

THE VIOLENT NATURE OF CRIME IN SOUTH AFRICA

A concept paper for the Justice, Crime Prevention
and Security Cluster

Prepared by

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EXECUTIVE SUMMARY

This concept paper represents the first component of an overall project on the violent nature of crime, which has been commissioned by the Department of Safety and Security acting on behalf of the Justice, Crime Prevention and Security Cluster. The objectives of the concept paper are:

1. To present an overall picture of the nature of violence in South Africa.
2. To answer questions relating to:
 - 2.1 Why there is so much violent crime.
 - 2.2 Why there is so much “acquaintance violence” between people who are known to each other.
 - 2.3 Why there is such a high degree of violence in many criminal incidents.
3. To make recommendations regarding criminal justice responses to violent crime and violence prevention measures, which are relevant both to the JCPS and social development clusters.

Section 2 deals with the politics of crime and violence in South Africa, highlighting how crime and violence are a focus of political contestation with a range of groups advocating on behalf of specific victim constituencies.

Section 3 defines violence in relation to applications of threats of physical force, and addresses issues relating to the definition of violence, as well as other terminology used in the paper. While violence is prosecuted in terms of specific offences, this paper focuses on forms of violence. While the paper uses the terms “perpetrator” and “victim”, it cannot be assumed that in all incidents of violence these roles are clearly distinguishable. The issue of acquaintance violence is a key focus of the paper and this is juxtaposed terminologically with “stranger” violence. Distinctions between the “level” and “degree” of violence, and between “high-crime” and “violence-prone” communities are also discussed here.

Section 4 talks about the overall nature of crime, distinguishing “violent crime” as a group of crimes from other broad groups of crime, and discussing the contribution of violent crime to overall levels of reported crime, and the contribution of various types of violent offences to overall levels of violent crime. A number of related topics are also discussed in this section, including provincial variations in rates of violent crime, the distinction between property crime and violent crime, and the levels of imprisonment for violent offending.

Section 5 discusses the available information for comparing levels of violent crime in South Africa with that in other countries, noting that this confirms the basis for concern about the high levels of violence in South Africa.

Section 6 provides a table (Table 4) that lists 12 forms of violent crime in South Africa. The section discusses these 12 categories in relation to the offence category “murder” as well as other types of violence that have achieved a certain amount of prominence in relation to public discussions of violence in South Africa, such as gender violence, gun violence, farm attacks and killings, and the killings of police. While there is no ultimately satisfactory way of classifying acts of violence, the paper argues that the first three forms of violence, namely (i) assaults related to domestic violence, arguments and other circumstances, (ii) robberies and (iii) rape and sexual assault account for most violent crime in South Africa.

The three major forms of violence are then each discussed separately under **Section 7**. The information on assaults in South Africa is discussed, with some use of information from other countries, which illuminates the points being made. Some of the features of assaults are that they are sometimes related to a pattern of repeated violence. Assaults appear to be the primary driver of murder figures in South Africa, with most murders being related to arguments that escalated into physical violence. A high proportion of assault perpetrators is known to their victims. Issues to do with the gender distribution of assault victims and perpetrators are also discussed, as are the comparative rates of common and aggravated assaults, and the issue of victim precipitation. In so far as there is evidence regarding the motivation for assaults in South Africa, a large proportion is ascribed to anger of one kind or another. Analysts in other countries have described the large number of

assaults involving two males (as victim and perpetrator, or opponents) using terms such as “status competition” or “honour contests”.

In discussing robbery, **Section 7** discusses issues relating to the basis for differentiating between different types of robbery, and gives particular emphasis to the high levels of robbery in Gauteng, which accounts for 42% of all aggravated robberies nationally, and an even higher proportion of specific subcategories such as carhijacking and bank robbery. This discussion also strongly emphasises the impact of the politics of crime (see Section 2) on perceptions of robbery, with those forms of robbery impacting on the middle classes receiving far more attention than other forms.

In discussing rape, **Section 7** refers to the issue of the overall incidence of rape as compared to crime statistics. By broadening the definition of rape, the Sexual Offences Bill, if passed, is also likely to contribute to an increase in recorded rape figures. Rape by current or former intimate partners as well as other issues to do with the relationship between victim and perpetrator are also discussed, with most rapes believed to take place between people who are known to each other. These issues are also discussed in relation to rapes involving a group of perpetrators while the phenomenon of the rape of men is also mentioned. This section finishes with a brief discussