience; putting in place protective measures; supported by broader structural and environmental change, to promote safer communities. The approach requires effective and integrated planning and implementation by government informed by a sound knowledge base and active community participation.

## 6.1 Developmental approach

### 6.1.1 Socio-ecological model

The White Paper advocates a developmental approach to safety to crime and violence prevention as articulated in the socio-ecological model. The socio-ecological model recognises that violence results from a combination of multiple influences that interact with each other in different ways. Individuals are located in relation to their family, community, and the broader environment. Accordingly, this model considers the multiplicity of factors that put people at risk and that need to be addressed, in order to protect individuals from experiencing or perpetrating violence, which are otherwise referred to as 'protective factors'. Prevention strategies must therefore address risk and protection factors at different stages of a person's life and development, in order to increase safety, as each level of human development is associated with different, and often overlapping, set of risk factors.

Interventions also need to be embedded within broader and complementary initiatives that are aimed at reducing crime and violence.

When addressing the **risk** factors for crime by enhancing parenting practices, improving access and investment in education, reducing access to alcohol, illegal substances and weapons, and increasing employment opportunities – it is important to simultaneously build the **resilience** of individuals, families and communities to crime and violence. Resilience is the 'process of, capacity for, or outcome of, successful adaptation, despite challenging or threatening circumstances'.<sup>10</sup> It is important therefore, that safety strategies, particularly those aimed at addressing crime and violence, must include mechanisms which build the capacity of individuals and institutions to deal with the adversity that may makes them more vulnerable to crime.

In developing strategies to deal with crime and violence, risk and protective factors must be disaggregated by target groups. Risk factors for crime and violence include those set out in the table below.

**Table 1: Risk factors for crime and violence**

<b>Individual</b>	<b>Risk Factors</b>
	Gender and gender non-conformity
	Age
	Low social status related to class, race, ethnicity
	Poor nutritional, pre-natal and health care
	Disability
	Low self-esteem/ lack of empathy
	Substance abuse (eg alcohol and drugs)
	Lack of access to education/ poor quality education
	Early onset of conduct /behavioural problems
	Affiliation to anti-social peer groups (eg gangs)
	Unemployment
	Social exclusion (eg school drop outs, homelessness)
	Sexual Orientation
	Masculinity norms and ideas that legitimise dominance and control over women
	Violence, abuse, maltreatment, neglect
	Dysfunctional families
<b>Relationship</b>	<b>Risk factors</b>
	Family violence and conflict
	Harsh, authoritarian parenting
	Absent/low levels of parental involvement
	Neglect, abuse and maltreatment
	Caregivers or siblings in trouble with the law
	Teenage parenthood
	Violence, abuse, maltreatment, neglect in the home
	Affiliation to anti-social male peer groups/gangs
	Gender inequalities
<b>Community</b>	<b>Risk factors</b>
	Family/community attitudes condoning violence
	High levels of neighbourhood crime and violence (eg

	presence of organised crime and gangs)
	Lack or poor access to quality education, training opportunities, employment
	Easy availability of drugs, alcohol, firearms
<b>Macro/structural</b>	<b>Risk factors</b>
	Structural inequalities (social, economic, political)
	Demographic factors (youth bulge)
	Social norms condoning inequality and violence
	Institutional fragility (eg poor, discriminatory or uneven provision of services, weak criminal justice system, weak governance, weak or absent control of arms and drug trade)
	Poor delivery of public services (eg health, education, policing and social services)
	Poor social and living conditions (food insecurity, informal settlements, overcrowding, poor infrastructure and poor public transport)
	Lack of access to /poor delivery of basic services (eg housing, water and sanitation)
	Unemployment
	Poor planning for urbanisation

***(See Annexure A for more detail)***

### 6.1.2 Primary, secondary and tertiary prevention

The White Paper advocates interventions at primary, secondary and tertiary prevention levels. '[T]he 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>11</sup> It is only through a combination of all three prevention areas – primary, secondary and tertiary – that safer communities can be achieved.

## **6.2 Intersectoral co-operation and collaboration towards effective integrated planning and service delivery**

The approach advocated by the White Paper recognises the importance of inter-sectoral consultation, co-operation and collaboration, effective and integrated service delivery, and community engagement and accountability; at a local, provincial and national level - as an imperative for building safer communities. In addition to the criminal justice system, the roles of the health, social development and education system are important in addressing risk factors that contribute to crime and violence. Short-term measures, such as those undertaken by the South African Police Services (SAPS) and the broader criminal justice system, need to be augmented with long-term prevention approaches that generate positive social change, in order to reduce levels of crime and violence.<sup>12</sup>

## **6.3 Knowledge-based approach**

The White Paper advocates a knowledge-based approach. Interventions and programmes employed must be based on demonstrated and proven results. The availability of data is a critical component of planning and evaluating strategies and interventions. The collection of reliable data to inform evidence-based interventions is an essential component of the crime and violence prevention approach advocated in this White Paper.

### **6.3.1 Evidence-based interventions**

Strategies and interventions must be evidenced-based and informed 'by a broad, multidisciplinary foundation of knowledge about crime problems, their multiple causes and promising and proven practices'.<sup>13</sup> A comprehensive strategy must draw on approaches and interventions that have been rigorously evaluated and shown to be effective in achieving specific crime, violence prevention, or safety outcomes.

Evidence of what works in social crime and violence prevention demonstrates the importance of addressing the risk factors for crime and violence as highlighted in the key themes of this White Paper. This includes early childhood interventions, school-based programmes, youth and family level interventions, strategies to deal with violence against women, community level interventions, improving the efficiency, effectiveness and accountability of the criminal justice system, controlling the availability of firearms, and safety through environmental design.

***(See Annexure A for more detailed information of interventions with demonstrated results)***

### 6.3.2 Information and data management systems

The ability to effectively plan and monitor implementation of the White Paper and assess delivery is predicated on reliable data.<sup>14</sup>

- Reliable and up-to-date data must be collected across the range of departments and sectors to:
  - Identify and define the incidence and prevalence of crime and violence reported and unreported;
  - Identify the scale, scope and location of safety problems;
  - Identify specific risk and protective factors (when and where problems occur who is involved to assist in understanding patterns and trends and likely causal factors);
  - Identify availability and gaps in services;
  - Assess effectiveness of allocation of resources;
  - Identify, develop and test interventions, which can then be implemented; and
  - Evaluate what works and develop a depository of evidence-based knowledge for future use.

- Data must be disaggregated to facilitate analysis and identification of drivers and risks factors.

On-going data that can be disaggregated by age, gender, relationship, geography, and a range of other measures, is essential to accurately develop, and adapt, relevant local, provincial and national policies, strategies and plans.<sup>15</sup> Official data collected from other sources (ie. public health information from hospitals, clinics, mortuaries and emergency and trauma units on injuries, accidents and deaths, drug and alcohol use and mortality) provide important data to inform the analysis of crime and violence.

This data should reflect not only direct safety indicators but also include progress on addressing risk and protective factors, as indicated above.

- Data collection must be on going and institutionalised into current reporting arrangements.

Safety is not static, and social and structural factors that contribute to crime and violence may change over time. Where required, the capacity of Departments should be increased, to ensure the on going collection and utilisation of accurate data.

- Data systems must be integrated and accessible.

Data systems must allow for integrated analysis and effective monitoring. This is critical in identifying blockages and gaps in service delivery, and ensuring service provision integrated. Such systems will allow for flow of data across departments and spheres of government facilitating and supporting reporting arrangements.

Data should be accessible to bona fide research and civil society and community organisations. Protocols must be established to facilitate integration, management, distribution, analysis and sharing of data.

***(See Annexure A for more detailed information)***

#### **6.4 Active, public and community participation**

The NDP recognises active citizenry and co-ordinated partnerships, as a key component to a sustainable strategy for citizen safety.<sup>16</sup>

The White Paper recognises the importance of state parties working with non-state bodies to establish safety needs and develop strategies to address them and proposes the development of sustainable forums for coordinated and collaborative community participation; public and community participation in the development, planning and implementation of interventions; and public and private partnerships to support safety, crime and violence prevention.<sup>17</sup>

Enabling community participation through civic structures that are inclusive of all sectors of society including: different faiths, youth, business sector, elderly persons, women and other marginalised or disadvantaged groups, are an important mechanism to facilitate citizen involvement.<sup>18</sup> Community Safety Forums', (CSFs), as envisaged in the Community Safety Forum Policy, core mandate is to facilitate community participation in safety, crime and violence interventions. Community Police Forums (CPFs) core objectives are to facilitate 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>19</sup> In addition to these structures, there are a range of mechanisms such as the Integrated Development Plan (IDP) forums, ward committees, school governing bodies, health committees that are important mechanisms for to facilitate engagement by the state with communities.

Active citizen involvement should be meaningful and extend to active participation in crime and violence prevention through participation in needs assessments and safety audits, development of strategies and implementation of plans, and monitoring and evaluation of impact.

Co-operation and partnerships with private sector institutions are another important feature of public participation and active citizenry. Businesses have a dual responsibility, firstly to ensuring effective crime and violence prevention practices within the work environment and uphold legal and ethical business practices, and secondly, to support crime prevention efforts in the broader community.

## **7. KEY COMPONENTS OF THE WHITE PAPER**

### **7.1 Themes**

The White Paper recognises the centrality of crime and violence prevention and is informed by six key themes.

#### **7.1.1 Effective criminal justice system**

- Efficient, responsive and professional criminal justice sector.
- Effective diversion, rehabilitation and reintegration programmes.
- Effective restorative justice programmes and interventions.

#### **7.1.2 Early intervention to prevent crime and violence, and promote safety**

- A healthy start for infants and children, including the first 1 000 days of life, pre-school and school children, and their parents, caregivers and guardians.
- A safe and supportive home, school and community environment for children and youth.
- Context-appropriate child and youth resilience programmes.
- Substance abuse treatment and prevention.
- Context-appropriate interventions for 'vulnerable'/ at risk groups.

### 7.1.3 Victim support

- Comprehensive framework promoting and upholding the rights of victims of crime and violence.
- Delivery of high quality services for victims of crime and violence.

### 7.1.4 Effective and integrated service delivery for safety, security and violence and crime prevention

- Access to essential crime and violence prevention and safety and security services.
- Professional and responsive service provision.

### 7.1.5 Safety through environmental design

- The integration of safety, crime and violence prevention principles into urban and rural planning and design that, promotes safety and facilitates feeling safe.

### 7.1.6 Active public and community participation

- Sustainable forums for co-ordinated and collaborative action on community safety.
- Public and community participation in the development, planning and implementation of crime and violence prevention programmes and interventions.
- Public and private partnerships to support safety, crime and violence prevention programmes and interventions.

## 7.2 Core principles

Underpinning the themes are the general principles of:

- Equality, in access, protection, and service.
- Commitment to high quality service.
- Integrated planning and implementation.
- Evidence based planning and implementation.

### **7.3 System level requirements**

The themes of the White Paper are dependant upon certain system level requirements, which are necessary to facilitate implementation of the White Paper and delivery of programmes and interventions. These include:

- Allocation of sufficient budgets and resources to safety, crime and violence prevention;
- Alignment of legislation and policies to the White Paper;
- Development and alignment of strategies to the White Paper by all government department and spheres of government, and incorporation of these into strategic plans, annual performance plans/norms and standards;
- Establishment and resourcing of permanent implementation structures;
- Institutionalisation of inter-governmental co-operation systems and mechanisms (horizontal and vertical);
- Evidence based planning and implementation;
- Alignment of programmes and interventions to the approach and themes advocated in the White Paper; and
- Active public and community participation.

## **8. UNDERSTANDING SAFETY, CRIME AND VIOLENCE PREVENTION IN SOUTH AFRICA**

The nature of crime and violence in South Africa is complex. Demographic data available provides some insight into the profile of the population and macro structural and socio economic conditions which impact on risk. Available crime statistics and research also provide indicators of the nature and trends in reported crime and violence. This data provides useful insight into the scope of the challenges facing communities.

*(More detailed information is contained in Annexure B)*

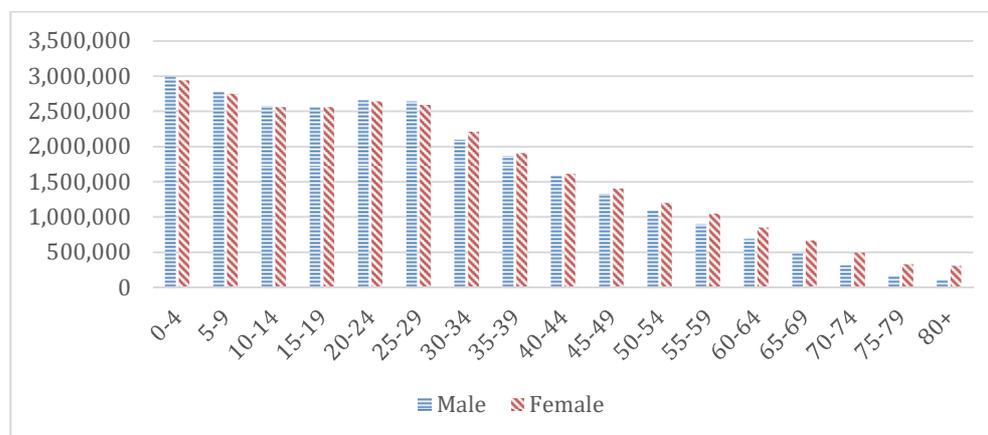
## 8.1 Country Profile

### - Population

The 2015 mid-year population estimates reported the population size of South Africa at 54 956 900 people. With most populous provinces being Gauteng at 24%, Kwa Zulu Natal at 19,9%, Eastern Cape at 12,6%, and Western Cape at 11,3% of the total population.

South Africa has a young population with the largest group being between the ages of 0 to 4 with over 58% of the population below the age of 30.<sup>20</sup> The proportional representation of children is consistent in all areas with the exception of Kwa-Zulu Natal and Gauteng where there are significantly fewer children (see figure nine in Annexure B).

**Figure 1: Population size by age and gender**

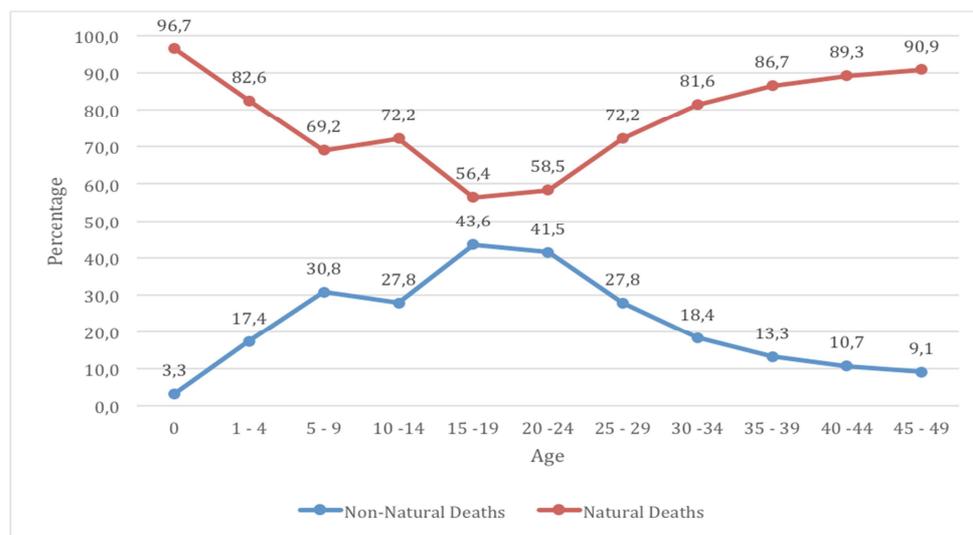


Source: Statistics South Africa 'Mid-year Population Estimates' (2015) Table 15 p 16.

Young people are the most at risk to victimisation, as well as of offending. In 2014 over 24 per cent of the sentenced proportion of inmates, and over 40 per cent of those in remand fell within the defined age range for juveniles (between the ages of 18 and 21 years).<sup>21</sup> The rate of 'non-natural' deaths of young people provides a good indication of the degree to which they are disproportionately affected by violence (see figure two below).

As figure two (below) indicates, for both sexes the 15–19 age group are most affected by non-natural causes of death (34.5 per cent of all deaths due to non-natural causes).<sup>22</sup> Assault is the most common cause of death, accounting for 11.2 per cent of non-natural deaths in this age group. In all age groups males are seen to have an overall higher proportion of deaths due to non-natural causes (14.9 per cent male deaths due to non-natural causes, compared to 5.1 per cent for females).<sup>23</sup>

**Figure 2: Rates of natural and non-natural death by age**



Source: Statistics South Africa ‘Mortality and causes of death in South Africa’ (2013).

This demographic profile on age resonates with the importance of early intervention, multi-systemic and cognitive therapy, ECD interventions and school-based programmes, ability to reach a significant percentage of the population at risk.

**- Urban/rural expansion**

South Africa has a proportionately higher urban population compared to general global figures.<sup>24</sup> Read with crime statistics, discussed later in this section, this is an important variable when designing appropriate interventions.

### - **Economic and employment indicators**

Unemployment rates remain significantly high, at 24.3 per cent (2015) demonstrating an increase since 2011 (with a slight decrease in the 1<sup>st</sup> quarter of 2014).<sup>25</sup> Across the board, women experience higher rates of unemployment than men regardless of race and level of education, with Black African women experiencing the highest rates of unemployment, irrespective of their levels of education (ranging from 16.1 per cent for women who have tertiary degrees up to 32.0 per cent for women who have earned less than matric).<sup>26</sup> The gender gap in unemployment is largest amongst Black Africans and Indians/Asians with tertiary education.<sup>27</sup>

### - **Alcohol use**

South Africa's overall alcohol consumption is consistent with global averages.<sup>28</sup> However, South Africa has among the highest consumption levels in Africa, with a clear correlation between intimate partner violence (IPV) and alcohol consumption.<sup>29</sup> Foetal alcohol syndrome (FAS) is also a growing concern in South Africa, with the World Health Organisation (WHO) citing the Western Cape to have the highest reported rate of FAS in the world.<sup>30</sup>

### - **Access to housing and basic services**

12.9 per cent of the South African population live in informal dwellings, the highest proportion in the North West (21 per cent of the province's population), then Gauteng (19,2 per cent of the province's population), Western Cape (14,8 per cent of the province's population).<sup>31</sup>

4,9 per cent of households in South Africa have no access to toilets/use bucket toilets with the highest proportion located in the Northern Cape (9.1 per cent of province's households), then Eastern Cape (8,5 of province's households) and then Free State (7,9 of province's households).

## - **Social protection**

The more rural provinces of Limpopo (59.2 per cent of the province's population), Eastern Cape (58.4 per cent of the province's population) and Free State (54.4 per cent of the province's population) have a much higher proportion of households benefiting from social grants than the more urban provinces such as Western Cape (36.9 per cent of the province's population) and Gauteng (28.5 per cent of the province's population).<sup>32</sup> The Care Dependency Grant (CDG) is the social grant most widely received across the whole country.<sup>33</sup>

More children live with single mothers (38.8 per cent) than do with both parents (34.8 per cent) and only 3.4 per cent live with single fathers.<sup>34</sup> The Western Cape has a significantly larger proportion of children living with both parents than any other province (55.6 per cent of province population), and Limpopo has the highest proportion of children living in child-headed homes (1.3 per cent of province's population).<sup>35</sup>

A large proportion (64.5 per cent) of children in South Africa live in low-income households.<sup>36</sup> This figure tends to be higher in more rural provinces, such as Eastern Cape, Limpopo and Kwa-Zulu Natal; and there is a definite correlation between the percentage of children living in a household without an employed adult and those living in low-income households.<sup>37</sup>

***(See Annexure B for more detailed information on macro structural and socio economic indicators)***

## **8.2 Relationship between poverty, inequality and crime**

The impact of structural violence<sup>38</sup> must be acknowledged in a discussion of crime and violence.

Historically, South Africa has experienced high levels of structural violence under colonial and apartheid rule. Inferior education and health systems,

limited career prospects, and migrant labour systems have inflicted family stress and social health problems.<sup>39</sup> Structural violence has continued in post Apartheid due to persistent inequality in which structural inequalities remain embedded.

The relationship between poverty, inequality and crime and its impact on safety outcomes is acknowledged in the NDP, noting 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'.<sup>40</sup>

Drawing a simple causal relationship between crime, violence and poverty, however, is misleading, as the relationship between crime, violence, poverty, deprivation and inequality, is more complex. Although there is little evidence demonstrating poverty causes crime, there is substantial evidence demonstrating that those who live in poverty are more vulnerable to, and affected by, crime and violence.<sup>41</sup> This is evident in the risk factors for crime and violence. People living in communities characterised by a lack of services, with little or poor access to water and sanitation, childcare and health facilities, educational and employment opportunities, or who are marginalised or excluded, are at the most vulnerable to falling victim to crime violence and most at risk in engaging in crime. They are also the least able to access the criminal justice system or victim support services, and are therefore, most at-risk, most vulnerable to, and most affected by high levels of crime and violence.

The developmental approach to crime and violence prevention, espoused here, that addresses risk at an individual, relationship, community and macro/structural level allows for a better understanding of both the levels of crime and violence (detailed above), and identifies the most appropriate interventions for preventing both crime and violence.

### **8.3 Crime trends and analysis of risk groups and risk factors**

According to recent crime statistics released by SAPS in September 2015, South Africa has experienced an increase in the number of violent crimes since 2013/2014. The number of reported murders, attempted murders, assaults GBH (grievous bodily harm), and aggravated robberies are on the rise, while the number of reported sexual offences and common assaults appear to be on the decrease. Although statistics are important for analysing crime trends, as well as vulnerabilities of particular groups and risk factors, it is imperative to mention that a decrease in the number of reported crimes does not necessarily reflect a decrease in the number of incidents of crime. This is especially important to keep in mind when it comes to assessing the prevalence and extent of common assault and sexual offences in South Africa, which are two categories of crime that have notoriously low levels of reporting.<sup>42</sup>

Further, even though statistics are important for purposes of measuring the prevalence of crime and violence, the lack of available disaggregated statistics (i.e. information relating to gender, race, age, nationality, relationship etc. of victims and perpetrators), makes it difficult understand trends in crime, specifically the impact of certain crimes on different risk groups and the influence of certain factors on incidents of crime and violence.

That being said, empirical research supported by available statistics suggests that certain groups of people are more vulnerable to certain types of crime and violence than others, and that certain factors (see specific risk groups and risk factors in Annexure C), make people more susceptible to becoming both victims and perpetrators of crime and violence. The identified at-risk groups include young men, women, children, people with disabilities, older persons and LGBTI persons; while key risk factors include the relationship between guns and violence, substance abuse and crime, exposure to anti-social peer groups and lacking community social cohesion.

### 8.3.1 RISK GROUPS

- **Young Men**

Young men are the primary perpetrators of violence and victims of homicide.<sup>43</sup> The highest homicide rates in South Africa (184 per 100 000; nine times the global average) are seen in men between the ages of 15 and 29 years.<sup>44</sup> The homicide rate for South African males is six times higher than for South African females.<sup>45</sup> Research has confirmed that masculine norms, confrontational and aggressive attitudes amongst young men are leading factors in the perpetration of crime and violence.<sup>46</sup> Further, identities and aspirational views to be 'ready for a fight', 'show no fear or pain' and 'play it cool'<sup>47</sup> reinforce the view that violence is a legitimate response to conflict.<sup>48</sup>

- **Violence against Women**

Violence against women includes, but is not limited to domestic violence, sexual violence by non-partners, marital rape, date rape, stalking, sexual harassment, sexual exploitation, domestic homicides and harmful traditional practices.<sup>49</sup> While it is difficult to provide accurate data of violence against women in South Africa, a study conducted in 2012 found that 77 per cent of women in Limpopo, 51 per cent in Gauteng, 45 per cent in the Western Cape and 36 per cent of women in KwaZulu-Natal, had experienced some form of violence (intimate and non-intimate) in their lifetimes.<sup>50</sup> Despite legislative enactments aimed at eradicating GBV and enhancing the protections afforded to women, violence against women in South Africa has been described as 'socially normalised, legitimised, and accompanied by a culture of silence and impunity'.<sup>51</sup> Moreover, more women are killed by their current or ex-intimate male partner in South Africa than in any other country with a rate of 8.8 per 100 000 women.<sup>52</sup>

- **Violence against Children**

Violence against children is defined as: ‘all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child’.<sup>53</sup> A study conducted in 2015 found that of 4 095 young people, one in five (19.8 per cent) have experienced sexual abuse in their lifetime and 7.9 per cent reported some form of neglect at some point in their lives.<sup>54</sup> Violence against children has significant long-term effects.<sup>55</sup> Evidence suggests child maltreatment leads to a cycle of violence with children exposed to violence at a young age more likely to perpetrator or be victim to violence in later life.<sup>56</sup>

- **Persons with Disabilities**

Persons with disabilities are at a higher risk of experiencing violence than their non-disabled peers, often because their physical and mental conditions limit their personal autonomy and make it difficult for them to defend themselves against harm or communicate incidents of violence or abuse.<sup>57</sup> The forms of violence people with disabilities experience varies according to age, context, and socio-economic factors, with disabled children and women being most prone to sexual and physical abuse, as well as extensive forms of neglect.<sup>58</sup> Further, the under-reporting of abuse of persons with disabilities makes it extremely difficult to gauge the extent and prevalence of the problem.<sup>59</sup>

- **Elderly Persons**

Older persons are particularly vulnerable to a number of crimes, due to age, infirmity, personal, and socio economic circumstances, 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; and theft and extortion.<sup>60</sup> Comprehensive interventions that provide increased support and oversight, public education, and that address the systemic issues that make older persons vulnerable, are central to structural, individual, relationship and community to reduce the risk of abuse.<sup>61</sup>

- **Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons**

LGBTI people are particularly prone to discrimination, persecution and violence due to harmful socially constructed norms on masculinity and femininity, and discriminatory religious and cultural beliefs about gender and sexual orientation.<sup>62</sup> For many LGBTI persons, violence begins at home and in schools, and then progresses into the community, workplace and society as a whole.<sup>63</sup> Lesbian women are particularly affected by the general populations' overall conservative values and views towards homosexuality, with many lesbian women being subject to rape and other forms of physical and sexual violence.<sup>64</sup> In addition, gay men, as well as transgender and intersex persons are often ostracised and subject to various forms of crime and violence by their families, communities and the society at large, with very little support and intervention from the state, particularly law enforcement.<sup>65</sup>

### **8.3.2 RISK FACTORS**

- **Firearm Violence**

A WHO report on violence prevention states that around one in every two homicides is committed with a firearm with firearm homicides accounting for 33 per cent of all homicides in South Africa.<sup>66</sup> This report draws strong links between the ease of access to firearms as well as excessive alcohol use and multiple types of violence.<sup>67</sup> Such links are especially apparent in South Africa; according to United Nations Office on Drugs and Crime (UNODC) 2013 Report, 35 per cent of murders in South Africa were committed with a

firearm.<sup>68</sup> 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>69</sup>

- **Alcohol and Substance Abuse**

South Africa's overall alcohol consumption is consistent with global averages.<sup>70</sup> However, South Africa has among the highest consumption levels in Africa, with a clear correlation between violence, specifically intimate partner violence (IPV), and alcohol consumption.<sup>71</sup> Foetal alcohol syndrome (FAS) is also a growing concern in South Africa, with the World Health Organisation (WHO) citing the Western Cape to have the highest reported rate of FAS in the world.<sup>72</sup>

- **Anti-Social Peer Groups**

Although gangsterism is a significant problem in South Africa, violence perpetrated by anti-social peer groups is not limited to named gangs.<sup>73</sup> Anecdotal evidence suggests that the youth in particular are highly involved in anti-social peer groups and gangsterism, and there is frequently an overlap between gang activity and delinquency in general.<sup>74</sup> For many people, involvement in gangs and anti-social peer groups is a family norm, and children join to become career criminals as a way of meeting their economic needs.<sup>75</sup> Gang activity is particularly destructive because it threatens the wellbeing of whole communities by decreasing freedom of movement and association and usually is the most destructive for the poor and vulnerable.<sup>76</sup>

- **Lack of Social Cohesion**

Despite significant progress since 1994, South African society remains extremely divided.<sup>77</sup> There are strong links between the absence of social cohesion and heightened levels of interpersonal violence within communities.<sup>78</sup> Community dynamics may foster or impede a series of protective factors, especially in relation to interpersonal violence, such as:

parents' healthy attitude towards child bearing and child rearing;<sup>79</sup> stimulating learning and social environments; as well as the availability of adult role models, adult monitoring and supervision of children.<sup>80</sup> Social cohesion is important part of dealing with the challenges of unemployment, poverty and inequality, but also addressing issues of safety and security.<sup>81</sup>

***(See Annexure C for a more detailed analysis on crime trends, risk groups and factors for crime)***

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

In the development of this White Paper, a range of legal and policy instruments were consulted including the NDP, National Security Strategy (NSS), Rural Safety Strategy, Integrated Social Crime Prevention Strategy, the White Paper on Families, Criminal Justice System (CJS) Revamp, CSF Policy, ECD Policy, NCPS, 1998 White Paper on Safety and Security, National Service Charter for Victims of Crime and Violence and the Draft Integrated Urban Development Framework (IUDF).

A significant number of policy and strategy interventions address issues of safety and security, and crime and violence prevention. This White Paper on Safety and Security provides for the opportunity to locate these initiatives in an overarching, comprehensive framework for safety, security, crime and violence prevention, providing for greater synergy, co-operation and integration of planning and service delivery.

***(See Annexure D for a full list)***

### **9.1 National Development Plan 2030**

The NDP 2030 proposes an integrated approach to resolving the root causes of crime that involves an active citizenry and inter-related responsibilities and

co-ordinated service delivery from state and non-state actors.<sup>82</sup> Chapter 12 of the NDP identifies 'Building Safer Communities' as a key objective.

In order to achieve this vision, the NDP recognises the need to have a well-functioning criminal justice system involving key role-players, including the police, prosecuting authority, the judiciary as well as the correctional services system.<sup>83</sup> Accordingly, the NDP identifies the following six key priorities to achieving a crime-free South Africa:

- Strengthening the criminal justice system.
- Professionalising the police service.
- Demilitarising the police service.
- Increasing the rehabilitation of prisoners and reducing recidivism.
- Building safety using an integrated approach.
- Increasing community participation in safety.<sup>84</sup>

In addition to creating an effective, responsive and professional criminal justice system, the NDP motivates for an integrated approach to building safer communities that recognises the root causes of crime and responds to its social and economic factors.<sup>85</sup> In this regard, the NDP places significant emphasis on the role of local government in understanding the safety needs of individual communities, and integrating safety and security priorities into their development plans.<sup>86</sup> The NDP pays particular attention to the safety needs of women, children, the girl-child and youth, and makes specific recommendations relating to the conducting of community safety audits, introducing learner safety programmes in schools, implementing the Rural Safety Strategy, expediting the re-establishment of the Sexual Offences courts, reporting on the status of environmental designs aimed at addressing the safety of those who are most vulnerable, mobilising urban youth to secure safety areas, increasing support to non-governmental organisations and community-based organisations, enhancing efforts to reduce alcohol and

substance abuse, and improving rehabilitation of offenders and reduction of recidivism.<sup>87</sup>

## **9.2 Criminal Justice System Revamp (2007)**

The 2007 CJS Revamp proposed a seven-point plan to transform the criminal justice system. The seven-point plan, which was adopted by Cabinet and endorsed by the NDP, calls on all players in the criminal justice sector to execute the following:

- Adopt a single vision and mission, and create a single set of objectives, priorities and performance-measurement targets leading to the Justice Crime Prevention Security Cluster (JCPS).
- Establish, through legislation or by protocol, a new and realigned single coordinating and management structure for the system.
- Make substantial changes to the present court process in criminal matters through practical, short-term and medium-term proposals.
- Put into operation priorities identified for the component parts of the system, which are part of, or affect, the new court process.
- Establish integrated information and technology database or system for the national criminal justice system. Review and harmonise the template for gathering information relating to the criminal justice system.
- Modernise all aspects of systems and equipment, which includes fast tracking the implementation of current projects, modernisation initiatives, investigation-docket management systems, and parole management systems.
- Involve the public in the fight against crime and violence by introducing changes to community policing forums, such as policing outcomes, support to correctional supervision of out-of-court sentences and parole boards.<sup>88</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; regular reporting on the plan's implementation to Cabinet is institutionalised.<sup>89</sup>

### **9.3 National Security Strategy (2012)**

The NSS recognises that crime and violence reduction cannot depend on effective policing alone, but must consider a comprehensive, and co-ordinated national response that addresses its root causes. The objective of the NSS to address violent and organised crime, specifically in relation to its impact on people's sense of safety and security, as well as to the economy and social cohesion of the country. Further, the NSS recognises connections 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.

### **9.4 Rural Safety Strategy (2010)**

The Rural Safety Strategy in 2010, addresses challenges to reducing high levels of crime and violence in rural areas.<sup>90</sup>

### **9.5 Integrated Social Crime Prevention Strategy (2011)**

The Integrated Social Crime Prevention Strategy (ISCPS) focuses on the needs of those who are most vulnerable, including women, children, youth, people in rural areas, people with disabilities and older persons.<sup>91</sup> The ISCPS identifies the following 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; alcohol and substance abuse; HIV & AIDS and feeding and health programmes; social crime prevention programmes; extended public works programmes; schooling; and prevention, reduction and law enforcement with regard to gun violence.<sup>92</sup>

## **9.6 National Crime Prevention Strategy (1996)**

The NCPS is founded upon four pillars which co-ordination and integration activities relating to crime prevention must take place: (i) criminal justice process; (ii) reduction of crime through environmental design; (iii) public values and education; and (iv) trans-national crime.<sup>93</sup>

## **9.7 Community Safety Forums Policy (2011)**

The CSF Policy focuses on the role of CSFs within the sphere of local government in facilitating enhanced co-operation, integrated planning, and co-ordinated implementation of safety programmes and projects at the community level.<sup>94</sup> CSFs aim to deliver programmes with a national agenda on a local level to enhance the delivery of crime prevention projects and to improve the functioning of the criminal justice system.<sup>95</sup> CSFs operate by facilitating regular safety audits in partnership with civil society, developing safety strategies and plans aligned with national, provincial and local priorities, and monitoring/evaluating the implementation of safety programmes or projects.

## **9.8 White Paper on Safety and Security (1998)**

The 1998 White Paper on Safety and Security set out a policy framework for safety and security for the period from 1999 to 2004. Developed in the context of the need to respond to 'the challenge of enhancing the transformation of the police',<sup>96</sup> the 1998 White Paper on Safety and Security sought to equip law enforcement officials with the tools to increase the effectiveness of social crime prevention activities and to reduce the occurrence of crime. The objectives of the 1998 White Paper were to: (i) define the strategic priorities to deal with crime; (ii) articulate the roles and responsibilities of various role-players in the safety and security sphere and (iii) clarify the role of the Department of Safety and Security within a constitutional framework.<sup>97</sup>

## **9.9 Early Childhood Development Policy (2015)**

The 2015 ECD Policy prioritises the needs of children through a comprehensive and equally accessible ECD system.<sup>98</sup> Of particular relevance is the acknowledgment of risks at the individual, relationship, community and microstructural levels, and the need to support for early interventions to prevent the cyclical nature of crime and violence.<sup>99</sup>

## **9.10 White Paper on Families (2012)**

The 2012 White Paper on Families foci is on: (i) enhancing the socialising, caring, nurturing and supporting capabilities of families to enable members to contribute effectively to the overall development of the country; (ii) empowering families by enabling them to identify, negotiate, and maximize economic opportunities in the country and (iii) improving the capacities of families to establish social interactions, and make a meaningful contribution towards a sense of community, social cohesion and national solidarity.<sup>100</sup>

## **9.11 Service Charter for Victims of Crime and Violence (2004)**

The Victims Charter 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.<sup>101</sup> The Victims Charter proposes a victim-centred approach to the criminal justice system's response to crime and violence and aims to provide an integrated and comprehensive set of services to victims of crime and violence, including access to psychosocial support services and accurate information.<sup>102</sup>

## **9.12 Draft Integrated Urban Development Framework (2015)**

Although the IUDF is still in draft form, the White Paper acknowledges its recognition of the impact of urban crime on development and endorses its motivation for municipalities to take an integrated approach to

development.<sup>103</sup> Of particular relevance is the IUDF's declaration that national government departments have the responsibility to take the lead in creating a proactive and integrated system of spatial planning to facilitate more sustainable development.<sup>104</sup>

### **9.13 Draft White Paper on Policing (2014)**

The 2014 Draft White Paper on Policing focuses on the internal policing environment and role of the police. The White Paper on Policing complements the White Paper on Safety and Security by articulating a clear role for the police in crime prevention.

## **10. ROLE OF NATIONAL, PROVINCIAL AND LOCAL GOVERNMENT**

Achieving safer communities as envisaged in the NDP requires different spheres of government and organs of state co-ordinate and align their actions in order to deliver comprehensive and high quality services. Chapter 3 of the Constitution speaks directly to this point requiring national, provincial and local government adhere to principles of co-operative government and intergovernmental relations.

### **10.1 Legal framework**

*(See Annexure E for detailed information)*

The scope of responsibility for provision of safety and security is articulated in the competencies of national, provincial and local government and subordinate legislation and addresses issue of competencies, imperatives for co-operative governance, institutional mechanisms to facilitate intergovernmental relations, obligations and responsibilities of national government, provincial government and local government.

The White Paper proposes a 'whole of government' approach, which calls for institutional arrangements to facilitate an integrated and multi-sectoral

provision of crime and violence prevention services through intergovernmental structures and mechanisms. In particular, the White Paper requires national and provincial government fulfil their Constitutional mandate to ensure that local government has the capacity and resources to perform its functions, specifically in creating an enabling environment for safer communities.

## **10.2 Role of national government**

The role of national government in respect of the implementation of the White Paper on Safety and Security includes:

### **Budgets and resources**

- Allocate budgets for strategy, plans, roles, programmes and interventions for safety, crime and violence prevention.
- Ensure allocation of funding and resources at national, provincial and local level safety.
- Provide guidance, technical support and capacity building on safety, crime and violence prevention strategies and implementation to provincial and local government through National Crime Prevention Centre.
- Resource and capacitate implementation structures at national level.
- Account to Parliament for the spending of budgets and outputs for safety, crime and violence prevention.
- Provide clear and sufficient guidance on budgetary and planning processes to line function departments.

### **Legislation and policy**

- Align national legislation and policies with the White Paper on Safety and Security.

### **Strategies**

- Ensure the integration of safety and security outcomes within national governments' strategic frameworks.

- Ensure strategies, plans, key performance indicators (KPIs), norms and standards are aligned with the safety, crime and violence prevention outcomes of the White Paper.
- Ensure integration of local and provincial needs into national strategies and plans.

### **Implementation structures**

- Establish implementation structures (see implementation mechanisms section 11.2).

### **Intergovernmental co-operation systems**

- Facilitate intergovernmental relations between national, provincial and local government.
- Participate in intergovernmental forums on a national, provincial and local level and ensure that issues relating to the implementation of the White Paper on Safety and Security are discussed, consulted and acted upon.

### **Evidence-based assessments & Monitoring and Evaluation**

- Conduct needs assessment at national level;
- Monitoring and Evaluation Framework:
  - Develop and implement the Monitoring and Evaluation Framework at national level.
  - Ensure implementation and reporting by provincial and local government on Monitoring and Evaluation Framework.
  - Conduct a baseline
  - Co-ordinate the reporting of national, provincial and local government against the Monitoring and Evaluation Framework
- Account to Parliament on implementation and the outcomes of the White Paper.

## **Programmes and interventions**

- Implement programmes and interventions aligned to the White Paper.
- Initiate and co-ordinate national safety, crime and violence programmes and interventions with provincial and local government.
- Ensure integration of provincial and local needs in programmes and interventions.

## **Active Public and Community Participation**

- Ensure active public and community participation in the development, planning and implementation of national strategies and policies.
- Ensure the establishment of sustainable forums for co-ordinated, collaborative and on-going community participation.
- Facilitate public and private partnerships to support safety, crime and violence prevention programmes and interventions.

## **10.3 Role of provinces**

The role of provinces in implementation of the White Paper on Safety and Security includes:

### **Budgets and resources**

- Allocate budgets for strategy, plans, roles, programmes and interventions for safety, crime and violence prevention at provincial level.
- Mobilise funding and resources for safety, crime and violence prevention programmes at local level.
- Provide capacity and support to local government to implement the White Paper.
- Capacitate and resource the Provincial Directorate for Safety, Crime and Violence Prevention.

- Account to the provincial legislature for the spending of budgets and outputs for safety, crime and violence prevention.

### **Legislation and policy**

- Align provincial legislation and provincial policies with White Paper.

### **Strategies**

- Ensure the integration of safety and security outcomes within provincial government and provincial departments' strategic frameworks.
- Develop provincial strategies and plans in alignment with the White Paper and national strategies.
- Ensure strategies, plans, KPIs, norms and standards are aligned with the safety, crime and violence prevention outcomes of the White Paper.
- Ensure alignment of Integrated Development Plans (IDPs) planning and reporting to the White Paper.
- Integrate local needs and priorities into provincial strategies, plans and interventions.

### **Implementation structures**

- Establish implementation structures (see implementation mechanisms section 11.2).

### **Intergovernmental co-operation systems**

- Development of implementation plans and protocols for implementation of the White Paper.
- Co-ordinate the range of provincial competencies including health, education, social development, and local government, in implementing the White Paper.

- Participate in intergovernmental forums on a national, provincial and local level and ensure that issues relating to the implementation of the White Paper on Safety & Security are discussed, consulted and consulted
- Co-ordinate between provincial and local government (together with the provincial government responsible for co-operative government) to ensure implementation of the White Paper at local government level

### **Evidence-based assessments & Monitoring and Evaluation**

- Conduct needs assessments at a provincial level.
- Monitoring and Evaluation Framework:
  - Implement the Monitoring and Evaluation Framework at provincial level.
  - Ensure implementation and reporting by local government on the Monitoring and Evaluation Framework.
  - Conduct provincial baselines.
- Co-ordinate the reporting of provincial and local government against the Monitoring and Evaluation Framework.
- Report to the provincial legislature on implementation and outcomes of the White Paper.

### **Programmes and interventions**

- Initiate and co-ordinate safety, crime and violence programmes and interventions in the province.
- Initiate and co-ordinate safety, crime and violence programmes and interventions with local government.
- Participate in national programmes on safety, crime and violence prevention.
- Implement programmes and interventions aligned to safety, crime and violence prevention outcomes.
- Ensure integration of provincial and local needs in programmes and interventions.

### **Active public and community participation**

- Ensure active public and community participation in the development, planning and implementation of national strategies and policies.
- Facilitate the establishment of sustainable forums for co-ordinated, collaborative and on-going community participation.
- Facilitate public and private partnerships to support safety, crime and violence prevention programmes and interventions.

### **10.4 Role of local government**

Local government is a key role player in the delivery of safety and security to communities.<sup>105</sup> The location of municipalities, (at the most direct interface of government with communities), and the mandate of municipalities, represents the most inclusive range of interventions required to create an enabling environment for delivery of services which impact on the safety and wellbeing of communities.

The role of local government in respect of implementation of the White Paper includes:

#### **Budgets and resources**

- Allocate budgets for strategy, plans, roles, programmes and interventions for safety, crime and violence prevention at local and district municipality levels.
- Align resources to objectives of safety, crime and violence prevention outcomes.
- Secure funding for programmes and interventions to achieve safety, crime and violence prevention outcomes.
- Capacitate and resource the Municipal Directorate for Safety, Crime and Violence Prevention.
- Account to the municipal council for the spending of budgets and outputs for safety, crime and violence prevention.

## **Legislation and Policy**

- Align legislation (by-law) and policy to safety, crime and violence prevention outcomes.

## **Strategies**

- Develop a local strategy and community safety plans for implementation of the White Paper.
- Develop strategies and integrate safety, crime and violence prevention outcomes into strategic plans, performance plans, norms and standards, etc.
- Integrate safety, crime and violence prevention outcomes into the IDP.
- Align and complement planning of IDPs with other municipalities and organs of state to ensure that safety, crime and violence prevention is prioritised and that best practices are integrated across municipalities.
- Ensure alignment of KPIs in strategies, plans, norms and standards with the White Papers.

## **Implementation Structures**

- Establish an implementation structure to ensure effective implementation of the White Paper (see implementation mechanisms section 11.2).

## **Intergovernmental co-operation systems**

- Develop implementation protocols with other spheres of government and organs of state to facilitate implementation of the White Paper at local level.
- Contribute to setting joint safety, crime and violence priorities and interventions with other tiers of government, departments, and municipalities.
- Participate in intergovernmental forums on a national, provincial and local level and ensure that issues relating to the implementation

of the White Paper on Safety and Security are discussed, consulted and put into action.

### **Evidence-based assessments & Monitoring and Evaluation**

- Conduct needs assessment at local level.
- Monitoring and Evaluation Framework:
  - Implement the Monitoring and Evaluation Framework at local level
  - Conduct a baseline
  - Ensure alignment of KPIs in IDP
- Conduct community safety audits on an annual basis.
- Report to municipal council on implementation and outcomes of the White Paper.

### **Programmes and interventions**

- Co-ordinate safety, crime and violence interventions within the municipal area.
- Ensure effective enforcement of by-laws on safety, crime and violence prevention.
- Implement programmes and interventions aligned to safety, crime and violence prevention outcomes.

### **Active public and community participation**

- Establish sustainable forums for co-ordinated, collaborative and on-going community participation.
- Facilitate public and private partnerships to support safety, crime and violence prevention programmes and interventions.

## **11. INSTITUTIONAL ARRANGEMENTS**

Institutional arrangements are required to operationalise the White Paper. Specifically, institutional mechanisms must be put in place which are representative of all implementing departments and spheres of government,

and which recognises the separate, yet inter-related roles and responsibilities of national, provincial and local government.

These arrangements should be informed by legislative prescripts.<sup>106</sup>

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

### **11.1 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), political authority and effective oversight of the White Paper is located within the Presidency.<sup>107</sup>

### **11.2 Implementation Mechanisms**

The implementation, monitoring and evaluation of the White Paper are indispensable to operationalise and institutionalise the White Paper.<sup>108</sup> A range of mechanisms is required to ensure that this occurs.

The Civilian Secretariat for Police will provide a coordinating role in support of implementation of the White Paper, and facilitate engagements with civil society and government on community safety

#### **11.2.1 National Government**

##### **- Line Function National Departments**

Relevant government departments will be responsible for development of institutional arrangements to facilitate roles and responsibilities discussed above.

## **Department of Planning, Monitoring and Evaluation (DPME)**

The DPME will establish a Directorate for Safety, Crime and Violence Prevention, with the following functions to:

- Develop a holistic Monitoring and Evaluation Framework which will include specific indicators and measures to track progress against system and thematic outcomes;
- Co-ordinate reporting of national, provincial and local government against the Monitoring and Evaluation Framework;
- Ensure integration of safety, crime and violence prevention outcomes within government's strategic framework:
  - Establish and capacitate a National Crime Prevention Centre; and
  - Facilitate the development of an integrated data and information management system and protocols for information sharing between different spheres of government.

The National Safety, Crime and Violence Prevention Centre will be replicated at provincial level.

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

- Provide expertise and support in development of the policies and strategies of and plans.
- Mobilise resources needed to sustain safety, security and crime and violence prevention activities.
- Facilitate shared learning and development of partnerships.
- Monitor implementation and conduct evaluations;
- Collate and analyse data;
- Provide a depository of knowledge and information.

The National Crime Prevention Centre will be composed of a full-time dedicated staff, and will be capacitated and resourced with strong research analytical capacity and systems to identify trends and best practices, analyse

effects of interventions on policy, evaluate projects, disseminate results, and provide training and technical assistance.

### **11.2.2 Provincial government**

A Directorate will be established in the Office of the Premier, which will be responsible for implementation of the White Paper of Safety and Security at provincial level.

### **11.2.3 Local government**

A Directorate will be established at district/municipal level responsible for implementation of the White Paper of Safety and Security at municipal level.

## **12. MONITORING AND EVALUATION**

Effective implementation must be informed by a knowledge-based approach. Evidence based assessments on what works are dependent on a robust system of monitoring and evaluation informed by integrated information and data management systems.

The White Paper will be supported by a Monitoring and Evaluation Framework.

The National Department of Monitoring and Evaluation will be responsible for oversight and monitoring of the implementation of the White Paper.

## **13. RESOURCING AND CAPACITY**

Resources for driving and implementating the White Paper will be allocated from line function department budgets.<sup>109</sup> Treasury at national and provincial spheres must ensure that such funding is ring-fenced and subject to compliance monitoring and auditing.

Funding for interventions and programmes must be allocated from respective sector departments as part of their normal budgeting processes. Relevant departments must incorporate safety and security, crime and violence prevention interventions and programmes into their strategic and annual plans. At local level, these should be captured in municipalities IDPs.

The facilitation of public and community participation must be provided for in these processes.

## **GLOSSARY/DEFINITIONS**

### **'Safety'**

The NDP 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**

Security as defined in the NSS 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'.

The definition for security has been extended to encompass not only physical, but 'human' security which includes social, economic and political aspects of security. This refers to: 'the protection vital freedoms, which relate to the freedom from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms – freedom from want, freedom from fear and freedom to take action on one's own behalf.'<sup>110</sup>

### **Crime and Violence**

Crime and violence are often used interchangeably, but are in fact somewhat different. Not all violence is crime – bullying, for example, by children, may constitute a form of non-physical violence, but may

not be a crime. Conversely, not all crime is necessarily physical or violent.

While crime and what constitutes a crime, is defined in the South African common and statutory law, 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>111</sup>

### **Crime Prevention and Violence Prevention**

The concept of 'prevention' derives from the notion that crime and victimisation are driven by many causal and/or underlying factors that are the result of a wide range of circumstances and factors that influence individuals, families local environments and the situations and opportunities that facilitate victimisation and perpetration of crime.<sup>112</sup>

Crime Prevention is defined by the UN Guidelines for the Prevention of Crime (2002): as '[comprising] 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.'

The WHO defines violence prevention to include: strategies addressing underlying causes, individual enrichment programmes during childhood, training for parents on child development, strategies within the community such as increasing the availability of childcare facilities and strategies addressing societal factors such as the availability of alcohol.<sup>113</sup>

## **Violence Against Women (VAW)**

VAW is defined by the United Nations (UN) as: 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'.<sup>114</sup>

## **Vulnerable Groups**

Vulnerable groups are those at greater risk of exposure to crime and violence due to structural, cultural, identity or status factors; and, lack of/or limited access to knowledge, resources, services or remedies.

There is no closed list of vulnerable groups.

A determination of vulnerability will vary from context to context, and community to community. It is influenced by fluctuating social, political and economic considerations. An analysis of vulnerability must take into consideration both, those at risk of being victims, and/ or perpetrators and recognise the intersectionality of conditions, which render some people more vulnerable than others, even, within an identified group.

The purpose of determining vulnerability is to inform the nature and focus of interventions required to reduce crime and violence. Persons with disabilities, the elderly, women and children, and members of the lesbian, gay, bisexual, trans-gender and intersex (LGBTI) community, foreign nationals, sex workers, the homeless and young men, are some of the groups that are particularly vulnerable to crime and violence, and discrimination.

The NDP makes explicit reference to, and underscores the need to address, the safety of both women and children in South Africa. Women in South Africa suffer some of the highest rates of violence in

the world; the UN in 2011 reported that a woman is killed every six hours by an intimate partner.<sup>115</sup>

Because of the nature of sexual and GBV, 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>116</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 therefore essential, that when examining and assessing safety at a community level, the voices of both women and children, are heard, and that policies and strategies are informed by these voices.

Children and adults with disabilities face a double burden and are at much higher risk of violence than their non-disabled peers. Research indicates that children with disabilities are two to five times more likely to be abused than their non-disabled peers; and studies show that their vulnerability to sexual assault is higher when living in institutions.<sup>117</sup> 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.<sup>118</sup>

Older persons are particularly vulnerable to a number of crimes, due to age, infirmity, personal, and socio economic circumstances, 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; and theft and extortion.

LGBTI people are particularly prone to discrimination, persecution and violence. Safety strategies need to acknowledge and address societal attitudes and recognise that different factors impact on LGBTI person's vulnerability based on individual context and circumstance. For many, violence begins at home, in schools, the workplace and in the streets.

Foreign nationals are a highly vulnerable group, and vigilante and xenophobic violence has been prevalent in South Africa for decades. The largest scale of xenophobic attacks took place in 2008 where 62 people were killed, 670 wounded and more than 100 000 people displaced.<sup>119</sup> Researchers conclude that much of this violence stems from economic and social challenges within South Africa.<sup>120</sup> Due to lacking local support structures and family protection, migrant and refugee women and children are disproportionately exposed to violence.<sup>121</sup> The UN Committee on the Elimination of Discrimination against women (42 Session) correspondingly recognises the vulnerability faced by such migrant and refugee women, stating that: 'migration is not a gender-neutral phenomenon', with women being more susceptible to human rights violations than men.<sup>122</sup>

The United Nations High Commission on Refugees (UNHCR) highlights key challenges and vulnerabilities facing refugees in South Africa: high incidents of crime in the informal settlements where most reside; high rates of domestic violence among refugee communities; unreported cases of sexual assault when entering the country via unofficial border points and restoring to survival sex.<sup>123</sup>

The Constitution of the Republic of South Africa and subordinate legislation, specifically the Promotion of Equality and Prevention of Unfair Discrimination Act (52 of 2002), prohibits unjust discrimination

and hate speech. Interventions that build a culture of tolerance and human rights and address discrimination are a responsibility of all state departments and are key to addressing discrimination experienced including marginalised groups such as the LGBTI community, sex workers and foreign nationals.

## **ANNEXURES**

A – Crime and Violence Prevention Approaches

B – Demographic Statistics on South Africa

C – Crime Trends and Analysis of Risk Groups and Factors in South Africa

D – Legislative and Policy Framework Impacting on the White Paper on Safety and Security

E – Legal Framework for the Role of National, Provincial and Local Government

## **RESEARCH DOCUMENTS**

### **DPME Landscape**

Department of Planning, Monitoring and Evaluation (DPME) Roles and Responsibilities

### **Provincial Government Landscape**

Provisional Government Roles and Responsibilities

### **Local Government Landscape**

Local Government Roles and Responsibilities

### **National Government Audits**

Department of Arts and Culture (DAC) Roles and Functions of National Government

Department of Basic Education (DBE) Roles and Functions of National Government

Department of Cooperative Governance and Traditional Affairs (COGTA) Roles and Functions of National Government

Department of Correctional Services Roles and Functions of National Government

Department of Economic Development Roles and Functions of National Government

Department of Home Affairs (DHA) Roles and Functions of National Government

Department of Human Settlement (DHS) Roles and Functions of National Government

Department of Health (DOH) Roles and Functions of National Government

Department of Justice and Constitutional Development (DJCOD) Roles and Functions of National Government

Department of Transport (DOT) Roles and Functions of National Government

Department of Public Works (DPW) Roles and Functions of National Government

Department of Rural Development and Land Reform (DRD) Roles and Functions of National Government

Department of Social Development (DSD) Roles and Functions of National Government

Department of Sports and Recreation (SRSA) Roles and Functions of National Government

Department of Trade and Industry (DTI) Roles and Functions of National Government

National Prosecuting Authority (NPA) Roles and Functions of National Government

South African Police Service (SAPS) Roles and Functions of National Government

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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> National Security Strategy, 2012.

<sup>3</sup> Constitution of the Republic of South Africa, [No. 108 of 1996], at Chapter 11.

<sup>4</sup> Constitution of the Republic of South Africa (No 108 of 1996) Available at: <http://www.acts.co.za/constitution-of-the-republic-of-south-africa-act-1996/> (Accessed: 28 September 2015).

<sup>5</sup> National Planning Commission 'National Development Plan 2030: Our Future – Make it Work' (2012) Pretoria: National Planning Commission 386 Available at: <http://www.poa.gov.za/news/Documents/NPC%20National%20Development%20Plan%20Vision%202030%20lo-res.pdf> (Accessed: 28 September 2015).

<sup>6</sup> Constitution of the Republic of South Africa (No 108 of 1996) sections 9 and 10 Available at: <http://www.acts.co.za/constitution-of-the-republic-of-south-africa-act-1996/> (Accessed: 28 September 2015).

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<sup>10</sup> Ann Masten, Karin Best and Norman Garnezy 'Resilience and development: Contributions from the study of children who overcome adversity' (1990) *Development and Psychopathology* 2(4) 425 Available at: <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=2490828&fileId=S0954579400005812> (Accessed: 28 September 2015).

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<sup>13</sup> UNDOC 'Handbook on the crime prevention guidelines: Making them work' (2010) *International Centre for the Prevention of Crime* 47 citing United Nations Guidelines for the Prevention of Crime, Para 11 (Economic and Social Council Resolution 2002/13, Annex ) Available at: [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_Crime\\_Prevention\\_Guidelines\\_-\\_Making\\_them\\_work.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_Crime_Prevention_Guidelines_-_Making_them_work.pdf) (Accessed: 28 September 2015).

<sup>14</sup> The Importance of knowledge based methods is articulated in the 'United nations Guidelines for the Prevention of Crime' see B.Methods Knowledge base Para 21 pg7. Available at [https://www.unodc.org/pdf/criminal\\_justice/UN\\_standards\\_and\\_norms\\_in\\_crime\\_prevention\\_at\\_your\\_fingertips.pdf](https://www.unodc.org/pdf/criminal_justice/UN_standards_and_norms_in_crime_prevention_at_your_fingertips.pdf) (Accessed 26 October 2015)

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<sup>16</sup> National Planning Commission 'National Development Plan 2030: Our Future – Make it Work' (2012) Pretoria: National Planning Commission 386 Available at: <http://www.poa.gov.za/news/Documents/NPC%20National%20Development%20Plan%20Vision%202030%20lo-res.pdf> (Accessed: 28 September 2015).

<sup>17</sup> 'United Nations Guidelines for the Prevention of Crime' affirm the importance of cooperation and partnerships '9. Cooperation/partnerships should be an integral part of effective crime prevention, given the wideranging nature of the causes of crime and the skills and responsibilities required to address them. This includes partnerships working across ministries and between authorities, community organizations, non-governmental organisations, the business sector and private citizens." See also para 16 on importance of active participation of communities and civil society [https://www.unodc.org/pdf/criminal\\_justice/UN\\_standards\\_and\\_norms\\_in\\_crime\\_prevention\\_at\\_your\\_fingertips.pdf](https://www.unodc.org/pdf/criminal_justice/UN_standards_and_norms_in_crime_prevention_at_your_fingertips.pdf) (Accessed 26 October 2015)

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- <sup>107</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*

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# **ANNEXURE A**

## **Crime and Violence Prevention Approaches**

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 (WHO), is required.<sup>1</sup> A life-course approach takes into account the full context of, and cumulative impact of this context on, a person's life, including individual, community, and 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 crime and violence ('risk factors').

Research has also indicated the distinct sequences of experiences/ pathways to the perpetration of violence and victimisation.<sup>2</sup> These pathways are complex and nonlinear involving risk and protective factors at the individual, family, community and societal level.<sup>3</sup>

### **What works in crime and violence**

There is adequate evidence of what works in violence and crime prevention. These interventions must be informed by needs analyses, audits of service delivery, and be subject to on going monitoring and evaluation to determine effectiveness and impact. The availability of data is critical for planning and evaluating, strategies and interventions.

The White Paper recognises the importance of a knowledge based approach. The White Paper proposes the establishment of a National Crime Prevention Centre to provide technical and research support and the establishment of an integrated data system. In addition the White Paper is supported by a monitoring and evaluation framework.

The ability to effectively plan, monitor implementation and assess delivery is predicated on reliable data.

Examples where urban safety and security were enhanced within the South African context include the Warwick Junction Urban Renewal Project in Durban<sup>4</sup> and the Violence Prevention through Urban Upgrading Project (VPUU) in Khayelitsha.<sup>5</sup> The Warwick Junction Project began in 1997 as an effort to improve the quality of life and safety in the area around the transport hub of Durban; and there have been reported clear impacts with a reduction in incidents and violent deaths and major health and economic gains.<sup>6</sup> The main aim of VPUU in Khayelitsha was to reduce crime and increase safety levels as well as upgrade neighbourhoods, improve social standards and introduce sustainable community projects.<sup>7</sup> The six key principles included: surveillance and visibility, territoriality, defined access and movement, image and aesthetics, physical barriers and maintenance and management.<sup>8</sup> An additional example of a successful community programme is the Intervention with Microfinance for AIDS and Gender Equity (IMAGE) in Limpopo.<sup>9</sup> This programme targets women in rural villages and combines financial services with training and skills-building sessions and the wider community.<sup>10</sup>

The following table highlights some of the interventions which were noted to be 'working' and 'promising' in four arenas, namely: the home – with families; schools; in the community – which involved public and places of work; and in within/by the criminal justice system – which includes the police as well as with institutions and individuals working within the criminal justice system.<sup>11</sup>

**Table 1: What works in preventing crime and violence**

<b>Initiatives</b>	<b>How they work</b>
<b>At Home</b>	
Home visitation programmes for 0-2 year olds by nurses or trained professionals	Reduce child abuse
Preschool and weekly home visits by teachers to children under 5	Reduce arrests up to age 19
Family therapy and parent training about delinquent and at-risk preadolescents	Reduce risk factors for delinquency such as aggression and hyperactivity
<b>At School</b>	
Building school capacity to initiate and sustain innovation through the use of school teams or other organisational development strategies	Reduces crime and delinquency
Clarifying and communicating norms about behaviour through rules, reinforcement of positive behaviour, and school-wide initiatives (such as anti-bullying campaigns)	Reduces crime and substance abuse

Skill training such as stress management, problem solving, self-control, and emotional intelligence	Reduce delinquency, and substance abuse or conduct problems
<b>In the Community</b>	
Ex-offender job training	Reduces repeat offending
Threatening civil action against landlords for not addressing drug problems on the premises	Reduces drug dealing and crime in privately owned rental housing
Gang offender monitoring by community workers and probation and police officers	Reduce gang violence.
Community-based mentoring	Reduces drug abuse
Community-based afterschool recreation programs	Reduce juvenile crime in the areas immediately around the recreation centre
Prison-based vocational education programs for adult inmates	Reduce post-release repeat offending
Street closures, barricades, and rerouting	Reduces several types of crime, including and violent crime
Tighter control over firearms	Reduces violence
<b>By the Criminal Justice</b>	
Extra police patrols in high crime hot spots	Reduces crime in those places
Rehabilitation programs for adult and juvenile offenders using treatments appropriate to their risk factors	Reduces their repeat offending rates
Drug treatment in prison in therapeutic community programs	Reduces repeat offending after release from prison
Policing with greater respect to offenders	Reduces repeat offending and increases respect for the law and police
Intensive supervision and aftercare of minor juvenile offenders	Reduces future offending relative to status offenders who did not receive enhanced surveillance compared to putting offenders on probation
Fines for criminal acts in combination with other penalties	Produce lower rates of repeat offending <sup>12</sup>

<sup>1</sup> See for example, Farrington and Welsh (both individually and collectively, 2002, 2005, 2008, & 2013); Krug (2002), Ward (2012), Sherman (1998)

<sup>2</sup> SAVI 'Preliminary Comments on the Draft White Paper in Safety and Security' (March 2015) 2.

<sup>3</sup> SAVI 'Preliminary Comments on the Draft White Paper in Safety and Security' (March 2015) 1.

<sup>4</sup> D Hemson 'CBD Durban with special emphasis on Warwick Junction' (2003) *Human Science Research Council* Available at:

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<sup>5</sup> VPUU 'South Africa: Violence Prevention through Urban Upgrading in Khayelitsha' (2002) *VPUU* Available at: [http://vpuu.org.za/files/pages/Prefeasibility\\_Study.pdf](http://vpuu.org.za/files/pages/Prefeasibility_Study.pdf) (Accessed: 9 September 2015).

<sup>6</sup> UNODC 'Handbook on the crime prevention guidelines: Making them work' (2010) 98-99 Available at: [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_Crime\\_Prevention\\_Guidelines\\_-\\_Making\\_them\\_work.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_Crime_Prevention_Guidelines_-_Making_them_work.pdf) (Accessed: 16 September 2015).

<sup>7</sup> Metropolitan Police of the City of Cape Town 'Violence Prevention Through Urban Upgrading Project' (2014) Available at: <https://www.capetown.gov.za/en/MetroPolice2/Pages/Violence-prevention.aspx> (Accessed: 15 September 2015).

<sup>8</sup> Metropolitan Police of the City of Cape Town 'Violence Prevention Through Urban Upgrading Project' (2014) Available at: <https://www.capetown.gov.za/en/MetroPolice2/Pages/Violence-prevention.aspx> (Accessed: 15 September 2015).

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<sup>10</sup> ICPC 'Study on Intimate Partner Violence Against Women' (2014) *Government of Norway* 29 Available at: [http://www.crime-prevention-intl.org/uploads/media/Final\\_-\\_research\\_study\\_on\\_IPV\\_07.pdf](http://www.crime-prevention-intl.org/uploads/media/Final_-_research_study_on_IPV_07.pdf) (Accessed: 16 September 2015).

<sup>11</sup> Lawrence W. Sherman, Denise C. Gottfredson, Doris L. MacKenzie, John Eck, Peter Reuter, and Shawn D. Bushway 'Preventing Crime: What Works, What Doesn't, What's Promising' (1998) *Department of Criminology and Criminal Justice University of Maryland* Available at: <https://www.ncjrs.gov/works/> (Accessed: 15 September 2015).

<sup>12</sup> A full list of programmes evaluated and references can be found in: Lawrence W. Sherman, Denise C. Gottfredson, Doris L. MacKenzie, John Eck, Peter Reuter, and Shawn D. Bushway 'Preventing Crime: What Works, What Doesn't, What's Promising' (1998) *U.S. Department of Justice Office of Justice Programs National Institute of Justice* Available at: <https://www.ncjrs.gov/pdffiles/171676.PDF> (Accessed: 29 September 2015).

# ANNEXURE B – Demographic Statistics of South Africa<sup>1</sup>

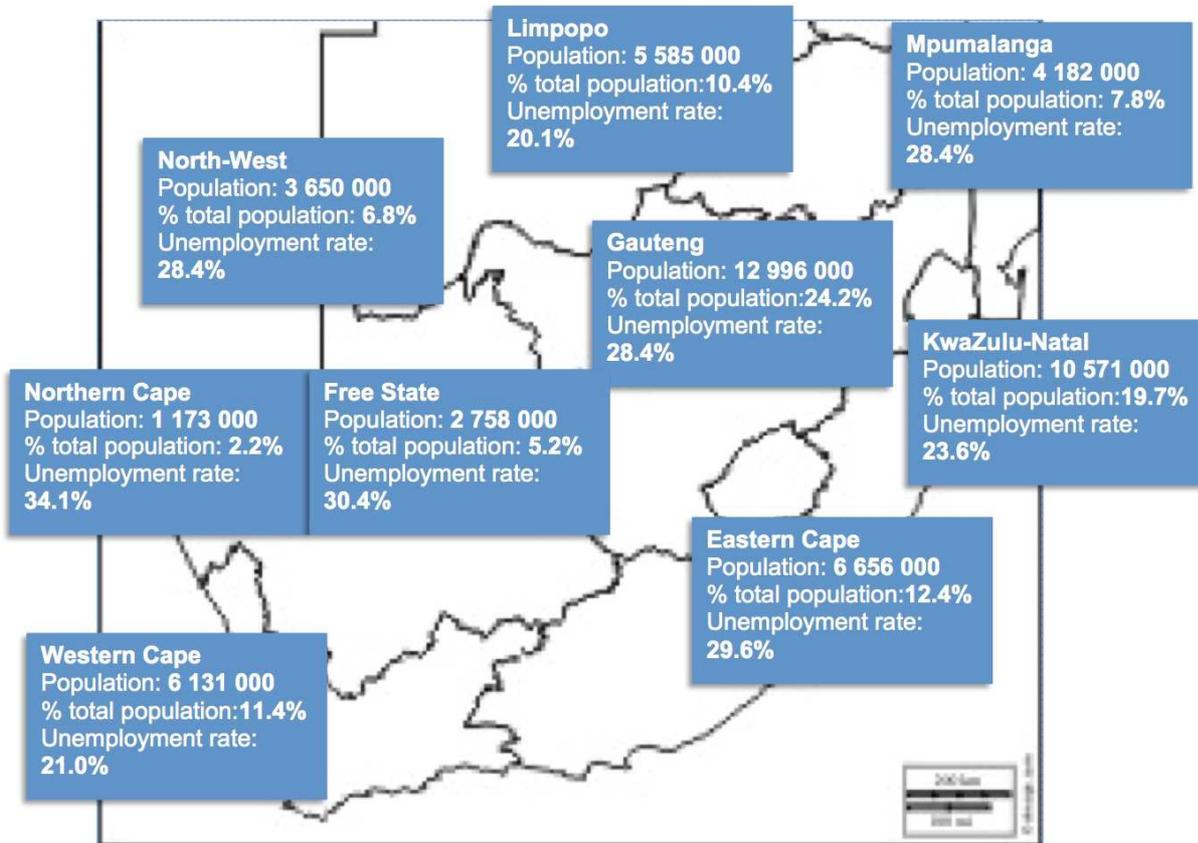
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<sup>1</sup> Information requested from line function departments had not been received by all departments at time of tabling this review. Further, information required to complete a full problem analysis was either not available/ or in public domain or not sufficiently disaggregated to facilitate a complete profile.

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# 1. MACRO STRUCTURAL AND SOCIAL- ECONOMIC INDICATORS



**Figure 1: Population map of socio-economic indicators**

Source: Statistics SA 'General Household Survey' (2014) and 'Quarterly Labour Forcer Survey Quarter 1' (2015).

## 1.1 Population demographics

This section will outline the basic demographic characteristics of the South African population by province, age, gender and racial distribution.

### 1.1.1 Population demographics by province

The most populated provinces are those that feature large urban centres, specifically Gauteng.

*Table 1: Population size by province*

	<b>Population estimate</b>	<b>% of total population</b>
<b>Eastern Cape</b>	6 916 200	12,6
<b>Free State</b>	2 817 900	5,1
<b>Gauteng</b>	13 200 300	24,0
<b>KwaZulu-Natal</b>	10 919 100	19,9
<b>Limpopo</b>	5 726 800	10,4
<b>Mpumalanga</b>	4 283 900	7,8
<b>Northern Cape</b>	1 185 600	2,2
<b>North West</b>	3 707 000	6,7
<b>Western Cape</b>	6 200 100	11,3
<b>Total</b>	<b>54 956 900</b>	<b>100,0</b>

*Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2.*

These statistics on population size by province are used throughout the annexure, it should be noted that they are from 2015 and are compared to older statistics.

### 1.1.2 Geographical – urban rural spread

Presented below is the distribution of urban versus rural settlement in the provinces. While the statistics on urban/rural distribution are dated, there core patterns have undoubtedly stayed the same, with provinces such as Gauteng and the Western Cape continuing to feature significant urban populations while provinces such as the Eastern Cape, Limpopo and Mpumalanga featuring large rural populations.

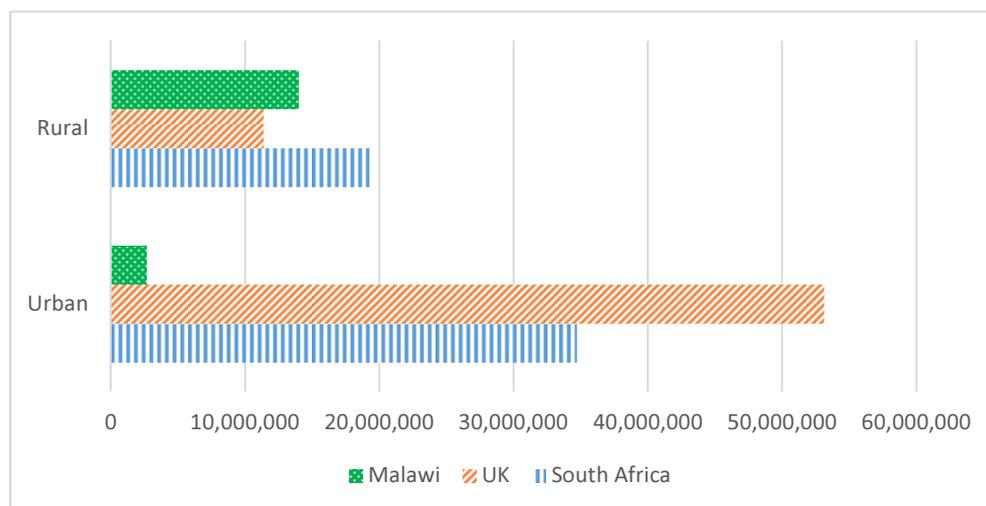
**Table 2: Urban versus rural settlement**

Provinces										
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% Urban population	38.8	75.8	97.2	46.0	13.3	41.3	41.8	82.7	90.4	<b>57.5</b>
% Rural population	61.2	24.8	2.8	54.0	86.7	58.7	58.2	17.3	9.6	<b>42.5</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2. 'Census' (2001).

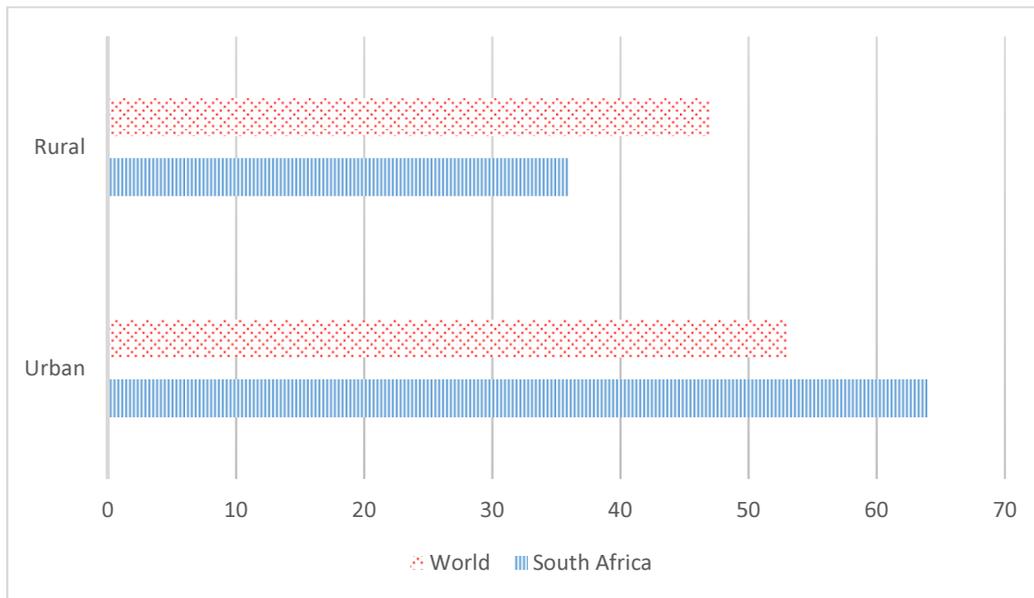
The below figures show the urban rural spread in comparison to global figures, indicating that South Africa lies in the middle ground between more developed countries (such as the UK) where there is a larger urban population and less developed countries (such as Malawi) where there is a larger rural population. However, on a global level South Africa has a higher proportion of its population living in urban areas than rural.

**Figure 2: Urban versus rural settlement in comparison to UK and Malawi**



Source: World DataBank 'World Development Indicators' (2014).

**Figure 3: Urban versus rural settlement South Africa compared to global statistics**

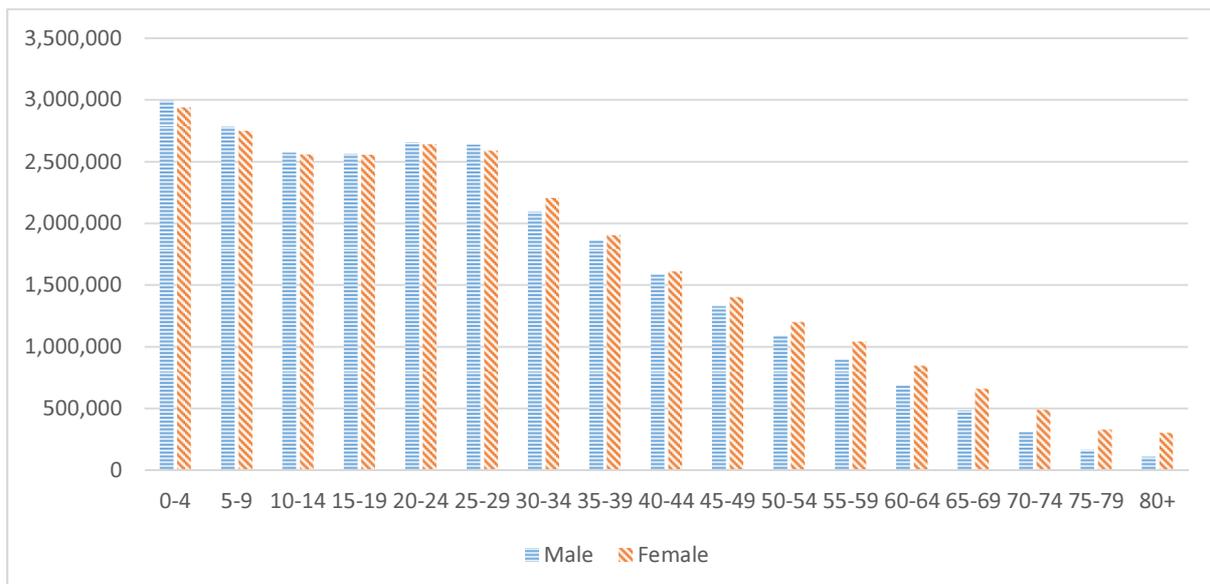


Source: World DataBank 'World Development Indicators' (2014).

### 1.1.3 Population by Age and Gender

As seen in the below graph, South Africa's population is largely young, with the largest population group by age being 0 to 4 year olds. The population remains large until the age of 30 years, when it starts to decline more dramatically.

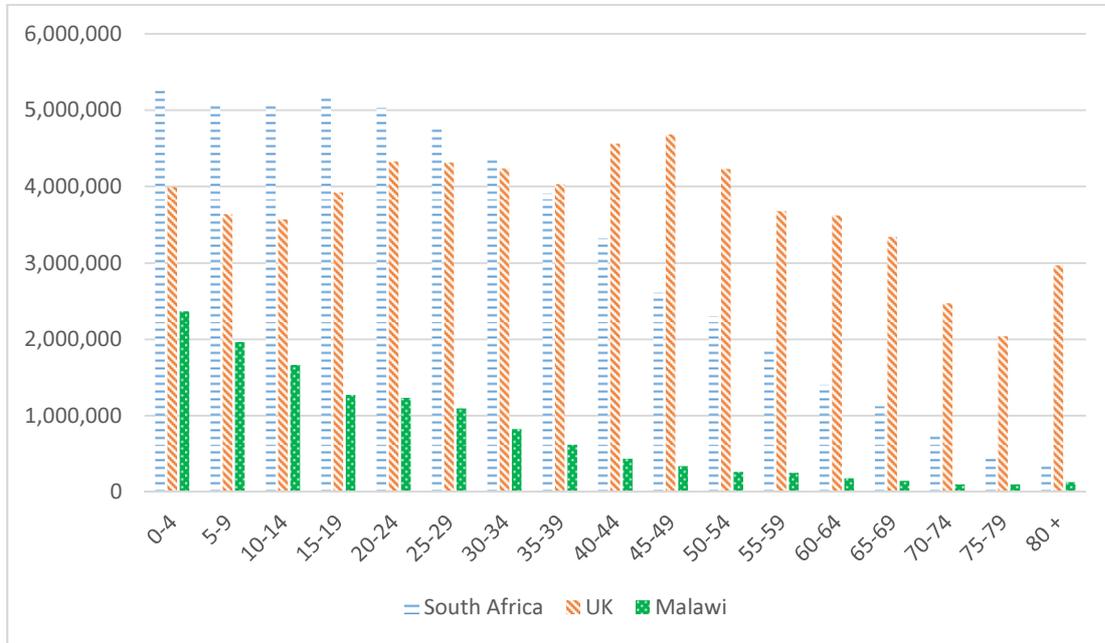
**Figure 4: Population size by age and gender**



Source: Statistics SA 'Mid-year Population Estimates' (2015) Table 15 p 16.

In comparison to other developed countries (such as the UK), South Africa has a fairly young population, however in comparison to other developing countries (such as Malawi) the age trends are relatively similar as indicated in the below figure.

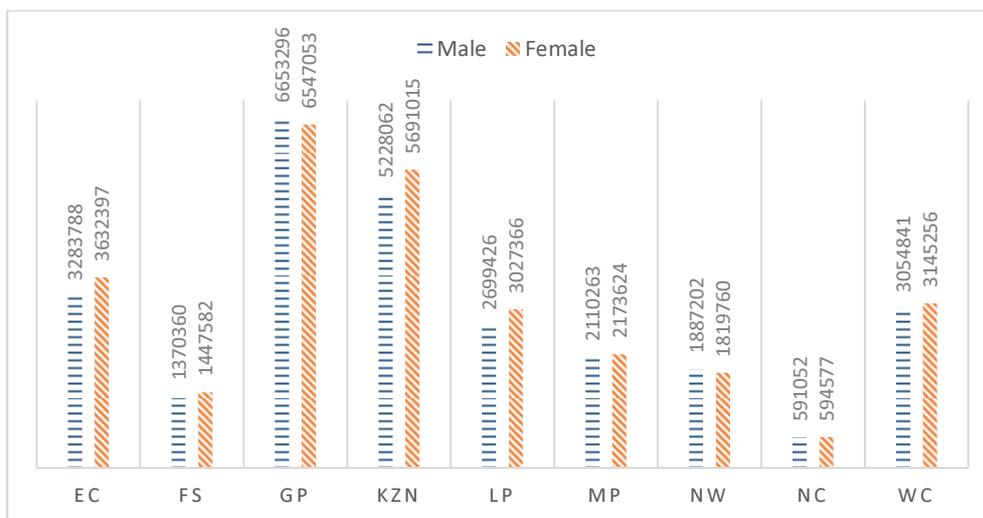
**Figure 5: Population by age in comparison to UK and Malawi**



Source: UNStats 'Population by age, sex and urban/rural residence: 2004-2013' (2014).

For purposes of this section, 'women' includes girl child (age 0-18), women and any individual who identifies herself as 'female'. Women comprise just over half of South Africa's population. The number of women per province and the population size by age and gender are provided in the table below.

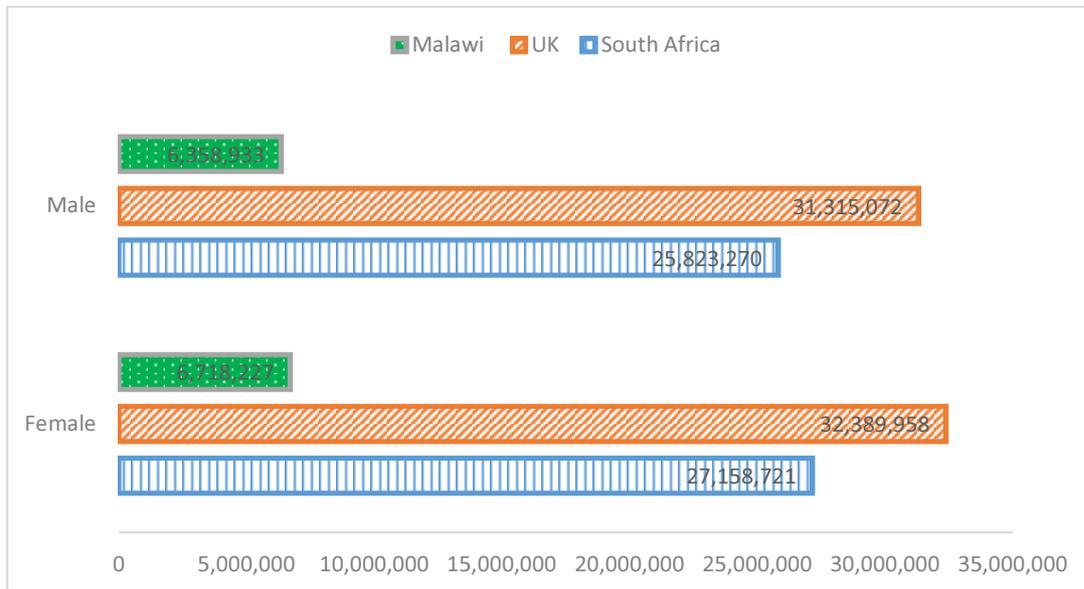
**Figure 6: Gender distribution by province**



Source: Statistics SA 'Mid-year Population Estimates' (2015) Table 15 p 15-16.

South Africa has a similar ratio of female to male population (with more women than men) as other countries, both developing and developed, as demonstrated in the below comparison with the UK and Malawi.

**Figure 7: Gender comparison to UK and Malawi**

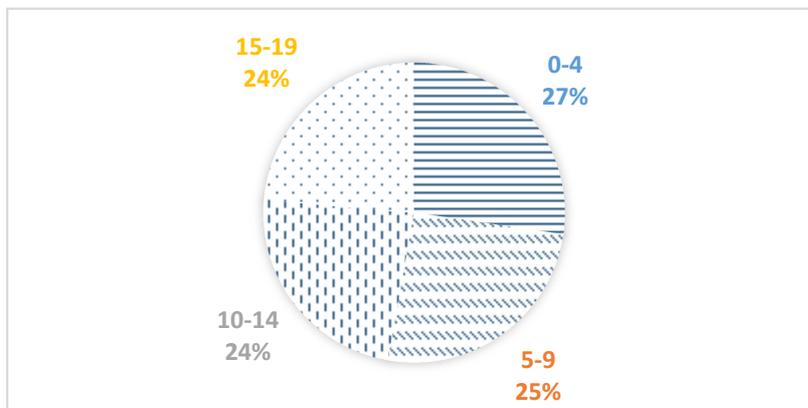


Source: UNStats 'Population by age, sex and urban/rural residence: 2004-2013' (2014).

### 1.1.3 Children

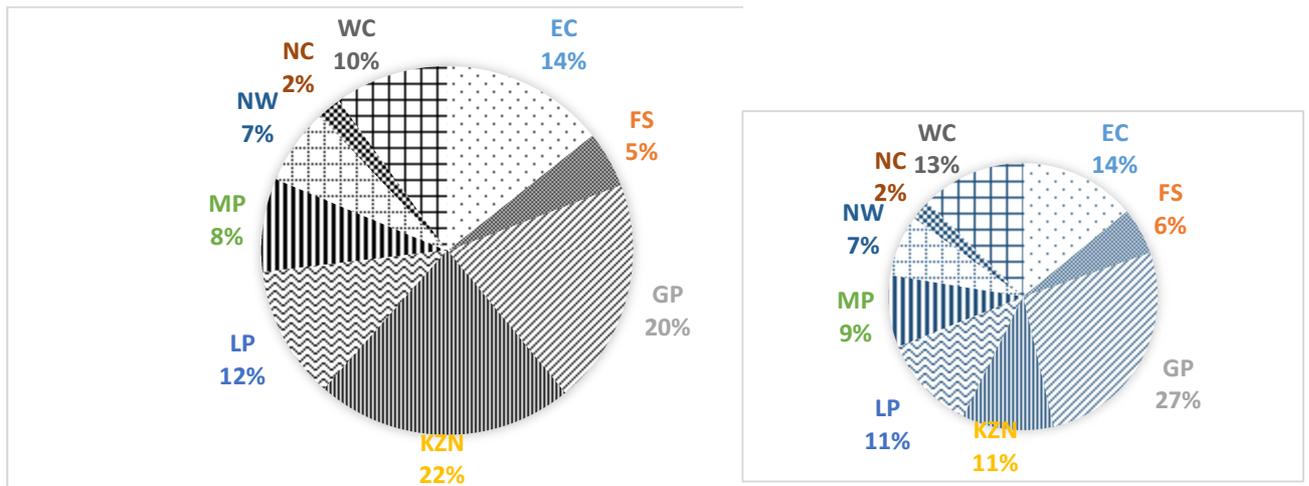
Here, children are defined as individuals between the ages of 0 and 18 years old. Children make a sizable proportion of South Africa's population. The size of the population is outlined in detail below.

**Figure 8: Child population size by age group**



Source: Statistics SA 'Mid-year Population Estimates' (2015) Table 15 p 15-16.

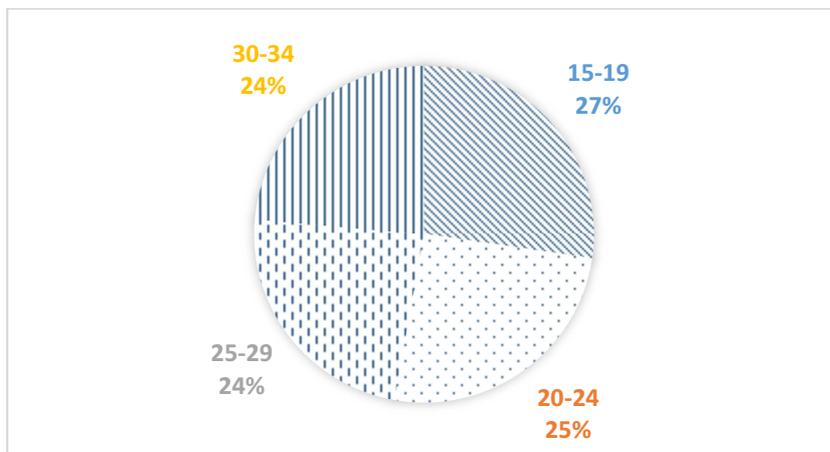
**Figure 9: Child population by province and population by province**



Source: Statistics SA 'Mid-year Population Estimates' (2015) Table 15 p 15-16.

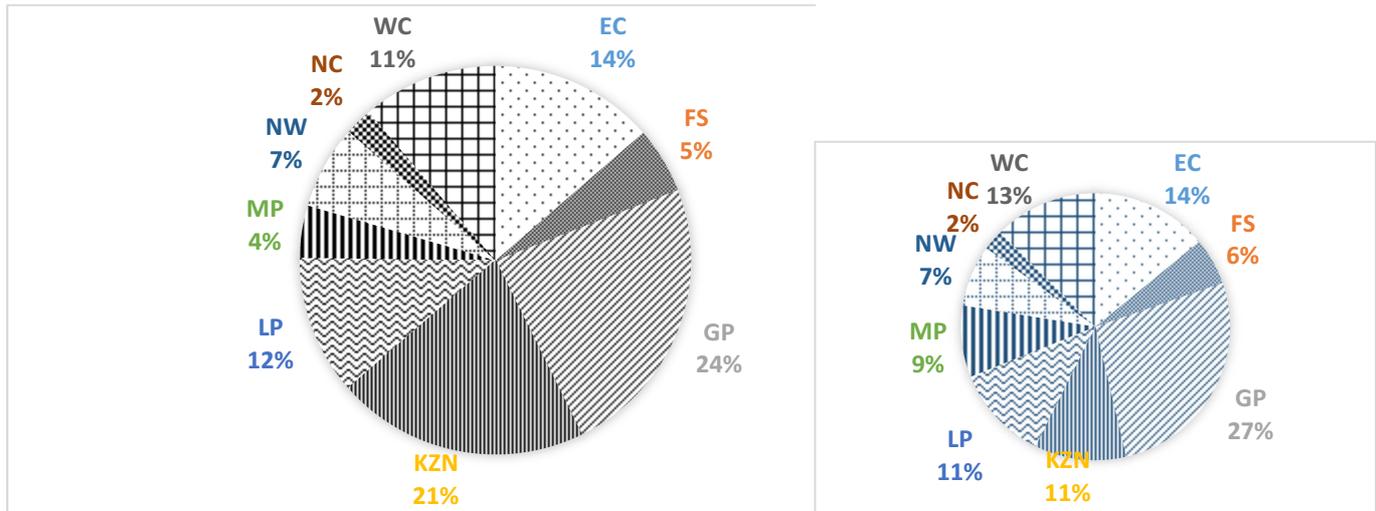
The defined age range of 'youth' differs from department to department. The National Youth Policy refers to young people as between the ages of 14 and 35, which this analysis follows. Youth form a large proportion of South Africa's population, exceeded only by children.

**Figure 10: Youth population by size and age group**



Source: Statistics SA 'Mid-year Population Estimates' (2015) Table 15 p 15-16.

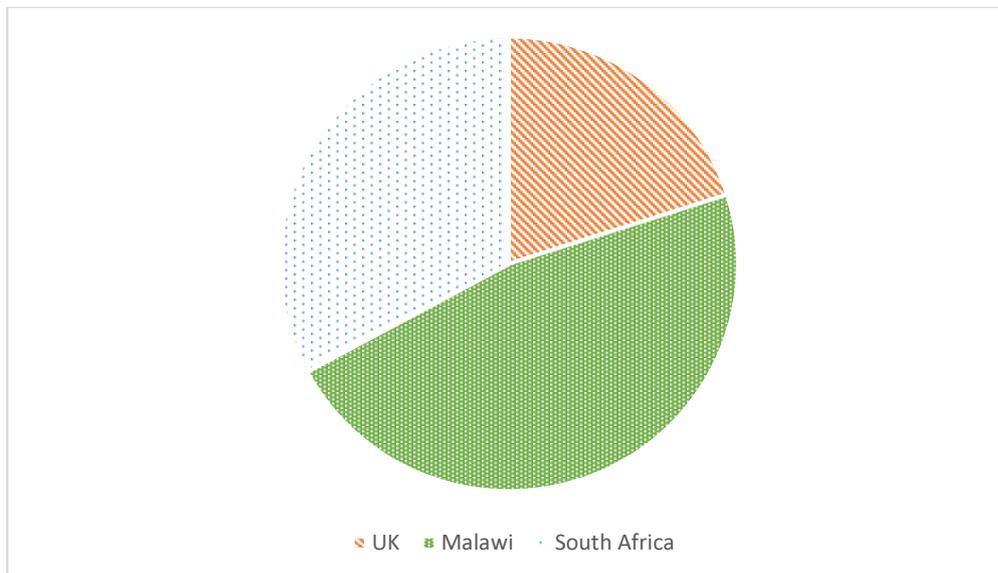
**Figure 11: Youth population by province and population by province**



Source: Statistics SA 'Mid-year Population Estimates' (2015) Table 15 p 15-16.

The proportion of children in South Africa is compared to the UK and Malawi below, showing that proportionately South Africa is in the middle.

**Figure 12: International comparison of proportion of children**

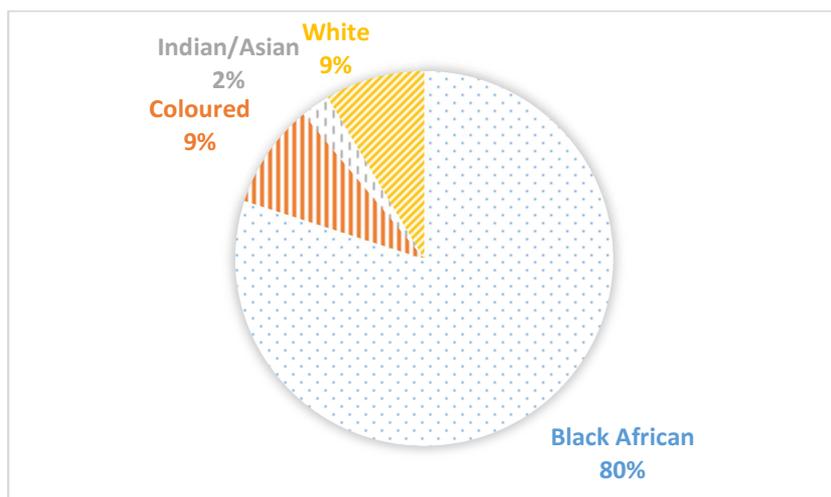


Source: UNStats 'Population by age, sex and urban/rural residence: 2004-2013' (2014).

### 1.1.4 Population by race

The majority of the South African population identifies as Black African (80 per cent). 'Coloured' and White population groups represent about 10 per cent of the population each, being equally sized and tied for the second largest population group. The Indian/Asian is the smallest population group.

**Figure 13: Population distribution by race**



Source: Statistics SA 'General Household Survey' (2014) p 72.

## 1.2 Economic and employment indicators

### 1.2.1 Unemployment

Unemployment has remained stable over the last four years, currently (2015) at 24.3 per cent. The unemployment rate decreases consistently with the age of the population.

**Table 3: Unemployment rate by province from 2011 to 2014**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
Unemployment 1 <sup>st</sup> quarter 2015	29.6	30.4	28.4	23.6	20.1	28.4	28.4	34.1	21.0	<b>24.3</b>

QLFS 2015										
Unemployment 1 <sup>st</sup> quarter 2014 QLFS 2015	29.4	34.7	25.8	20.7	18.4	30.4	27.7	29.0	20.9	<b>24.1</b>
Unemployment 4 <sup>th</sup> quarter 2012 QLFS 2013	29.8	33.2	23.7	22.5	19.6	29.4	23.3	28.4	23.9	<b>24.9</b>
Unemployment 4 <sup>th</sup> quarter 2011 QLFS 2013	27.1	29.4	25.1	19.3	20.2	27.7	24.6	26.7	21.6	<b>23.9</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Quarterly Labour Force Survey Quarter 1' (2015) and 'Quarterly Labour Force Survey' (2013).

## 1.2.2 Employment

The labour force economic participation rate is highest in the age group of 30-34 years (78.1 per cent). While overall most South African households receive incomes from salaries, in some provinces a greater proportion of households gain income from social grants (the Eastern Cape and Limpopo).

**Table 4: Main sources of household income**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% Households that received income from salaries	53.3	60.3	74.8	60.6	50.8	63.5	61.6	66.4	78.9	<b>65.4</b>
% Households that received income from grants	56.6	52.7	25.3	49.6	56.1	49.6	45.4	51.8	35.3	<b>42.3</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'General Household Survey' (2014).

### 1.2.3 Children

A large proportion of South African children live in poor economic conditions, with 64.5 per cent of all children living in low-income households. In almost one third of households where children lived there was no employed adult and inadequate access to food.

**Table 5: Economic indicators affecting the well-being of children**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% of children living in low-income households	77.8	62.4	43.3	73.5	78.2	65.9	67.1	61.8	43.2	<b>64.5</b>
% of children living in a household without an employed adult	49.6	31.4	13.8	40.6	45.4	28.8	35.5	33.8	10.0	<b>32.4</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Social Profile of Vulnerable Groups' (2012).

## 1.3 Education

### 1.3.1 Education expenditure per province

**Table 6: Spending on education by the individual provincial governments for the 2012/2013 fiscal year**

	Provinces								
	EC	FS	GP	KZN	LP	MP	NW	NC	WC
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3
2012/2013 spending (million R)	27 101	10 698	29 140	36 476	22 303	14 619	10 995	4 347	14 543

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Financial statistics of provincial government 2012/2013' (2014) Figure 6 p 14.

### 1.3.2 Adult literacy and education

The latest figures on overall literacy rates in 2014 were high with 93.4 per cent of adults reported as literate. However, only 28.9 per cent of the population in 2011 had completed matric, 11.8 per cent have accessed tertiary education and 5.2 per cent have not had access to any formal education.

**Table 7: Education levels of population over the age of 20 years**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% achieved matric <i>Census 2011</i>	20.0	27.1	34.8	31.2	22.7	29.5	23.0	25.4	28.6	<b>28.9</b>
% population with tertiary education <i>Census 2011</i>	8.5	9.5	17.7	9.1	9.2	9.2	7.5	7.2	14.1	<b>11.8</b>
% population 20 years or older with no formal education <i>GHS 2014</i>	5.5	4.2	2.0	7.1	10.1	9.3	7.4	6.8	2.1	<b>5.2</b>
Adult literacy rates for persons aged 20 years or older <i>GHS 2014</i>	90.3	93.4	97.8	92.0	88.8	89.2	89.5	89.0	97.6	<b>93.4</b>

*Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Census' (2011) and 'General Household Survey' (2014).*

Across the board, women experience higher rates of unemployment than men regardless of race and level of education. In addition, the figures further demonstrate that Black African women experience the highest rates of unemployment, irrespective of their levels of education, ranging from 16.1 per cent for women who have tertiary degrees up to 32.0 per

cent for women who have earned qualifications lower than matric. The gender gap in unemployment is largest amongst Black Africans and Indians/Asians with tertiary education.

**Table 8: Unemployment rate by race and education**

	Race	% completed tertiary	% completed matric	% less than matric
Female	Black African	16.1	33.2	32.0
	Coloured	7.8	18.3	32.6
	Indian/Asian	10.3	15.9	27.4
	White	2.5	10.8	20.5
Male	Black African	11.0	26.5	27.5
	Coloured	7.5	17.8	26.4
	Indian/Asian	1.9	13.3	12.5
	White	2.2	7.0	19.4

Source: Statistics SA 'Quarterly Labour Force Survey' (2014).

### 1.3.3 School attendance

The majority of South African children access education, particularly between the ages of 7 and 13 years. A slightly smaller percentage access education between the ages of 14-17 years.

**Table 9: School attendance**

	Provinces									RSA
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% participation of children 7-13 years in educational institutions	99.0	99.5	99.0	99.1	99.5	99.4	98.9	99.4	99.4	<b>99.2</b>
% participation of children 14-17 years in educational institutions	92.6	95.3	95.6	94.8	98.2	92.4	93.6	91.0	90.8	<b>94.3</b>

Sources: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Social Profile of Vulnerable Groups' (2012).

### 1.3.4 Access to schools

While just over one-tenth of children live more than 30 minutes away from school in primary school, the number increases to one-fifth in high school.

**Table 10: Distance to school**

Provinces										
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% children living more than 30 minutes away from school – 7-13 years	13.2	9.5	11.4	21.8	11.7	12.3	15.4	10.6	7.3	<b>13.9</b>
% children living more than 30 minutes away from school – 14-17 years	19.8	15.3	13.6	29.8	22.0	20.8	23.0	14.4	10.5	<b>20.4</b>

Sources: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Social Profile of Vulnerable Groups' (2012).

### 1.3.5 Violence in schools

There is more information and analysis on violence and crime in school in the main White Paper, however a broad overview outlines the general figures on those who experience violence in schools.

**Table 11: Per cent of learners who experienced exposure to violence in schools**

Provinces										
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% who have experienced some abuse or violence at school <i>SPVG 2012</i>	30.0	19.0	6.0	22.3	15.6	13.5	16.4	12.9	10.2	<b>17.0</b>
% who experienced corporal	21.0	11.6	3.3	21.1	12.0	5.8	10.5	11.9	2.8	<b>12.4</b>

punishment at school <i>GHS 2014</i>										
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Sources: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Social Profile of Vulnerable Groups' (2012) and 'General Household Survey' (2014).

### 1.3.6 School feeding programmes

A significant proportion of South African children benefit from school feeding programmes, and this figure has gone up from 74.5 per cent in 2013 to 75.6 per cent in 2014.

**Table 12: Per cent of learners benefiting from school nutrition programmes**

Provinces										
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% learners benefiting from school nutrition programme (public schools)	80.5	78.2	51.5	77.3	94.0	86.4	84.2	83.3	50.1	<b>75.6</b>

Sources: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'General Household Survey' (2014).

### 1.3.7 Reasons for not attending school

Of those children not attending primary or high school, the greatest proportion did not attend because they had no money for fees. Pregnancy, not deeming an education to be useful and disability were other factors that affected the decision not to attend, as recorded in below statistics. 17 per cent of learners experienced some form of violence at school, while 13.5 per cent faced corporeal punishment.

**Table 13: Factors affecting decision not to attend school of children aged 7 – 17**

Provinces										
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% children not attending because	20.5	13.5	3.8	3.7	7.4	0.0	7.8	2.8	36.7	<b>12.7</b>

education not deemed useful										
% children not attending because no money for fees	21.1	27.9	23.7	18.3	25.3	3.0	16.9	6.7	13.8	<b>18.8</b>
% children not attending because of pregnancy	4.2	4.9	5.5	4.0	13.2	3.6	5.6	5.3	0.6	<b>4.9</b>
% children not because of disability	11.2	10.8	7.3	6.0	8.4	30.8	10.0	1.9	6.1	<b>9.1</b>

Sources: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Social Profile of Vulnerable Groups' (2012).

### 1.3.8 Early Childhood Development

While the proportion of children attending Early Childhood Development (ECD) facilities remains low, numbers have increased since 2002, and there is no substantial racial differences in access to educational institutions by African and White children, although levels of enrolment among Coloured and Indian children remain below the national average.<sup>1</sup> Expenditure allocations for ECD also increased in 2011/2012 and 2012/2013.<sup>2</sup>

**Table 14: Access to ECD**

Provinces										
	EC	FS	GP	ZKN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% of children 0-4	37.8	46.7	45.7	27.9	37.3	28.8	32.9	25.6	39.6	<b>36.6</b>

Source: : Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Social Profile of Vulnerable Groups' (2012).

## 1.5 Health

### 1.5.1 Healthcare expenditure per province

The majority of South Africa's population makes use of state provided health care, with only 18.1 per cent of the population adopting private medical coverage.

**Table 15: State health care expenditure and medical aid coverage**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% of population 2015	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	100
Provincial spending on health for 2013/2014 fiscal year (R million)	16 440	7 573	26 632	28 709	12 821	7 787	8 082	3 349	15 700	
% population who are members of medical aid schemes GHS 2014	10.5	17.9	28.2	12.8	8.6	14.9	14.8	19.8	26.3	<b>18.1</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Financial statistics of provincial governments 2013/2014' (2015) Figure 7 p 14 and 'General Household Survey' (2014) Table 7 p 29.

### 1.5.2 Mortality rates

Non-natural causes of death comprise all deaths that were not attributable, or may not have been attributable to natural causes.<sup>3</sup>

Although women generally have a longer life expectancy than men, non-natural deaths account for almost 20 per cent of all deaths of girls between the ages of 1-14 years, and almost 13 per cent of all deaths of girls between the ages of 15-19 years. Non-natural causes account for 42.2 per cent of mortality in this age range.<sup>4</sup>

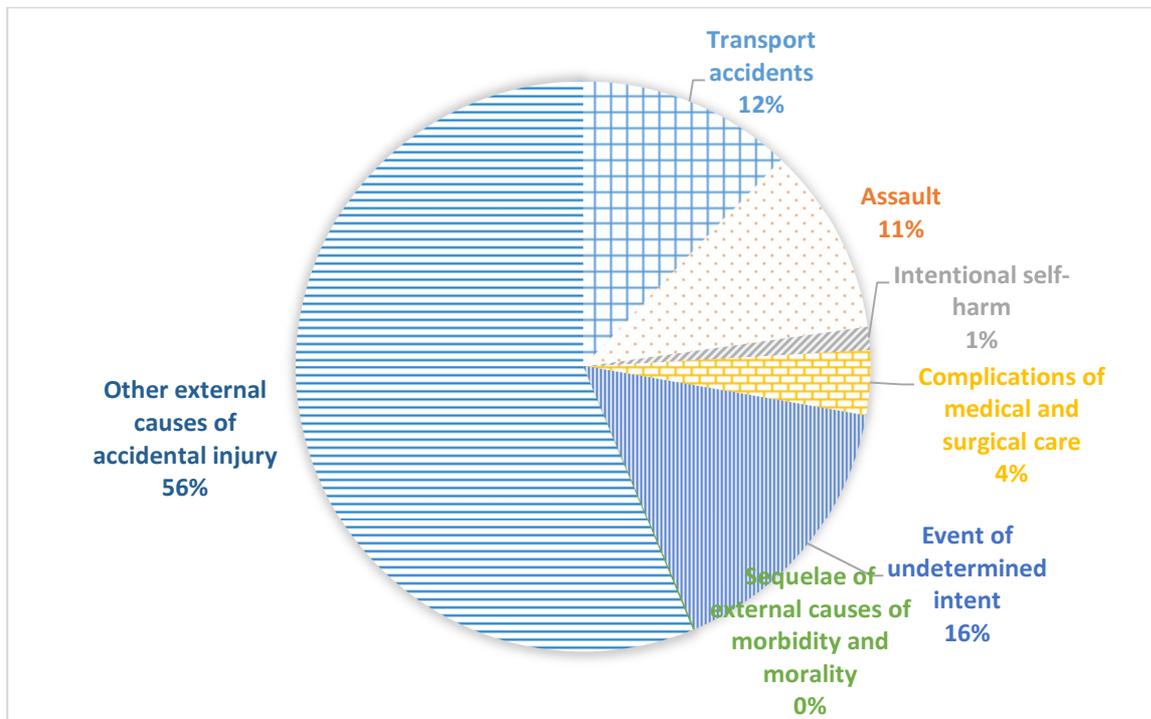
**Table 16: Underlying non-natural causes of death of women compared to men**

	0 yrs	1-14 yrs	15-29 yrs	30-44 yrs	45-65 yrs	65+ yrs	Total
<b>Females</b>	Per cent of deaths						
Percentage of natural deaths	96.8	80.7	87.2	94.2	96.0	97.5	94.9
<b>Percentage of non-natural deaths (categorised below)</b>	<b>3.2</b>	<b>19.3</b>	<b>12.8</b>	<b>5.8</b>	<b>4.0</b>	<b>2.5</b>	<b>5.1</b>
Transport Accidents	2.4	16.6	15.4	15.2	14.9	6.3	13.3
Other External Causes of Accidental Injury	83.9	65.0	52.4	51.8	55.1	64.2	57.6
Intentional Self-Harm	0.0	0.6	1.8	1.2	1.0	0.5	1.1
Assault	2.4	1.4	8.2	8.0	4.2	2.6	5.3
Event of Undetermined Intent <sup>5</sup>	5.5	14.7	19.3	18.7	13.9	7.9	15.0
Complications of Medical and Surgical Care	5.8	1.7	3.0	5.1	10.7	18.4	7.7
Sequence of External Causes of Morbidity and mortality	0.0	0.0	0.1	0.0	0.1	0.2	0.1
<b>Males</b>	Per cent of deaths						
Percentage of natural deaths	96.5	74.9	46.7	79.7	91.3	96.6	85.1
<b>Percentage of non-natural deaths</b>	<b>3.5</b>	<b>25.1</b>	<b>53.3</b>	<b>20.3</b>	<b>8.7</b>	<b>3.4</b>	<b>14.9</b>
Transport Accidents	4.2	15.4	10.0	13.1	13.5	8.8	11.8
Other External Causes of Accidental Injury	85.4	69.3	51.9	55.5	56.7	61.2	55.9
Intentional Self-Harm	0.0	0.3	1.7	1.2	1.4	0.7	1.3

Assault	0.6	1.1	18.9	11.9	7.0	3.7	12.3
Event of Undetermined Intent	5.6	12.4	16.8	17.4	16.7	10.5	16.2
Complications of Medical and Surgical Care	4.2	1.4	0.6	0.9	4.5	14.7	2.4
Sequence of External Causes of Morbidity and mortality	0.0	0.1	0.0	0.0	0.1	0.4	0.1

Source: Statistics SA 'Mortality and causes of death in South Africa 2013: Findings from death notification' (2014) Table 4.13 p 42.

Figure 14: Reasons for non-natural causes of death



Source: Statistics SA 'Mortality and causes of death in South Africa 2013: Findings from death notification' (2014) Table 4.13 p 42.

### 1.5.3 The burden of disease

Tuberculosis (TB) was the leading cause of death in the country, followed by influenza and pneumonia, human immunodeficiency virus (HIV) disease, cerebrovascular diseases and diabetes.<sup>6</sup> Over one fifth of the population does not have adequate access to food and almost one-tenth of the population are perceived to have a serious alcohol problem. Various health indicators are outlined in the table below.

**Table 17: Health indicators**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
Leading cause of natural death in province <i>Mortality 2013</i>	TB (accounts for 9.8% of deaths)	HIV (8.5%)	TB (7.3%)	TB (11.9%)	Influenza/Pneumonia (8.4%)	TB (10.6%)	TB (8.7%)	HIV (8.7%)	Diabetes (6.9%)	<b>TB (9.9%)</b>
Maternal mortality per 100 000 live births <i>DHB 2013/14</i>	156.2	143.4	104.5	148.4	152.0	149.1	184.9	118.9	68.6	<b>132.9</b>
Incidence of TB per 100 000 in 2013 <i>DHB 2013/14</i>	782.0	724.0	388.0	922.0	354.0	467.0	562.0	728.0	730.0	<b>689.3</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Mortality and causes of death in South Africa' (2014), 'General Household Survey' (2014) and 'Health Systems Trust, District Health Barometer' (2013/2014).

**Table 18: HIV incidence trends over time**

Year	Prevalence				Incidence 15–49	HIV population
	Women 15–49	Adults 15–49	Youth 15–24	Total population		
2002	16,69	14,50	6,75	8,8	1,65	4,02
2003	16,85	14,58	6,35	9,0	1,63	4,14
2004	16,93	14,62	6,07	9,1	1,65	4,25
2005	17,01	14,65	5,91	9,2	1,67	4,35
2006	17,22	14,82	5,82	9,4	1,65	4,51
2007	17,52	15,10	5,76	9,7	1,58	4,71
2008	17,81	15,39	5,71	10,0	1,50	4,93
2009	18,09	15,66	5,69	10,2	1,43	5,13
2010	18,29	15,87	5,70	10,4	1,38	5,32
2011	18,42	16,01	5,64	10,6	1,34	5,48
2012	18,53	16,14	5,61	10,7	1,31	5,65
2013	18,67	16,29	5,60	10,9	1,28	5,83
2014	18,85	16,46	5,59	11,1	1,23	6,02
2015	18,99	16,59	5,59	11,2	1,22	6,19

Source: Statistics SA 'Mid-year population estimates' (2015) Table 7 p 7.

#### 1.5.4 Children and health

Some indicators relating to child health are outlined below. An average of 2.2 per cent of babies tested for HIV in early infancy were tested positive in 2014, suggestion that mother to child transmission of HIV is largely prevented. Children under 5 years old experience far greater incidences of pneumonia than diarrhoea and severe acute malnutrition, with the fatality rate for these three threats being small. 7.8 per cent of mothers who delivered at a public health facility were under the age of 18 years.

While this age range has the least naturally occurring illness and death, non-natural deaths are a significant category in this population group - accounting for 42.2 per cent of mortality.<sup>7</sup>

**Table 19: Health indicators: 2013/2014**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	RSA
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% Early infant HIV tests (PCR) with positive	2.4	2.1	2.0	2.0	3.0	2.3	2.5	2.8	2.2	<b>2.2</b>

result										
Children under 5 diarrhoea incidence per 1 000 children	16.1	24.4	8.1	15.0	14.2	13.0	14.3	18.5	15.6	<b>14.1</b>
% Children under 5 diarrhoea fatality rate	6.9	4.5	3.5	3.3	5.2	4.9	4.8	3.2	0.2	<b>3.9</b>
Children under 5 pneumonia incidence per 1 000 children	42.3	84.4	37.3	92.2	34.2	18.5	25.7	67.6	66.5	<b>53.2</b>
% Children under 5 pneumonia fatality rate	5.7	3.1	2.5	3.2	4.7	5.7	4.8	2.9	0.4	<b>3.5</b>
Children under 5 severe acute malnutrition incidence per 1 000 children	5.4	9.1	2.4	5.6	4.2	2.7	8.1	4.2	2.1	<b>4.5</b>
% Children under 5 severe acute malnutrition fatality rate	14.0	11.9	6.1	9.7	15.3	12.8	11.6	11.8	2.2	<b>11.3</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and Health Systems Trust 'District Health Barometer 2013/2014' (2014).

### 1.5.5 Teenage pregnancy

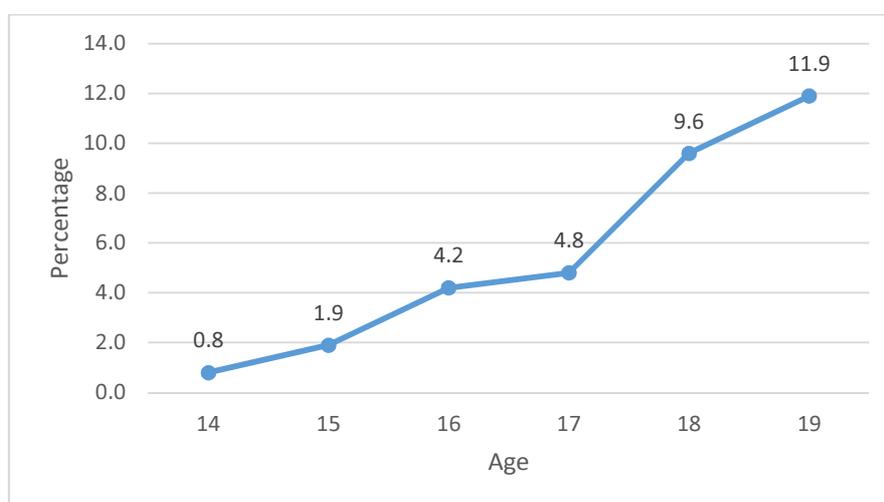
Teenage pregnancy is defined as those delivering under the age of 18 years, and as indicated in the below table rates are higher in rural provinces.

**Table 20: Teenage pregnancy**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% under 18 delivering at a health facility	10.1	7.1	5.7	9.3	7.9	9.1	10.2	7.0	6.3	<b>7.8</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and Health Systems Trust 'District Health Barometer 2013/2014' (2014).

**Figure 15: Rates of teen pregnancy by age**



Source: Statistics SA 'General Household Survey' (2014) Figure 17 p 31.

### 1.5.6 Alcohol

As the below table and figure indicate there are clear correlations between alcohol abuse and violence, and alcohol problems tend to be higher in rural areas. Heavy drinking while pregnant is also a concern with fetal alcohol syndrome (FAS) endemic in impoverished communities of the Western and Northern Cape. A 2012 study examining the prevalence of fetal alcohol spectrum disorders (FASD) in the Western Cape estimated the prevalence

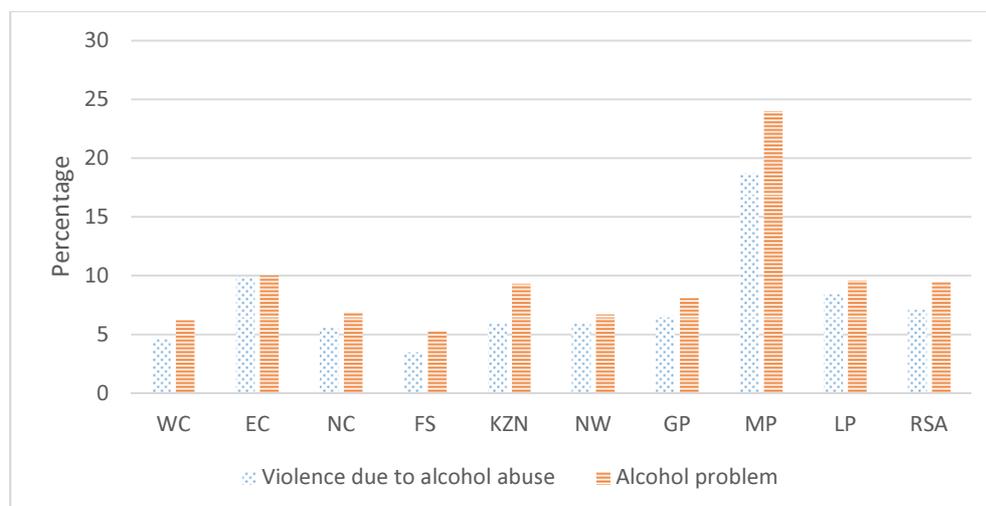
between 135.1 and 207.5 per 1 000.<sup>8</sup> A World Health Organisation (WHO) bulletin further cites South Africa's Western Cape to have the highest reported rate of FAS in the world.<sup>9</sup>

**Table 21: Proportion of population with very serious alcohol problem**

Provinces										
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% population perceived to have very serious alcohol problem	10.0	5.3	8.1	9.3	9.6	24.0	6.7	6.9	6.2	<b>9.5</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'The South African National Health and Nutrition Examination Survey' (2013).

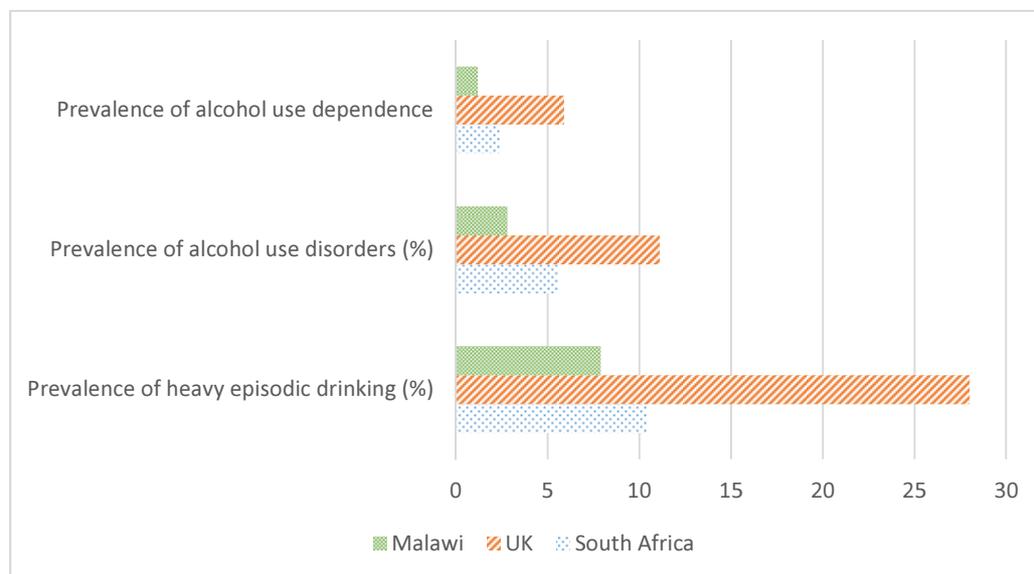
**Figure 16: Perceived seriousness of violence due to alcohol abuse in the household by province compared to % population perceived to have very serious alcohol problem**



Source: SANHANES-I (2012) Figure 3.5.2.2 p 152 and Statistics SA 'The South African National Health and Nutrition Examination Survey' (2013).

Compared to global figures, however, South Africa's overall alcohol consumption is fairly even.

**Figure 17: Alcohol use and dependence compared to UK and Malawi**



Source: WHO 'Global status report on alcohol and health' (2010).

### 1.5.7 Access to food

**Table 22: Proportion of population with access to food**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% population with adequate access to food <i>GHS 2014</i>	70.4	78.2	85.5	73.6	90.9	72.6	60.4	70.7	74.5	<b>77.6</b>

% children living in households that reported hunger <i>SPVG 2012</i>	22.5	11.5	13.6	16.9	3.9	12.6	22.1	20.4	17.1	<b>13.1</b>
% children living in a household that has inadequate access to food <i>SPVG 2012</i>	39.1	28.7	25.0	34.3	13.0	36.5	43.4	39.9	28.0	<b>30.6</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Social Profile of Vulnerable Groups' (2012) and 'General Household Survey' (2014).

## 1.6 Access to Housing and Basic Services

### 1.6.1 Household dwelling characteristics

In every province the majority of the population live in formal brick dwellings ('a structure built according to approved plans, ie house on a separate stand, flat or apartment, townhouse, room in backyard, rooms or flatlet elsewhere'<sup>10</sup>), but provinces like the Eastern Cape and KwaZulu-Natal feature sizable proportions of people who live in traditional dwellings. There is also a large amount of people living in informal dwellings ('a makeshift structure not erected according to approved architectural plans, for example shacks or shanties in informal settlements or in backyards'<sup>11</sup>) particularly in urbanised provinces, with the exception of North-West Province. According to the 2014 General Household Survey, 15.3 per cent of South Africans live in 'RDP' dwellings (Reconstruction and Development Programme state-subsidised housing).

**Table 23: Household dwellings**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	

% Population living in formal dwelling	64.3	83.8	78.9	74.8	93.6	88.1	78.0	83.6	82.5	<b>79.4</b>
% Population living in traditional dwelling	27.7	1.8	0.3	17.0	2.4	4.3	0.9	1.9	0.0	<b>6.8</b>
% Population living in informal dwelling	7.8	14.3	19.2	8.1	3.9	7.6	21.0	10.8	14.8	<b>12.9</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'General Household Survey' (2014).

### 1.6.2 Access to basic services/amenities

The majority of the population in all provinces have sufficient access to electricity have access to water either in their dwelling or immediately outside it and have access to either a flush toilet or ventilated pit toilets. 4.9 per cent of South African's do not have access to any toilets or make use of buckets.

**Table 24: Access to basic services**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% Population using electricity for cooking	74.9	89.4	84.9	77.5	57.0	76.6	81.9	85.3	89.2	<b>79.8</b>
% Households with access to piped	78.5	95.3	96.4	86.5	79.6	87.1	87.2	95.8	98.9	<b>90.0</b>

water or tap in dwelling										
% Households that have no toilet/use bucket toilets	8.5	7.9	1.9	4.8	5.4	7.1	5.1	9.1	4.5	<b>4.9</b>
% Households with access to improved sanitation <sup>12</sup>	78.1	83.8	90.9	75.7	54.0	64.3	66.7	83.7	94.6	<b>79.5</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'General Household Survey' (2014).

The majority of the population in all provinces have access to a cell phone but access to the Internet at home is remains limited. The most frequently used for of transport is the mini-bus taxi.

**Table 25: Access to amenities**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% Households that have access to a cell phone (no landline)	83.9	87.6	82.0	83.6	93.3	92.1	88.6	77.5	64.4	<b>83.1</b>
% Households that have access to a cell phone and landline	7.1	7.2	16.1	13.1	3.1	4.6	4.9	11.7	29.7	<b>12.6</b>
% Households that have	4.5	9.4	17.3	5.3	2.3	9.4	3.3	8.2	23.8	<b>10.9</b>

access to the internet at home										
% Households where at least one member made use of a mini-bus taxi in the last week (prior to the survey)	36.2	34.4	43.1	41.6	32.4	38.4	39.2	30.7	29.9	<b>38.2</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'General Household Survey' (2014).

### 1.6.3 Children's living arrangements

The trends in children's living arrangements and care are outlined by province. They indicate that there are a much higher proportion of children living with single mothers than single fathers.

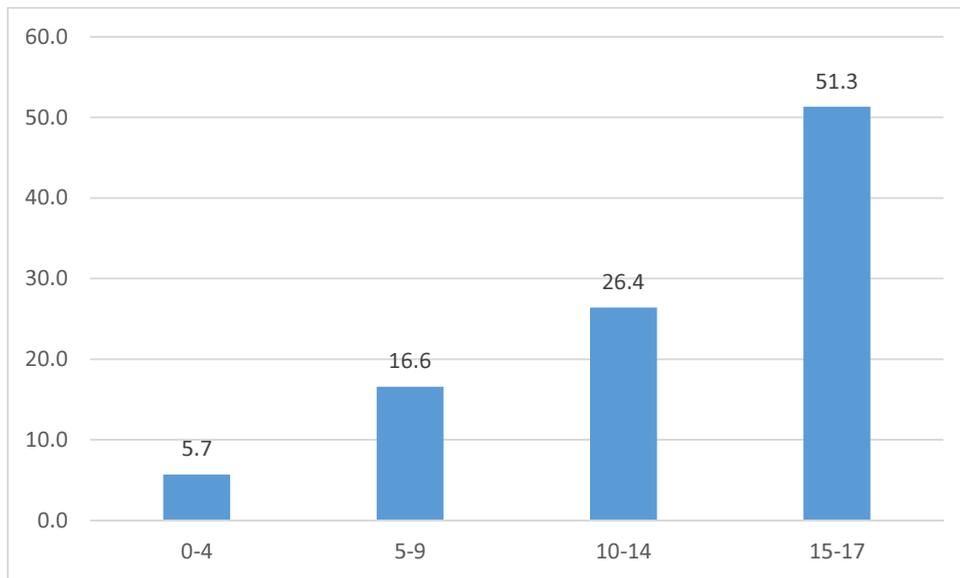
**Table 26: Caregiver indicators**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% of total living with mother	37.8	34.2	30.7	41.7	44.3	46.4	44.6	40.3	34.2	<b>38.8</b>
% of total living with father	4.1	3.3	4.2	4.0	1.8	3.8	2.6	2.6	2.6	<b>3.4</b>
% of total living with both	23.4	38.7	53.1	24.5	26.7	28.7	30.4	32.6	55.6	<b>34.8</b>
% of total living with	34.7	23.8	12.1	29.9	27.3	21.1	22.5	24.6	7.7	<b>23.0</b>

neither										
% of maternal orphans	3.7	3.6	3.3	3.7	2.8	3.2	3.4	4.1	1.3	<b>3.2</b>
% of paternal orphans	13.5	10.6	7.4	14.3	9.8	10.8	9.7	9.4	5.8	<b>10.6</b>
% of double orphans	6.1	5.5	2.5	5.9	2.6	3.8	3.8	3.2	1.1	<b>4.0</b>
% not orphaned	76.7	80.2	86.8	76.2	84.8	82.3	83.1	83.4	91.8	<b>82.2</b>
% children living in child headed households	0.9	0.4	0.2	0.4	1.3	0.5	0.2	0.0	0.2	<b>0.5</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Social Profile of Vulnerable Groups' (2012).

**Figure 18: Age distribution of children living in child-headed households**



Source: Statistics SA 'Social Profile of Vulnerable Groups' (2012) Figure 2.3 p 9.

## 1.7 Social Protection

### 1.7.1 Social grants

The different social grants received are Old Age grant (OAG), War Veteran's Grant (WVG), Disability grant (DG), Grant in Aid (GIA), Child Support grant (CSG), Foster Child grant (FCG) and Care Dependency Grant (CDG).

**Table 27: Percentage of social grant by grant type and region**

Region	Per cent of population	Grant Type							
		OAG	WVG	DG	GIA	CDG	FCG	CSG	Total
EC	12.6	17.04	14.81	16.43	14.27	15.12	22.85	15.80	<b>16.27</b>
FS	5.1	5.89	1.68	6.7	1.84	5.06	7.73	5.60	<b>5.76</b>
GP	24	15.73	26.93	9.96	2.82	12.81	10.88	14.23	<b>14.03</b>
KZN	19.9	20.42	11.11	25.23	34.50	28.56	23.83	23.66	<b>23.28</b>
LP	10.4	13.89	6.39	8.46	19.45	10.51	11.38	14.53	<b>13.92</b>
MP	7.8	7.35	4.71	6.98	4.68	7.56	6.94	8.83	<b>8.33</b>
NC	2.2	2.56	2.69	4.72	5.73	3.81	2.86	2.48	<b>2.69</b>
NW	6.7	7.57	3.70	7.44	6.13	6.97	7.56	6.81	<b>7.01</b>
WC	11.3	9.52	27.94	14.03	10.53	9.54	5.91	8.02	<b>8.66</b>
<b>Total</b>		<b>3 114 729</b>	<b>297</b>	<b>1 106 425</b>	<b>119 541</b>	<b>127 869</b>	<b>519 031</b>	<b>11 792 595</b>	<b>16 780 488</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and 'Statistical Report no 6' (June 2015) Table 1.

**Table 28: Access to social protection services**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	RSA
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
% Female headed HH SPVG 2012	49.4	41.7	31.3	48.2	51.5	41.5	41.0	39.3	39.4	<b>41.2</b>
% households	58.4	54.4	28.5	51.2	59.2	51.6	46.4	52.9	36.9	<b>44.5</b>

benefiting from social grants GHS 2014										
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Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2, 'Social Profile of Vulnerable Groups' (2012) and General Household Survey (2014).

## 1.7.2 Children and Social Protection

According to the Department of Social Development's 2013 annual report, a total of 30 945 children, including children living and working on the streets, were placed in children and youth care centres (CYCCs) in 2012/2013.<sup>13</sup>

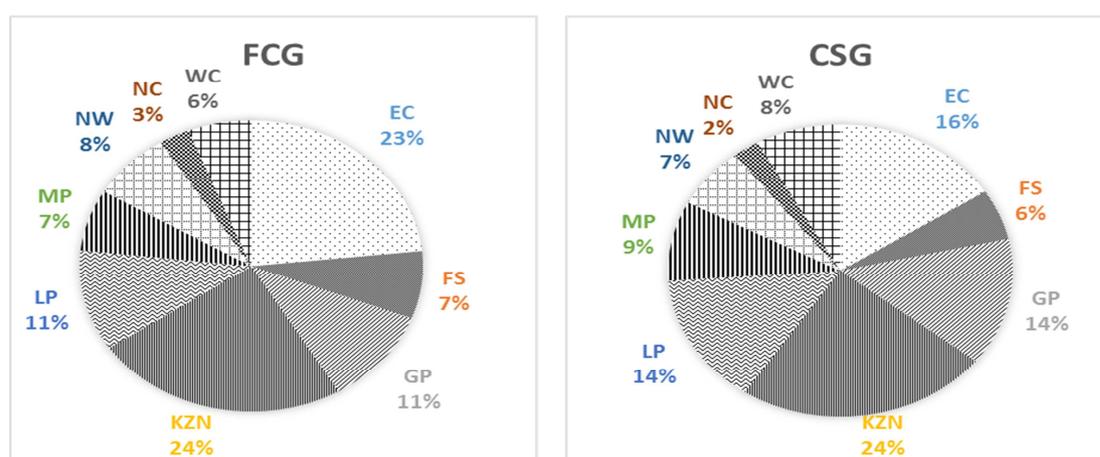
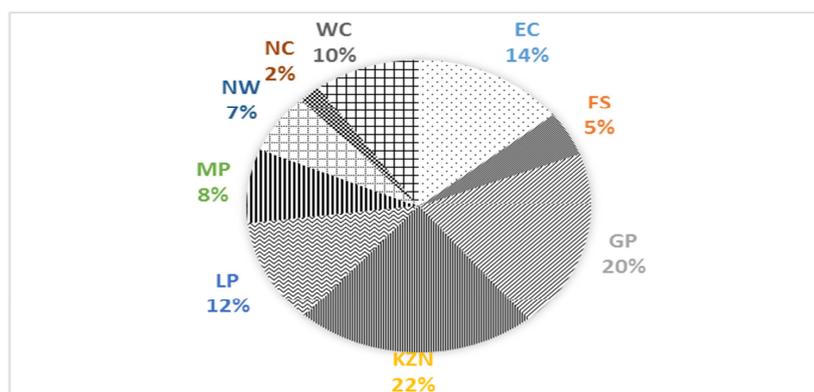
The number of children accessing adoption services increased by 4.7 per cent to 1 696 in 2012/2013, consisting of 1 522 national and 174 inter-country adoptions. 681 071 children accessed foster care services. 493 456 children accessed drop in centres in 2012/2013.<sup>14</sup>

**Table 29: Incidences of child neglect**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	RSA
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
Neglect and ill-treatment of children per 100 000 children	4.2	13.5	5.5	2.3	3.5	2.4	5.5	7.4	7.5	<b>5.0</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and SAPS 2013/14 (2014).

**Figure 19: Provincial share of social grants and proportion of children per province**



Source: South African Social Security Agency 'Fact sheet: Issue no 2 of 2015' (28 February 2015).

## 1.8 Profile of the Offender population

According to data from March 2014, South Africa has an inmate population of 154 648 people, which includes sentenced and remand inmates.<sup>15</sup> The remand detainee population consists of male adults, 17 683 male juveniles, 176 male children, 663 female adults, 363 female juveniles and 5 female children.<sup>16</sup> Sentenced inmates consist of 81132 male adults, 26 203 male juveniles, 233 male children, 2 235 female adults, 607 female juveniles and 2 female children.<sup>17</sup> Overall, 55 per cent of prisoners were held for aggressive crimes, 20 per cent for economic crimes, 18 per cent for sexual crimes, 3 per cent for narcotics related crimes and 4 per cent for other crimes.<sup>18</sup>

**Table 30: Demographics of Prisoners**

DEMOGRAPHICS OF PRISONERS					
		Adults	Juvenile	Children	Total
Male	Remand	25346	17683	176	43205
	Sentenced	81132	26203	233	107568
Female	Remand	663	363	5	1031
	Sentenced	2235	607	2	2844
Total		109376	44856	416	154648

Source: Judicial Inspectorate for Correctional Services (2014).

In 2013 the country had an incarceration rate of 294 per 100 000 people, roughly double the estimated world prison population rate of 144 per 100 000 people.<sup>19</sup> Despite its current inmate population (154 648 people), the total capacity of these facilities 118 154 people, suggesting that the current overcrowding rate sits at approximately 130 per cent.<sup>20</sup> The number of sentenced offenders has increased between 1994 and 2014 (91 853 and 110 412 respectively) but has shown a decrease in the last decade after it peaked at 134 487 in 2004.<sup>21</sup>

**Table 31: Incarceration - crime breakdown**

	Aggressive	Economic	Sexual	Narcotics	Other	Total
Male	57957	20553	19245	2680	4772	105207
Female	997	948	17	316	175	2453
Total	58954	21501	19262	2996	4947	107660

Source: Department of Correctional Services (2013).

### 1.8.1 Youth offenders

Youth and particularly youth men, make up a sizeable proportion of offenders. The size is particularly significant considering the narrow age range it represents, inmates between the ages of 18 and 21 years according to the Judicial Inspectorate for Correction Services (children are those under the age of 18 years).<sup>22</sup>

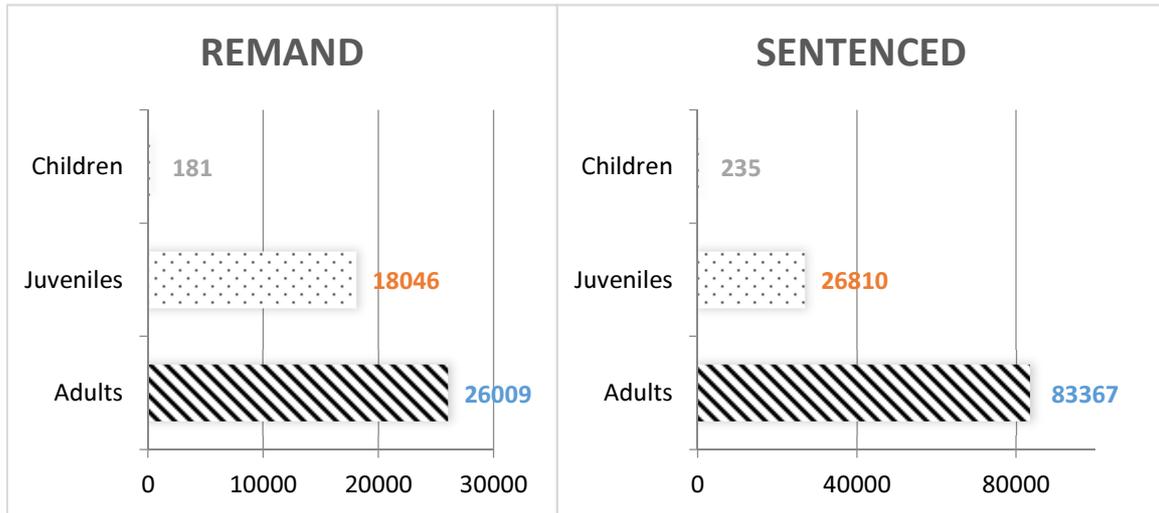
**Table 32: Prison population by age and gender**

		Adults	Juveniles	Children
Remand	Male	25 346	17 683	176
	Female	663	363	5
	Total	26 009	18 046	181

Sentenced	Male	81 132	26 203	233
	Female	2 235	607	2
	Total	83 367	26 810	235

Source: Judicial Inspectorate for Correctional Services Annual Report 2013/2014 (2014).

**Figure 20: Distribution of prisoner population size by age**



Source: Judicial Inspectorate for Correctional Services Annual Report 2013/2014 (2014).

### 1.8.2 Child offenders

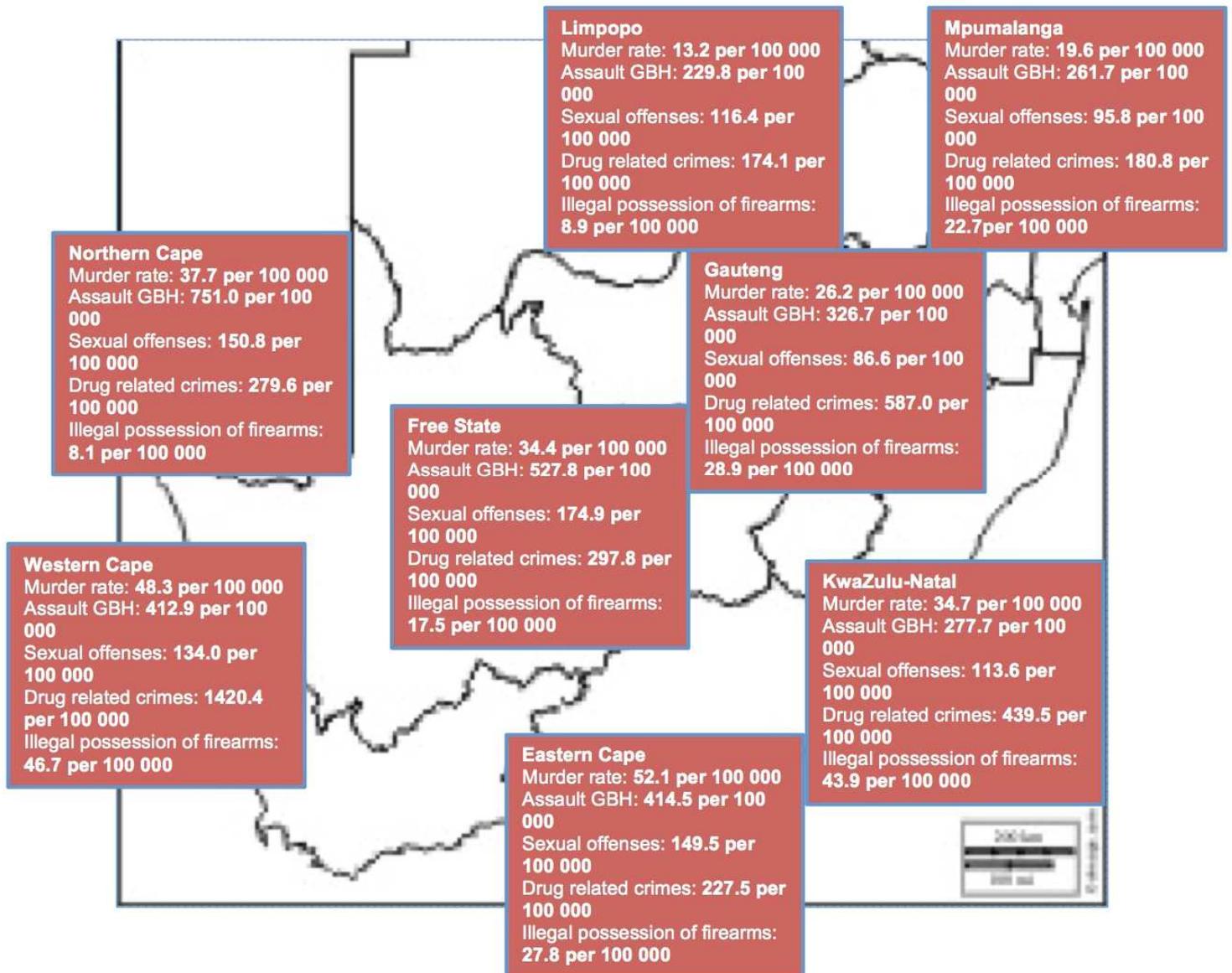
A research report by The Child Justice Alliance states that there has been a significant drop in the total number of children diverting, with 408 diversions in 2009/2010 and 267 in 2010/2011.<sup>23</sup>

In 2013/2014: 5 314 children were placed in the care of a parent or guardian, 327 were released on bail, 789 were sent to prison, 1 440 to child and youth care centres and 76 to police, lock-up.<sup>24</sup> 1 179 guilty verdicts were handed down, 650 people were found not-guilt or acquitted, 1 179 cases were withdrawn and 949 were struck off the roll.<sup>25</sup> 3 305 sexual offenses were committed by children and 735 children were used by an adult to commit a crime.<sup>26</sup>

## 2. CRIME AND VIOLENCE IN SOUTH AFRICA

### 2.1 Crime Statistics

Figure 21: Map of crime by province



Source: SAPS 'Crime statistics 2013/2014' (2014).

South Africa experiences high levels of crime and particularly violent crime. Assault with intent to inflict grievous bodily harm made up 29 per cent of the total amount of crime, common assault contributed 27 per cent, robbery with aggravating circumstances contributed 19 per cent, total sexual offences contributed 10 per cent, common robbery contributed 9 per cent, murder contributed 3 per cent and attempted murder contributed 3 per cent.<sup>27</sup>

**Figure 22: Summary of South Africa's Crime Statistics for 2011/2012 to 2013/2014**



Source: SAPS 'Crime Research and Statistics' (2014), 'April to March 2004 - 2014: Provincial and National Figures and Ratios' (2014).

Below the provincial trends of crime and violence for the year 2013/2014 are outlined. As the red highlighting shows, the Western Cape reported the highest rates in the country for many crimes, while Limpopo reported the lowest rates (blue highlighting). For many categories of crime police statistics are poor indicators of the true rate at which that crime occurs because crimes are not reliably reported and internal errors may affect the final count. For this reason, high rates of crime may suggest high rates of reporting while low rates may suggest poor police confidence.

**Table 33: Crime rates per province**

	Provinces									
	EC	FS	GP	KZN	LP	MP	NW	NC	WC	<b>RSA</b>
% of population	12.6	5.1	24.0	19.9	10.4	7.8	6.7	2.2	11.3	
Murder	52.1	34.4	26.2	34.7	13.2	19.6	22.9	37.7	48.3	<b>32.2</b>
Attempted Murder	28.1	33.1	30.6	37.0	13.6	18.7	30.0	52.2	55.9	<b>32.3</b>
Sexual Offenses	149.5	174.9	86.6	113.6	116.4	95.8	134.8	150.8	134.0	<b>118.2</b>
Assault	202.2	622.0	351.6	252.4	164.5	183.5	188.5	412.0	619.5	<b>315.5</b>
Assault GBH	414.5	527.8	326.7	277.7	229.8	261.7	375.5	751.0	412.9	<b>345.7</b>
Common Robbery	60.7	96.4	123.4	80.8	58.4	73.2	65.7	109.9	218.4	<b>101.7</b>
Robbery Aggravated	203.6	194.6	335.0	201.2	93.9	128.0	150.9	120.8	324.5	<b>225.3</b>
Burglary at Residential	373.7	594.3	535.3	421.3	299.1	450.6	429.0	518.3	840.8	<b>491.6</b>
Carjacking	11.7	9.4	47.6	21.7	4.6	8.8	6.7	2.5	16.0	<b>21.2</b>
Illegal possession of Firearms	27.8	17.5	28.9	43.9	8.9	22.7	13.7	8.1	46.7	<b>29.1</b>
Drug related crimes	227.5	297.8	587.0	439.5	174.1	180.8	306.2	279.6	1420.4	<b>492.1</b>
Driving under the influence	111.0	64.3	205.1	120.5	41.1	74.9	62.6	64.0	225.8	<b>131.7</b>

Source: Statistics SA 'Mid-year population estimates' (2015) Table 2 p 2 and SAPS 'Crime statistics 2013/2014' (2014).

### 2.1.1 Murder

Murder increased by 5.0 per cent. 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>28</sup> However, it has decreased 40.3 per 100 000 to 32.2 per 100 000

over the last 10 years.<sup>29</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>30</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>31</sup>

### 2.1.2 Attempted Murder

Attempted murder increased by 4.6 per cent. 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>32</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 100 000 people, North West Province at 30.0 per 100 000 people, Mpumalanga at 18.7 per 100 000 people and Limpopo at 13.6 per 100 000 people.<sup>33</sup>

### 2.1.3 Assault GBH

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>34</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>35</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>36</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>37</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>38</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>39</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>40</sup>

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# **ANNEXURE C**

## **Analysis of Risk Groups and Factors in South Africa**

<b>1. YOUNG MEN AS RISK GROUP</b>	<b>2</b>
<b>2. GENDER-BASED-VIOLENCE</b>	<b>2</b>
2.1 DOMESTIC VIOLENCE	3
2.2 SEXUAL VIOLENCE	4
2.3 CONSEQUENCES OF VIOLENCE	5
<b>3. CHILDREN'S EXPOSURE TO CRIME AND VIOLENCE</b>	<b>6</b>
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<b>7. RELATIONSHIP BETWEEN GUNS AND VIOLENCE</b>	<b>12</b>
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## **1. Young men as risk group**

Young men in South Africa (and across the globe) are primary perpetrators of physical violence, sexual violence and victims of homicide.<sup>1</sup> The highest homicide rates in South Africa (184 per 100 000; nine times the global rate) are seen in men between the ages of 15 and 29 years.<sup>2</sup> The homicide rate for South African males is six times higher than for South African females, compared to the global average of three times higher.<sup>3</sup>

Research has demonstrated linkages between masculine norms, confrontational and belligerent identities to the perpetration of interpersonal violence.<sup>4</sup> According to researchers, identities and aspirational views to be 'ready for a fight', 'show no fear or pain' and 'play it cool' <sup>5</sup> reinforce the view that violence is a legitimate mechanism to respond to conflict.<sup>6</sup> Links are also drawn between violence amongst young men and structural and physical violence of the state.<sup>7</sup>

Young men are also represented as victims of violence and crime in both South Africa and globally.<sup>8</sup> Studies between September 2004 and September 2005 indicated that 42 per cent of South African children and youth (between the ages of 12 and 22) were victims of crime and violence.<sup>9</sup>

## **2. Gender-based-violence**

There has been progress, and there is recognition of the needs to address violence against women and children (VAWC) in South Africa, with key policies within the main human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>10</sup>

Violence against women includes, but is not limited to domestic violence, sexual violence by non-partners, marital rape, date rape, stalking, sexual harassment, sexual exploitation, domestic homicides and harmful traditional practices.<sup>11</sup> Disaggregated data on family violence, rape and sexual assault, or intimate partner violence is not readily available in official crime statistics.

In 2010 global estimates showed that 30 per cent of women aged 15 years and over had experienced physical and/or sexual intimate partner violence (IPV)<sup>12</sup> (IPV defined as 'violence between individuals').<sup>13</sup> While it is difficult to provide accurate data of violence

against women in South Africa, a study conducted in 2012 found that 77 per cent of women in Limpopo, 51 per cent in Gauteng, 45 per cent in the Western Cape and 36 per cent of women in KwaZulu-Natal, had experienced some form of Gender Based Violence (GBV) (intimate and non-intimate) in their lifetimes.<sup>14</sup> Despite legislative enactments aimed at eradicating GBV and enhancing the protections afforded to women, violence against women has been described as 'socially normalised, legitimised, and accompanied by a culture of silence and impunity'.<sup>15</sup> Moreover, more women are killed by their current or ex-intimate male partner in South Africa than in any other country with a rate of 8.8 per 100 000 women.<sup>16</sup> Therefore, South African women globally experience some of the highest rate of GBV.<sup>17</sup>

Women in particularly contexts face heightened risks. The most vulnerable groups of women includes women with disabilities; destitute women, women in institutions or in detention, older women, lesbians, bisexual and transgender women, women living with HIV and AIDS and migrant and refugee women.<sup>18</sup>

Qualitative research has identified the following risk factors with respect to the perpetration of physical and sexual violence: the lack of nurturing parenting, including parental absence;<sup>19</sup> childhood abuse; witnessing domestic violence and alcohol abuse.<sup>20</sup>

## 2.1 Domestic violence

The term 'domestic violence' is defined to include: physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant's residence without consent and any other controlling or abusive behaviour.<sup>21</sup> However, domestic violence is not recorded as a separate offence in available crime statistics and therefore obtaining accurate rates of domestic violence is challenging. Under reporting and inconsistent recording of domestic violence also exacerbate the ability to draw on reliable data.<sup>22</sup>

Researchers cite South Africa as having 'one of the highest incidences of domestic violence in the world'.<sup>23</sup> However, IPV is largely under-reported; for instance, between April 2008 and March 2009, 0.3 per cent of the adult female population in Gauteng reported an intimate partner assault to the police, and yet, during the same period of time 18.1 per cent reported violence by an intimate partner to researchers.<sup>24</sup> National research conducted by the Medical Research Council has found that 40 per cent of men report being physically violent to a

partner, and 40 per cent to 50 per cent of women report having been victims.<sup>25</sup> Compared to 1 in 4 (25 per cent) women in the United States (US) and 1 in 7 men.<sup>26</sup>

A study by the South African Medical Research Council in 2009 revealed that 56 per cent of all murders of women were perpetrated by intimate partners - six times higher than the global average.<sup>27</sup> Further research studies estimate that in 2011, 417 out of every 100 000 people (both women and men) applied for protection orders.<sup>28</sup>

## 2.2 Sexual violence

While acknowledging that all forms of violence (with exception of murder) are generally underreported in crime statistics, researchers in South Africa note that rape is 'probably more underreported' than other categories of violent crime.<sup>29</sup> This is widely acknowledged in international and national literature.<sup>30</sup> The reasons for underreporting are largely related to the deeply sensitive and personal character of sexual violence and 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>31</sup> The Medical Research Council estimated that only one in nine rapes are reported.<sup>32</sup>

In 2013/2014 the number of sexual offenses decreased by 5.6 per cent. 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 reported cases for rape and sexual assault are available.<sup>33</sup>

The total sexual offences in the country were reported at a rate of 118.2 per 100 000 people for 2013/2014,<sup>34</sup> with 46 253 cases of rape in 2013/2014 and 6 795 cases of sexual assault.<sup>35</sup> This rate has decreased since 2004/2005 when it was recorded as being 148.4 per 100 000 people.<sup>36</sup> However, despite this overall trend in declining rates of sexual offenses, the rates have fluctuated over that time.<sup>37</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>38</sup> The amount of rapes and sexual assaults reported in 2013/2014 were less than in previous years, 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>39</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 per cent), followed by a known community members from their area (24.0 per cent).<sup>40</sup> In only 6.1 per cent of cases was the perpetrator a spouse or lover.<sup>41</sup> Half (50.0 per cent) of all sexual offences occurred at home, while only 15.4 per cent occurred in someone else's home and even less (9.6 per cent) in the street in a residential area.<sup>42</sup> A positive finding of the study was that most victims (81.6 per cent) indicated that they knew where to access medical assistance, while 76.8 per cent knew of a place they could go to for counselling and 54.0 per cent knew where to obtain a protection order.<sup>43</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>44</sup>

### 2.3 Consequences of violence

Research indicates the effects of violence against women and children are lasting, harming communities and families, and have been linked to key drivers of the HIV epidemic.<sup>45</sup> A survey among 1 366 South African women showed that women who were beaten by their partners were 48 per cent more likely to be infected with HIV than those who were not.<sup>46</sup> Such victims may also suffer isolation, inability to work, loss of wages, lack of participation in social and civic activities and limited ability to care for themselves and their children.<sup>47</sup>

While the state has the primary responsibility for addressing violence against women, a study notes that few countries have the policy, legal and service infrastructure to respond to, or influence social, justice and health services to address GBV effectively.<sup>48</sup> GBV is also said to be one of the most expensive public health problems globally, estimated to cost South Africa between R 28.4 billion and R 42.4 billion per year (1.3 per cent of GDP annually).<sup>49</sup>

### 3. Children’s exposure to crime and violence

The main convention in South Africa that aims at protecting the rights of children is the Convention on the Rights of the Child (CRC).<sup>50</sup>

Violence against children is defined by the United Nations Office of the High Commissioner for Human Rights (OHCHR) as: ‘all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child’.<sup>51</sup>

South African Police Service (SAPS) reported 2 630 cases of neglect and ill-treatment of children in 2013/2014; the most cases reported to be in more urban provinces of Gauteng (704) and Western Cape (452), while only 86 cases were reported in the Northern Cape.<sup>52</sup> However, from 2004 to 2014 the overall number of reported cases decreased by 52.8 per cent.<sup>53</sup> In 2012 SAPS reported 51.9 per cent of social contact crimes committed against children were sexual offenses, with 60.5 per cent committed against children below the age of 15, and 29.4 per cent of such offences involving children between the ages of 0 and 10 years.<sup>54</sup>

In 2014, it was reported that there were 3.7 million orphans and approximately 90,000 children living in child-headed homes.<sup>55</sup>

**Table 1: Child murder rate per 100 000 children**

	Female rate	Male rate	Overall rate
0-4 years	8.3	7.6	7.9
5-9 years	1.7	1.6	1.7
10-14 years	1.5	2.7	2.1
15-17 years	4.6	21.7	13.2
Overall	3.9	6.9	5.5

Source: Medical Research Council ‘Child homicide patterns in South Africa: Is there a link to child abuse?’ (2012).

A study conducted in 2015 found that of 4 095 young people, one in five (19.8 per cent) have experienced sexual abuse in their lifetime and 7.9 per cent reported some form of neglect at some point in their lives.<sup>56</sup> The study also found that over one-third of young people faced physical abuse and 16.1 per cent of respondents reported emotional abuse.<sup>57</sup> 23.1 per cent of young people reporting exposure to family violence, 44.5 per cent having experienced theft, 19.7 per cent of young people reported persistent bullying, 21.4 per cent

reported having been threatened with violence, 19.2 per cent of young people had been attacked without a weapon, and 15.9 per cent had been attacked with a weapon.<sup>58</sup>

In 2009, South Africa had an overall child homicide rate of 5.5 per 100 000 children younger than 18 years.<sup>59</sup> Nearly half (44.6 per cent) of these homicides were due to child abuse and neglect.<sup>60</sup>

There are links between youth who have witnessed excessive violence in their neighbourhoods and aggression among the youth.<sup>61</sup> This is due to cognitive impairment from youths who have experienced overt violence, resulting in problem-solving difficulties.<sup>62</sup> Exposure to violence can also lead to the development and internalisation of norms encouraging the use of aggression as a means to manage conflict and assert power in interpersonal relations, as well as a means to increase self-esteem.<sup>63</sup> There also tend to be a higher proportion of deviant peers in socially dysfunctional communities, which are directly linked to problematic parenting.<sup>64</sup>

A 2013 study on youth exposure to violence in the Western Cape highlights the extent of violence in the community among children and adolescents, with 40 per cent reporting direct victimisation and the prevalence of poly-victimisation.<sup>65</sup> The study further draws links between structural issues of historical oppression and socioeconomic marginalisation and high levels of violence within the community.<sup>66</sup>

According to the National Schools Violence Study (2012), 48.7 per cent of school-going learners had been exposed to violence in their home or community, while 12 per cent had seen one family member intentionally attack another family member.<sup>67</sup> High levels of crime and violence are an additional risk factor at a relationship and community level.<sup>68</sup> Amongst school children, 49 per cent reported that their neighbourhood was characterised by high levels of crime.<sup>69</sup>

Despite the ban against corporal punishment within the South African Schools Act 84 of 1996, the practise continues in South African schools.<sup>70</sup> While the 2014 General Household Survey (GHS) indicates that corporal punishment has decreased nationally since 2011, 12.4 per cent of school learners still reportedly experienced corporal punishment in 2014.<sup>71</sup> However, there are clear signs of underreporting in that the number of learners that experience some form of corporal punishment in schools exceeds the number of educators who are being sanctioned for practising corporal punishment.<sup>72</sup>

Studies on gender violence in South African schools highlight how GBV is not limited to adults. A report by the UN Children's Fund (UNICEF) and the Department of Women, Children and People with Disabilities (2012) finds that one in five incidents of sexual abuse happened in schools and one third of people who raped children were teachers.<sup>73</sup>

Perpetrators of violence against children are overwhelmingly relatives, friends, acquaintances or neighbours, with most abuse taking place in or nearby the home.<sup>74</sup> For example, around one-third of parents report using severe forms of corporal punishment against their children.<sup>75</sup> Single-parent households are widely recognised as a risk factor for violence against children.<sup>76</sup> Other risk factors include family conflict, living with a stepparent, exposure to numerous caregivers and alcohol abuse in the home.<sup>77</sup>

These studies further highlight how the nature of GBV relates to wider social structures, inequalities and resources.<sup>78</sup> A Cape Town based study conducted in 2013 noted the complexity of violence in teenage sexuality relations, indicating how violent gender relations can be considered to be part of romantic cultures and therefore violence within sexual relations are accepted.<sup>79</sup>

Due to their age and having less capacity than adults to protect themselves, children are especially vulnerable to violence. Groups cited as most vulnerable include migrant children, those living in HIV-affected households, children with disabilities and children living without biological parents or outside a family environment.<sup>80</sup> The prevalence of child sexual abuse, mistreatment and family violence is largely unknown, as there are limited nationally representative studies on the extent and impact of child mistreatment, and violence against children is under reported. However, published research findings on child abuse and child maltreatment in South Africa implies that children's exposure to all forms of violence is extremely high, resulting in substantial psychological distress.<sup>81</sup> There is an increased risk of children, particularly boys who have experienced or witnessed violence becoming perpetrators of violence in the future.<sup>82</sup> Similarly, girls exposed to sexual abuse in childhood are at increased risk of becoming victims of sexual and physical abuse, including IPV at a later point in their lives.<sup>83</sup>

Caregivers and siblings in trouble with the law also constitute a risk factor for crime and violence. Amongst school children, 23 per cent reported that they have a sibling who had or is currently in jail for criminal activity, while 9 per cent report that their caregiver or parent ever been in jail for criminal behaviour.<sup>84</sup>

### 3.1 Trafficking and child-employment

South Africa is cited by the International Labour Organisation (ILO) as 'playing a leading role in eliminating child labour', however there still remain incidents of child labour and trafficking.<sup>85</sup>

Human trafficking is defined by the UN as: 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.'<sup>86</sup> Globally the percentage of child victims is on the rise: it increased from 20 per cent in 2003 to 2006 to 27 per cent from 2007 to 2010, with over 68 per cent of cases in Africa and the Middle East, and 27 per cent of cases in the Americas.<sup>87</sup>

South Africa is considered a source, transit and destination country of child trafficking, and the distribution and creation of child pornography is increasing.<sup>88</sup> Reports indicate that children are trafficked within the country to urban centres with boys being forced to work in street vending, food service, begging, criminal activities and agriculture; girls are subjected to sexual exploitation and domestic servitude.<sup>89</sup> Girls between the ages of 12-15 are also forced into marriage.<sup>90</sup>

The Basic Condition of the Employment Act states that: 'No person may employ a child – who is under 15 years of age; or who is under the minimum school-leaving age in terms of any law'.<sup>91</sup> However, a Government official report found in 2010 indicated that 36 000 children were absent from school because they were working, and 290 000 children were injured at work or were exposed to dangerous conditions.<sup>92</sup> Children living and working on the street are also more vulnerable to violence and abuse as they are not protected by family or society.<sup>93</sup>

### 3.2 Consequences of violence

There are multiple data sources indicating the extent to which contemporary young South Africans grow up in an especially violent context.<sup>94</sup> This includes exposure to domestic and family violence, direct victimisation of children and the lack of 'safe spaces' in many urban environments.<sup>95</sup> In a study undertaken using a sample of 617 Grade 7 learners from nine primary schools in two low-socioeconomic municipal districts of Cape Town almost all (98.9

per cent) had witnessed some form of community violence.<sup>96</sup> Domestic violence was also reported by the majority of respondents (76.9 per cent) and more than half (58.6 per cent) reported some form of direct victimisation at home.<sup>97</sup> While only a small proportion reported sexual abuse (8 per cent), exposure to school violence was reported by 75.8 per cent.<sup>98</sup>

Violence against children has significant long-term effects.<sup>99</sup> Evidence suggests child maltreatment leads to a cycle of violence with children exposed to violence at a young age more likely to perpetrator or be victim to violence in later life.<sup>100</sup>

For instance, studies have drawn links between corporal punishment and an increase in behavioural problems<sup>101</sup> as well as IPV and parents' alcohol misuse causing emotional and behavioural disorders.<sup>102</sup> Exposure to direct and indirect violence in the home is also proven to negatively affect children's cognitive development at the ECD level, as violence becomes normalised as a means of problem solving.<sup>103</sup> Additional issues with children affected by violence include long-lasting effects on their health and developmental outcomes.<sup>104</sup> Violence is also shown to be intergenerational,<sup>105</sup> and affected children are more prone to depression, attempted suicide and are more likely to engage in harmful use of substances and risky sexual behaviour, and therefore more likely to become HIV-infected.<sup>106</sup>

South Africa also has a high proportion of children indirectly exposed to violence, specifically the prevalence of fetal alcohol spectrum disorders (FASD), which are the highest in the world, with 22.5 per cent of children aged 1 – 9 years stunted or wasted.<sup>107</sup>

Exposure to violence at a young age also leads to revictimisation, which is especially prevalent among girls exposed to sexual abuse at an increased risk of being raped again in childhood and experiencing IPV as adults.<sup>108</sup> Studies also show that the experience of trauma and violence in childhood also affects brain development in reducing the ability of children to subsequently form strong emotional relationships and empathise.<sup>109</sup>

#### **4. Disabilities and exclusion**

The Convention on the Rights of Persons with Disabilities (CRPD) was ratified by South Africa 2007. It states eight guiding principles to protect persons with disabilities (PWD) included (i) respect for dignity, (ii) non-discrimination, (iii) full and effective participation in society, (iv) respect for difference, (v) equality of opportunity, (vi) accessibility, (vii) gender equality and (viii) respect for the evolving capacities of children with disabilities, and respect

to allow them to preserve their identities.<sup>110</sup> 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 adversely affect their health and safety.

Children and adults with disabilities are at much higher risk of violence than their non-disabled peers.<sup>111</sup> Abuse varies according to certain disabilities, while mentally and physically displaced children are at an increased risk of sexual abuse, those with learning disabilities are particularly vulnerable to neglect.<sup>112</sup>

The under reporting of abuse of children with disabilities in South Africa is an additional issue.<sup>113</sup> A study on rights for disabled children in South Africa highlights widespread family violence, abuse and rape of children with disabilities, specifically reports of sexual abuse and rape of disabled children in special schools never reaching the courts.<sup>114</sup>

## **5. Older persons vulnerability to violence**

The Older Persons Act (13 of 2006) calls upon 'Measures to prevent and combat abuse of older persons', highlighting the need for cooperation of service holders, such as between hospitals and SAPS and register those convicted of abuse towards an older person.<sup>115</sup>

Older persons are particularly vulnerable to a number of crimes, due to age, infirmity, personal, and socio economic circumstances, 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; and theft and extortion. Comprehensive interventions that provide increased support and oversight, public education, and that address the systemic issues that make older persons vulnerable, are central to structural, individual, relationship and community to reduce the risk of abuse.<sup>116</sup>

Comprehensive interventions that provide increased support and oversight, public education and that address the systemic issues that make older persons vulnerable, are central to structural, individual, relationship and community to reduce the risk of abuse.

## **6. Lesbian, gay, bisexual, trans-gender and intersex (LGBTI)**

South Africa was the first country in the world to constitutionally prohibit discrimination on the basis of sex, gender or sexual orientation, as outlined in section 9 of the Constitution of the Republic of South Africa. Whilst state responses in form of law reform that addresses access to justice barriers and institutional reforms that tackles police conduct which dehumanises, reinforces stigma, are central to government responses these are primarily reactive. These strategies must be informed by a better understanding of safety and security concerns of LGBTI persons, as opposed to, generic programme responses.

LGBTI people are particularly prone to discrimination, persecution and violence and safety strategies need to acknowledge and address societal attitudes and recognise that different factors impact on LGBTI persons vulnerability based on individual context and circumstance. For many, violence begins at home, in schools, the workplace and in the streets. Whilst state responses in form of law reform that addresses access to justice barriers and institutional reforms that tackles police conduct which dehumanises, reinforces stigma, are central to state responses these are primarily reactive. These strategies must be informed by a better understanding of safety and security concerns of LGBTI persons, as opposed to, generic programme responses.

Lesbian women are particularly affected by the general populations' overall conservative values and views towards homosexuality.<sup>117</sup> While lesbian women are protected as a vulnerable group in South Africa researchers argue there is insufficient government response to address the victimisation they face.<sup>118</sup> 'Corrective' rape is defined as rape to 'cure lesbians of their sexual orientation'.<sup>119</sup> While it is unclear how pervasive 'corrective' rape is in South Africa as SAPS do not keep statistics on this; it is reported that between 1998 and 2012, 31 lesbians were murdered in South Africa due to their sexual orientation.<sup>120</sup> Research conducted in 2008 found that black lesbian women from townships are particularly at risk to sexual violence.<sup>121</sup> The study estimated that black women living in a township are 4.7 per cent more likely to be raped than a white woman, and 44 per cent of white lesbians from the Western Cape feared sexual violence, compared to 86 per cent of black lesbians.<sup>122</sup>

## **7. Relationship between guns and violence**

There exist conclusive links between ownership levels of handguns and rates of victimisation by gun-related crime, as indicated in a 2014 study of 50 countries by the Centre for Crime and Justice Studies.<sup>123</sup>

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>124</sup>

Table two (below) highlights the number of non-natural deaths caused by firearms as the third most commonly reported death (16.2 per cent).<sup>125</sup> This reinforces proposals of to the need to address the availability of firearms in South Africa.

**Table 2: Number and percentage distribution of deaths due to other external causes of accidental injury, 2013**

Cause of death (based on ICD-10)	Number	Percentage
Accidental exposure to other and unspecified factors (X58-X59)	12 123	45,6
Other accidental threats to breathing (W75-W84)	4 768	17,9
Exposure to inanimate mechanical forces (W20-W49)	4 303	16,2
Exposure to smoke, fire and flames (X00-X09)	2 227	8,4
Accidental drowning and submersion (W65-W74)	1 518	5,7
Accidental poisoning by and exposure to noxious substances (X40-X49)	799	3,0
Exposure to forces of nature (X30-X39)	282	1,1
Exposure to electric current, radiation and extreme ambient air temperature and pressure (W85-W99)	303	1,1
Falls (W00-W19)	181	0,7
Contact with venomous animals and plants (X20-X29)	49	0,2
Exposure to animate mechanical forces (W50-W64)	36	0,1
Overexertion, travel and privation (X50-X57)	11	0,0
Contact with heat and hot substances (X10-X19)	8	0,0
<b>Total</b>	<b>26 608</b>	<b>100,0</b>

Source: Statistics South Africa 'Mortality and causes of death in South Africa' (2013) Table 4.12 p 40.

## 7.1 Gun ownership

While accurate data on unlicensed or stolen firearms is not consistently available. According to figures supplied by the Central Firearms Registry (CFR), as of August 2011, 2 907 135 firearms were held by civilians under the 1969 Arms and Ammunition Act. A further 138 624 new licenses were issued under the Firearms Control Act (FCA) between 1 July 2004 and 22 August 2011.<sup>126</sup> An estimated 12 000 firearm applications are handled each month by the police nation firearm office.<sup>127</sup> Researchers report in a national study conducted that 18.2 per

cent of school children report that it is easy to get a gun in their community, while 50 per cent report it is easy to get a knife.<sup>128</sup>

SAPS has reported that in the past three years 227 929 (73 577 in 2013/2014) individual firearm licenses were approved but, over the same period, 29 067 firearms (7 589 in 2013/2014) were lost by legal owners.<sup>129</sup> The legal possession of firearms 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>130</sup> SAPS reported 15 420 cases of illegal possession of firearms and ammunition in 2013/2014.<sup>131</sup>

A number of studies link gun ownership to GBV in South Africa<sup>132</sup>. It found that while men are the main victims of gun violence, women are most vulnerable, and legally owned firearms are the main risk factor for murder of intimate partners,<sup>133</sup> with at least half of female homicide victims being killed by their male intimate partners.<sup>134</sup> At a global level the World Health Organisation (WHO) estimated that in 2013 male partners committed 38 per cent of female homicides.<sup>135</sup>

The majority of small arms and light weapons are in the hands of private individuals, and it is estimated that civilians hold nearly 75 per cent of the global stockpile of guns.<sup>136</sup> In 2009 (the most recent year for which data is available), an average of 18 people were shot and killed a day (6 428 people shot and killed in total); half the number of people shot 10 years previously (1998: 12 298 people shot and killed; average 34 people a day).<sup>137</sup> In 2011 licensed civilian gun owners represented 3.6 per cent of the total population and there were 5.9 licenced firearms per 100 people.<sup>138</sup>

## 7.2 Firearm violence

A WHO report on violence prevention states that around one in every two homicides is committed with a firearm with firearm homicides accounting for 33 per cent of all homicides in South Africa.<sup>139</sup> This report draws strong links between the ease of access to firearms as well as excessive alcohol use and multiple types of violence.<sup>140</sup> Such links are especially apparent in South Africa; according to United Nations Office on Drugs and Crime (UNODC) 2013 Report, 35 per cent of murders in South Africa were committed with a firearm.<sup>141</sup> 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>142</sup>

A study on firearm-related homicides in Gauteng concluded that violence was the leading manner of death and firearm-related deaths accounted for almost one-third of homicides in 2013.<sup>143</sup> The Western Cape community safety department also reported that over half for the 1 256 murders recorded at the Salt River Mortuary in 2014 were carried out with guns.<sup>144</sup> Studies in both Cape Town and KwaZulu-Natal also suggest that it is older children who are more likely to be injured with a firearm, with the majority of gunshot wounds occurring in the age group 13 to 19 years.<sup>145</sup>

It is important to consider the instrument of homicide as certain types instruments, particularly firearms, significantly increase the risk of a victim of a physical assault being a homicide victim.<sup>146</sup> Research indicates that firearms are the most lethal compared to sharp-force and blunt-force instruments as they allow a person with violent intentions to kill multiple individuals with minimal degree of effort, and while maintaining a non-intimate distance.<sup>147</sup> The presence of firearms also increases the possibility of aggressive behaviour<sup>148</sup> and escalates the level of violence.<sup>149</sup>

Economic costs of armed violence must also be considered. A WHO report states that four per cent of the national health budget goes to hospital treatment for serious abdominal firearm injuries.<sup>150</sup> In South Africa in 2014, each gun-injured patient cost the state health service an estimated R 22 000.<sup>151</sup>

## **8. Relationship between crime and substance abuse**

The Department of Social Development and Central Drug Authority (2014) notes that 14 per cent of the population have a lifetime diagnosis of alcohol abuse and/or dependence,<sup>152</sup> with 28-39 per cent of the adult population current drinkers and 23-25 per cent of current drinkers engaging in hazardous or harmful alcohol use over weekends.<sup>153</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>154</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>155</sup>

The abuse of alcohol and other drugs are a significant variable in assault cases. The Medical Research Council reports that nationally, South Africa has one of the highest per

capita alcohol consumptions levels in the world,<sup>156</sup> with a total adult per capita consumption of 9.5 litres of pure alcohol per year.<sup>157</sup> There has also been a rapid increase in the use and abuse of substances over the past decade.<sup>158</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>159</sup> Research by the Department of Social Development and Central Drug Authority (2014) indicates that, 'tik' (crystal meth, or methamphetamine), alcohol, 'dagga' and 'whoonga' and 'nyaope' exacerbate poverty and crime and also contribute to child abuse and gender violence.<sup>160</sup>

The abuse of alcohol, combined with the easy availability of alcohol has been shown to significantly contribute to violence, with studies showing a positive correlation between alcohol outlet density and high levels of physical violence.<sup>161</sup> This is particularly the case with IPV in South Africa. A 2013 study in the Vhembe district found that women reported greater instances of physical violence when their partner grappled with alcohol or other substance abuse problems.<sup>162</sup> Research conducted indicate that 64.7 per cent of school children reported it is easy to access alcohol.<sup>163</sup>

A 2010 study on the spending and revenue of South Africa's national and provincial government in relation to alcohol abuse indicates the seriousness of the alcohol problem in South Africa, and how it extends beyond individual concerns.<sup>164</sup> For the 2009/2010 financial year the Provincial government allocated around R7 billion on account of alcohol abuse, and the National government allocated more than R10 billion.<sup>165</sup> Breaking down the numbers, 35 per cent of total expenditure was spent on health, 34 per cent on safety and security and 20 per cent on correctional services.<sup>166</sup>

## **9. Exposure to anti-social peer groups**

Violence perpetrated by anti-social peer groups is not limited to named gangs.

Gangsterism is a significant problem in many of South African's cities and prisons, and gang activity spread to some smaller towns.<sup>167</sup> Prisons and communities in the Western Cape in particular have been the site of decades of gangsterism, with the notorious 'Numbers' prison gang having its origins in the 1800s.<sup>168</sup> As a result of the clandestine nature of gang activity, very little precise information is known about the workings of gangs.<sup>169</sup> Other dated publications have estimated that there are 130 gangs in the Western Cape, consisting of 100

000 gang members. Even less is known about the characteristics and operations of gangs in other parts the country.<sup>170</sup>

However, the activities of gangs are often made visible in shootings, prison riots, intimidation, killings and organised crime (in particular, the drug economy).<sup>171</sup> For example, the high levels of homicide, possession of illegal firearms and drugs and assault in the Western Cape speak to the presence of gangs in this area.<sup>172</sup> In 2013, 12 per cent of the 2,580 murders in the province were gang-related according to SAPS, an 86 per cent increase from the previous year.<sup>173</sup> However, it is difficult to determine the degree to which gangsterism affects the rates of crime and violence, as crimes are not always categorised in terms of being gang related.<sup>174</sup> SAPS further outline key challenges in dealing with the issue of gangs to include the limited implementation of the Western Cape Gang Strategy, the uncertain structure of gangs and the criminal economy and attempts at Corporatisation.<sup>175</sup>

Gang activity is particularly destructive because often involves the recruitment of underage members and frequently results in the reckless use of violence, where for example, innocent bystanders are killed in the cross fire of gang confrontations.<sup>176</sup> It threatens the wellbeing of whole communities by decreasing freedom of movement and association and usually is the most destructive for the poor and vulnerable.<sup>177</sup> Indeed, the safety of the whole community is compromised and this is often made worse when areas are densely populated and poorly planned.<sup>178</sup>

Anecdotal evidence suggests that the youth in particular are highly involved in gangsterism and there is frequently an overlap between gang activity and delinquency in general.<sup>179</sup> Children are typically recruited from schools because they are eager to prove themselves in the gang and do not face as harsh consequences as adults if caught.<sup>180</sup> For many, involvement in gangs is a family norm and children join to become career criminals as a way of meeting their economic needs.<sup>181</sup>

## **10. Lack of community social cohesion**

The National Development Plan (NDP) highlights the importance of promoting social cohesion in not only dealing with the challenges of unemployment, poverty and inequality, but also addressing issues of safety and security.<sup>182</sup> The transformation of sports, culture and the creative arts sector is highlighted to be a key driver in building social cohesion and common understanding.<sup>183</sup>

The Medium Term Strategic Framework (MTSF) highlights issues of the lack of social cohesion in South Africa, and the fact that despite progress since 1994, South African society remains divided, with such divides fuelling racism, xenophobia and GBV.<sup>184</sup>

Social cohesion is described as 'the bonds that bring people together in society, particularly in the context of cultural diversity'.<sup>185</sup> There are strong links between the absence of social cohesion and heightened levels of interpersonal violence within communities.<sup>186</sup> Research in this area indicates that community dynamics may foster or impede a series of protective factors, especially in relation to interpersonal violence, such as: parents' healthy attitude towards child bearing and child rearing;<sup>187</sup> stimulating learning and social environments; as well as the availability of adult role models, adult monitoring and supervision of children.<sup>188</sup> Social fragmentation is also a contributing factor to high levels of domestic violence, criminality, teenage pregnancy and overall exposure of violence within the community.<sup>189</sup>

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# **ANNEXURE D – Legislative and policy framework impacting on the White Paper on Safety and Security**

## **1. International Legal Instruments**

- 1.1 African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)
- 1.2 African Charter on People and Human Rights
- 1.3 African Charter on the Rights and Welfare of the Child
- 1.4 Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- 1.5 Convention on the Elimination of all forms of Racial Discrimination (CERD)
- 1.6 United Nations Convention on the Rights of the Child (UNCRC)
- 1.7 Convention on the Rights of Persons with Disabilities
- 1.8 Declaration of Basic Principles of Justice for Victims of Crime and Violence
- 1.9 Economic and Social Council Resolution 2005/22
- 1.10 Economic and Social Council Resolution 2008/24 (greater attention to urban crime prevention and the importance of an approach that integrates crime prevention considerations into relevant social and economic policies and programmes)
- 1.11 Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention (Economic and Social Council Resolution 1995/99)
- 1.12 Guidelines for the Prevention of Crime (Council resolution 2002/13)
- 1.13 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition
- 1.14 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- 1.15 United Nations Convention against Transnational Organized Crime
- 1.16 United Nations Convention against Corruption
- 1.17 United Nations Guidelines for the Prevention of Juvenile Delinquency

## **2. National Legislation**

- 2.1 Constitution of the Republic of South Africa 108 of 1996
- 2.2 Children's Act 38 of 2005
- 2.3 Child Justice Act 75 of 2008
- 2.4 Civilian Secretariat for Police Act 2 of 2011
- 2.5 Correctional Services Act 111 of 2008
- 2.6 Correctional Services Regulations 2004
- 2.7 Correctional Services Regulations as Amended 2012
- 2.8 Counterfeit Goods Act 37 of 1997
- 2.9 Criminal Procedure Act 51 of 1977
- 2.10 Culture Promotion Act 35 of 1983
- 2.11 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
- 2.12 Domestic Violence Act 116 of 1998
- 2.13 Employment of Educators Act 76 of 1998
- 2.14 Firearms Control Act 60 of 2000
- 2.15 Housing Act 107 of 1997
- 2.16 Identification Act 68 of 1997
- 2.17 Immigration Act 13 of 2002
- 2.18 Independent Complaints Directorate (ICD)
- 2.19 Independent Police Investigative Directorate (IPID) Act 1 of 2011
- 2.20 Infrastructure Development Act 23 of 2014
- 2.21 Intergovernmental Relations Framework Act (IGRFA) 13 of 2005
- 2.22 Local Government Municipal Structures Act 117 of 1998
- 2.23 Local Government Municipal Systems Act 32 of 2000
- 2.24 Liquor Act 59 of 2003
- 2.25 Magistrates Act 32 of 1944
- 2.26 Municipal Finance Management Act 56 of 2003
- 2.27 National Credit Act 34 of 2005
- 2.28 National Education Policy Act 27 of 1996
- 2.29 National Empowerment Fund Act 105 of 1998
- 2.30 National Health Act 61 of 2003
- 2.31 National Prosecuting Authority Act 32 of 1998
- 2.32 National Sport and Recreation Act 110 of 1998
- 2.33 Older Persons Act 13 of 2006
- 2.34 Prevention and Combatting of Corrupt Activities Act 12 of 2004

- 2.35 Preventing and Combatting of Trafficking in Persons Act 7 of 2013
- 2.36 Prevention and Treatment of Substance Abuse Act 70 of 2008
- 2.37 Promotion of Equality and Elimination of Unfair Discrimination Act 4 of 2000
- 2.38 Protection from Harassment Act 17 of 2011
- 2.39 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (Regulation Part I: on Services for Victims of Sexual Offences and compulsory HIV testing for alleged sex offenders)
- 2.40 Safety at Sports and Recreational Events Act 110 of 1998
- 2.41 Social Assistance Act 13 of 2004
- 2.42 South African Citizenship Act 88 of 1995
- 2.43 South African Police Service Act 68 of 1995
- 2.44 South African Police Service Amendment Act 68 of 1995
- 2.45 South African Schools Act 84 of 1996
- 2.46 Spatial Planning and Land Use Reform Act 16 of 2013
- 2.47 Special Economic Zones Act 16 of 2014
- 2.48 Traditional Leadership and Governance Framework Act 41 of 2003

### **3. Policy Framework**

- 3.1 Back to Basics Programme
- 3.2 Blueprint: Minimum Norms and Standards for Secure Care Facilities in South Africa of 2010
- 3.3 Breaking New Ground: A comprehensive plan for the development of integrated sustainable human settlements of 2014
- 3.4 Comprehensive Rural Development Programme (CRDP) of 2009
- 3.5 Community Safety Forums Policy of 2011
- 3.6 Crime Detention Strategic Framework
- 3.7 Draft National Youth Policy of 2015
- 3.8 Draft Integrated Urban Development Framework (IUDF) of 2014
- 3.9 Draft National Learner Transport Policy
- 3.10 Early Childhood Development (ECD) Policy of 2015
- 3.11 Education White Paper 5 on Early Childhood Development of 2001
- 3.12 Education White Paper 6 on Inclusive Education of 2001
- 3.13 Emergency Housing Programme (EHP) of 2009
- 3.14 Expanded Public Works Programme (EPWP) of 2003
- 3.15 Framework for Social Welfare Services of 2013

- 3.16 Generic Norms and Standards for Social Welfare Services of 2013
- 3.17 Gender Policy Statement of 1998
- 3.18 Guidelines for Maternity Care in South Africa of 2007
- 3.19 Guidelines for the Prevention and Management of Sexual Violence and Harassment in Public Schools
- 3.20 Inclusive Crime and Violence Prevention for Safe Spaces (VCP) Programme of 2012
- 3.21 Integrated Criminal Justice System Review 1998-current
- 3.22 Integrated National Disability Strategy White Paper of 1997
- 3.23 Integrated Social Crime Prevention Strategy of 2011
- 3.24 Integrated School Health Policy of 2012
- 3.25 Integrated Programme of Action Addressing Crime and Violence against Women and Children (VAWC) of 2015
- 3.26 Maternal, Newborn, Child and Women's Health and Nutrition Strategic Plan of 2012
- 3.27 Mini Drug Master Plan 2011/12 – 2013/14
- 3.28 Monitoring, Evaluation and Impact Assessment Policy and Implementation Framework for the Human Settlements Sector of 2010
- 3.29 National Housing Code of 2009
- 3.30 National Liquor Policy of 2015
- 3.31 National Sanitation Policy of 1996
- 3.32 National Policy Framework for the Management of Sexual Offence Matters 2012
- 3.33 National Directives and Instructions on Conducting a Forensic Examination on Survivors of Sexual Offence Cases in Terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007
- 3.34 National Transport Policy White Paper of 1996
- 3.35 National Sanitation Policy White Paper of 1996
- 3.36 National Strategic Framework for the Provision of Prevention and Early Intervention Programmes of 2013
- 3.37 National Policy Guidelines for Victim Empowerment of 2009
- 3.38 National Crime Prevention Strategy of 1996
- 3.39 National Drug Master Plan
- 3.40 National Rural Safety Strategy
- 3.41 National Policy for the Provision of Basic Refuse Removal Services to Indigent Households of 2013

- 3.42 National Security Strategy
- 3.43 National Implementation Plan for the Service Charter for Victims of Crime of 2007.
- 3.44 National Intervention Strategy for Lesbian, Gay, Bi-sexual, Transgender and Inter-sex (LGBTI) Sector of 2014
- 3.45 National Policy Framework for Child Justice Act of 2010
- 3.46 National Infrastructure Plan of 2012
- 3.47 National Spatial Development Perspective of 2006
- 3.48 National Evaluation Policy Framework of 2011
- 3.49 National Youth Policy of 2009-2014
- 3.50 National Development Plan 2030
- 3.51 National School Safety Framework
- 3.52 National Strategy for the Prevention and Management of Alcohol and Drug Use Amongst Learners of 2013
- 3.53 National Action Plan to Combat Racism (NPAR) 2005-2008
- 3.54 New Growth Plan (NGP) of 2011-2020
- 3.55 Public Service Integrity Management Framework
- 3.56 Public Service Anti-Corruption Strategy of 2002
- 3.57 Policy Framework on the Traditional Justice System under the Constitution of 2008
- 3.58 Plan of Action: Improving Access to Free and Quality Basic Education for All of 2003
- 3.59 Policy Document on Adult Basic Education and Training of 2003
- 3.60 Policy on Screening, Identification, Assessment and Support (SIAS) of 2014
- 3.61 Policy on the Management of Public Hospitals of 2012
- 3.62 Policy and Guidelines: Policing of Public Protests, Gatherings and Major Events
- 3.63 Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure of 2013
- 3.64 SAPS Corruption and Fraud Strategy
- 3.65 South African Reserve Police Service Policy Framework and Guidelines: Establishment and Functioning
- 3.66 Safety and Education Partnership between SAPS and DBE Protocol
- 3.67 Sports and Recreation White Paper
- 3.68 Service Charter for Victims of Crime and Violence of 2004

- 3.69 South African Integrated Programme of Action Addressing Violence Against Women and Children 2013-2018
- 3.70 Spatial Planning and Land Use Management White Paper
- 3.71 The Housing Accord
- 3.72 The Public Service Anti-Corruption Strategy of 2002, and the SAPS Corruption and Fraud Prevention Strategy
- 3.73 Visible Policing Strategy
- 3.74 White Paper on Local Government of 1998
- 3.75 White Paper on Traditional Leadership and Governance of 2003
- 3.76 White Paper on Remand Detention Management in South Africa of 2014
- 3.77 White Paper on Corrections of 2005
- 3.78 White Paper on Reconstruction and Development of 1994
- 3.79 White Paper on Agriculture of 1995
- 3.80 White Paper on Local Government of 1998
- 3.81 White Paper on Municipal Service Partnerships of 2000
- 3.82 White Paper on Traditional Leadership and Governance of 2003
- 3.83 White Paper on Basic Household Sanitation of 2013
- 3.84 White Paper on Corrections of 2005
- 3.85 White Paper on Remand Detention Management in South Africa of 2014
- 3.86 White Paper on Intelligence
- 3.87 White Paper on the Transformation of the Health System of 1997
- 3.88 White Paper on Education and Training of 1995
- 3.89 White Paper for Post-School Education and Training of 2014
- 3.90 White Paper on Housing of 1994
- 3.91 White Paper on National Strategy for the Development and Promotion of Small Business in South Africa of 1995
- 3.92 White Paper for Social Welfare of 1997
- 3.93 White Paper on Families of 2012
- 3.94 White Paper on Safety and Security of 1998
- 3.95 White Paper on Sports and Recreation of 2011
- 3.96 White Paper on National Water Policy for South Africa of 1997

# **ANNEXURE E – Legal Framework for Role of National, Provincial and Local Government**

The scope of responsibility for provision of safety and security is articulated, in terms of Schedule 4 and Schedule 5 of the Constitution of the Republic of South Africa. Further, Chapter 3 of the Constitution emphasises the distinctive, interdependent and interrelated nature of government in these spheres and articulates clear principles of co-operative government and intergovernmental relations, which requires 'All spheres of government and all organs of state within each sphere must - (a) preserve the peace, national unit and the indivisibility of the Republic; (b) secure the well-being of the people of the Republic'.<sup>1</sup>

## **1. Imperatives for co-operative government**

Chapter 3 of the Constitution acknowledges the distinct, yet interdependent and inter-related spheres of government, and provides clear principles for the coordination of their activities. Section 41 obligates all spheres of government and organs of the state to preserve the peace, national unity and the indivisibility of the Republic and secure the well-being of its people by providing an effective, transparent, accountable and coherent system of government as a whole. Additionally, Section 41(1)(h) requires government to cooperate in mutual trust and good faith by fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another, on matters of common interest; coordinating actions and legislation with one another; adhering to agreed procedures' and avoiding litigation against one another. Further, the Constitution requires Parliament to enact legislation that establishes or provides for structures and institutions to promote and facilitate intergovernmental relations, and provides for appropriate mechanisms and procedures to resolve intergovernmental disputes.<sup>2</sup>

## **2. Institutional mechanisms to facilitate intergovernmental relations**

The Intergovernmental Relations Framework Act in 2005 (IGRFA) gives effect to Section 41(2) of the Constitution by providing a series of mechanisms to facilitate cooperative governance and intergovernmental relations between different spheres of government and organs of state. Specifically, the object of the IGRFA is to provide a framework to

facilitate the coordination of government in the implementation of policy and legislation that is grounded upon coherent government, effective provision of services, monitoring implementation of policy and legislation and the realisation of national priorities (IGRFA, sec 4).

To promote the object of the IGRFA, Section 5 requires national, provincial and local government to consider the circumstances, material interests, and budgets of different spheres of government and organs of state and to consult affected organs of state using intergovernmental structures. Section 31 of the IGRFA specifically states that where a specific Act or piece of legislation requires consultation with organised local government, such consultation must take place through an appropriate inter-governmental structure, and that organised local government must be represented in said structure. In addition, Section 5 requires national, provincial and local government to coordinate actions when implementing policy or legislation that affects the material interests of other governments; (iv) avoid unnecessary and wasteful duplication or jurisdictional contests; (v) take reasonable steps to ensure they have sufficient institutional capacity and effective procedures to consult, cooperate and share information, and to respond promptly to requests from other organs of state for information sharing; (vi) and participate in intergovernmental structures to which they are members. In addition, Chapter 2 of the IGRFA provides a range of intergovernmental structures composed of members of different spheres of government, such as the President's Coordinating Council, National Intergovernmental Forums, Provincial Intergovernmental Forums, Municipal Intergovernmental Forum (including both district intergovernmental forums and inter-municipality forums), and Intergovernmental Technical Support Structures.

## 2.1 Obligations and responsibilities of national government

Both the IGRFA and the Local Government Municipal Systems Act (MSA) confer the power to make regulations and guidelines relating to provisions of both Acts to the Minister of the Department of Cooperative Governance and Traditional Affairs (COGTA). In terms of Section 47 of the IGRFA, the Minister may issue regulations relating to: (i) any matter prescribed in terms of the IGRFA; (ii) frameworks for the coordinating and aligning of development priorities and objectives amongst the three spheres of government; (iii) frameworks for co-ordinating intergovernmental conduct and actions affecting municipal functions; (iv) implementation protocols; (v) indicators for monitoring and evaluating the implementation of the IGRFA; and (vi) any other matter that may facilitate the administration of the IGRFA. In terms of the MSA, the Minister of COGTA may make

regulations or issue guidelines relating to: (i) community participation (sec 22); (ii) integrated development planning (sec 37); (iii) performance management (sec 49); and (iv) municipal services and sectoral matters (sec 94). In addition, Section 48 of the MSA requires the Minister of COGTA to develop a consolidated report containing Key Performance Indicators (KPIs) applicable to all municipalities, and to compile an annual report on the activities of local government which is based upon those KPIs and submit to Parliament and the Member of the Executive Council (MECs) for local government.

The power to assign functions to local government arises from Section 156(4) of the Constitution, which requires national government to assign to a municipality the administration of matter which necessarily relates to local government, if the matter would be most effectively administered locally, and if the municipality has the capacity to administer it. Further, Sections 9 and 10 of the IGRFA provide procedures governing the assignment of functions from national to local government, which first requires national government to consult with the National Minister of Finance and MEC for local government and to consider assessments by the Financial and Fiscal Commission; and second, requires national government to ensure the existence of sufficient funding and capacity building initiatives that are needed for local government to perform the assigned function. These procedural safeguards are also provided in terms of Section 9 of the Municipal Structures Act.

## 2.2 Obligations and responsibilities of provincial government

The Constitution confers provincial government with the power to oversee and intervene in the affairs of local government in ways prescribed by the Constitution and corresponding legislation (Constitution, sec 139). These obligations and responsibilities include:

- Monitoring and reporting on the affairs of local government to enhance the capacity of local government and to perform its functions and manage its own affairs.<sup>3</sup>
- Conducting reports on the financial status of municipalities.<sup>4</sup>
- Securing sufficient funding and capacity building initiatives on behalf of municipalities to the extent required for the performance of their functions.<sup>5</sup>
- Providing support services to municipalities, which includes the drafting of by-laws.<sup>6</sup>

- Assigning functions to municipalities in terms of provincial legislation.<sup>7</sup>
- Coordinating intergovernmental relations between provinces and local government.<sup>8</sup>
- Overseeing the development and drafting of integrated development plans (IDPs) by the municipalities.<sup>9</sup>
- Intervening in the affairs of local government when a municipality has not performed its statutory obligations.<sup>10</sup>

The monitoring and reporting obligations of provincial government to local government form a critical component of cooperative governance and intergovernmental relations between the two spheres of government. For example, Section 46 of the MSA requires every municipality to prepare an annual report at the end of each financial year which must be submitted to the MEC for local government in the province. Section 46(3)(b) allows representatives of the MEC for local government to then attend and speak at meetings of Municipal Councils, and to pose questions relating to the affairs of the municipality and issues contained in the annual reports; municipal managers are then required to answer to questions raised in relation to the annual reports. Once all annual reports have been received, the MEC for local government in the province must compile and submit a consolidated report to the provincial legislature and Minister (sec 47(1) MSA).

In addition, the MEC for local government is required by Section 105(1) of the MSA to establish mechanisms and procedures to allow for the monitoring of municipalities in the management of their affairs, the exercise of their powers, and the performance of their functions. Additionally, Section 105(1) requires the MEC for local government to create mechanisms for monitoring the development of local government capacity in the province, and for assessing the support needed by municipalities for the strengthening of their capacity to manage their own affairs, exercise their powers and performance their functions (sec 105(1)(a)-(c) MSA). Further, Section 105(3) authorises MEC for local government to require municipalities to submit any information to a specified provincial organ of state either at regular intervals or within a period specified, which is subject to the proviso that the request is not too onerous or that it places additional burdens on municipalities. If the MEC sees that a municipality is not fulfilling a statutory obligation, Section 106 of the MSA confers it with the power to intervene in the affairs of local government.

As with national government, the power to assign functions from provincial to local government arises from Section 156(4) of the Constitution, which obligates provincial government to assign to a municipality the administration of matter which necessarily relates to local government, if the matter would be most effectively administered locally, and if the municipality has the capacity to administer it. Sections 9 and 10 of the IGRFA provide procedures governing the assignment of functions from provincial government to local government, which first requires provincial government to consult the MEC for finance, local government, and organised labour, and consider assessments made by the Financial and Fiscal Commission when assigning a function in terms of provincial legislation; and second, ensuring the existence of sufficient funding and capacity building initiatives that are needed to ensure the effective performance of the assigned function by a municipality. These procedural safeguards are also provided in terms of Section 9 of the Municipal Structures Act.

### 2.3 Obligations and responsibilities of local government

Section 151 of the Constitution confers municipalities with the power to govern the local government affairs of its communities, subject to national and provincial legislation. Further, Section 155 of the Constitution provides for three distinct categories of municipalities: metropolitan municipalities (Category A); District Municipalities (Category C); and Local Municipalities (Category B). Unlike metropolitan municipalities, district municipalities are required to make divisions in the functions and powers between district and local municipalities, with district municipalities working towards the achievement of integrated, sustainable, and equitable social and economic development by: (i) ensuring integrated develop planning within the district; (ii) promoting bulk infrastructural development and services for the district as a whole; (iii) building the capacity of local municipalities in its areas to perform their functions and to exercise their powers where such capability is lacking and (iv) promoting the equitable distribution of resources between local municipalities in its district to ensure services are delivered (Municipal Structures Act, sec 83(3)).

Section 153 of the Constitution obligates municipalities to structure and manage their administration, budgeting and planning processes to prioritise the basic needs of the community and to promote the social and economic development of the community. In accordance with the principles of cooperative governance, Section 154 of the Constitution obligates national and provincial governments to support and strengthen the capacity of

municipalities to manage their affairs, exercise their powers and perform their functions, which includes promoting a safe and healthy environment. (Constitution, sec 152, 153, and 154). Municipalities fulfil their constitutional obligations by developing and adopting Integrated Development Plans (IDP) which must align with national and provincial development plans and strategies, and link to, integrate, and coordinate with the IDPs of other municipalities, (Municipal Systems Act, sec 24). The IDP serves as the single, strategic plan guiding the development of the municipality, and municipalities are required to align their resources and budgets to its implementation (Municipal Systems Act, sec 25).

In addition to promoting a safe and healthy environment and the social and economic development of a municipality, local government also retains executive authority and the right to administer any matter assigned to it by national or provincial legislation. (Constitution, sec 156) The power to assign functions to local government arises from Section 156(4) of the Constitution, which requires national and provincial government to assign to a municipality the administration of matter which necessarily relates to local government, if the matter would be most effectively administered locally, and if the municipality has the capacity to administer it. Further, Sections 9 and 10 of the IGRFA provide procedures governing the assignment of functions to local government, which includes: (i) consulting with the National Minister of Finance and MEC for local government and consider assessments by the Financial and Fiscal Commission when assigning a function by way of national legislation; (ii) consulting the MEC for finance, local government, and organised labour, and consider assessments of by the Financial and Fiscal Commission when assigning a function by way of provincial legislation; and (iii) ensuring the existing of sufficient funding and capacity building initiatives as needed for the performance of the assigned function. These procedural safeguards are also provided in terms of Section 9 of the Municipal Structures Act, which also deals with the assignment of functions.

Local government plays a key role the safety, crime and violence prevention needs of communities. In this regard, national and provincial governments are legally obligated to equip municipalities with the resources and capacity to plan, implement and monitor these services.

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- <sup>1</sup> Constitution of the Republic of South Africa (No 108 of 1996) Section 41(1) Available at: <http://www.acts.co.za/constitution-of-the-republic-of-south-africa-act-1996/> (Accessed: 28 September 2015).
- <sup>2</sup> Constitution of the Republic of South Africa (No 108 of 1996) Section 41(2) Available at: <http://www.acts.co.za/constitution-of-the-republic-of-south-africa-act-1996/> (Accessed: 28 September 2015).
- <sup>3</sup> Constitution of the Republic of South Africa (No 108 of 1996) Section 155 Available at: <http://www.acts.co.za/constitution-of-the-republic-of-south-africa-act-1996/> (Accessed: 28 September 2015); Local Government Municipal Systems Act (No 32 of 2000) Sections 46, 47, and 105 Available at: <http://www.acts.co.za/municipal-systems-act-2000/> (Accessed: 29 September 2015).
- <sup>4</sup> Municipal Finance Management Act (No 56 of 2003) Section 132 Available at: [http://www.saflii.org/za/legis/consol\\_act/lgmfma2003399.pdf](http://www.saflii.org/za/legis/consol_act/lgmfma2003399.pdf) (Accessed: 29 September 2015).
- <sup>5</sup> Local Government Municipal Systems Act (No 32 of 2000) Section 9 Available at: <http://www.acts.co.za/municipal-systems-act-2000/> (Accessed: 29 September 2015).
- <sup>6</sup> Local Government Municipal Structures Act (No 117 of 1998) Sections 14 and 88 Available at: <http://mfma.treasury.gov.za/Legislation/lgmsta/Pages/default.aspx> (Accessed: 29 September 2015).
- <sup>7</sup> Local Government Municipal Systems Act (No 32 of 2000) Section 9 Available at: <http://www.acts.co.za/municipal-systems-act-2000/> (Accessed: 29 September 2015).
- <sup>8</sup> Intergovernmental Relations Framework Act (No 13 of 2005) Sections 36 and 37 Available at: [http://www.gov.za/sites/www.gov.za/files/a13-05\\_1.pdf](http://www.gov.za/sites/www.gov.za/files/a13-05_1.pdf) (Accessed: 29 September 2015).
- <sup>9</sup> Local Government Municipal Systems Act (No 32 of 2000) Section 31 and 32 Available at: <http://www.acts.co.za/municipal-systems-act-2000/> (Accessed: 29 September 2015).
- <sup>10</sup> Constitution of the Republic of South Africa (No 108 of 1996) Section 139 Available at: <http://www.acts.co.za/constitution-of-the-republic-of-south-africa-act-1996/> (Accessed: 28 September 2015).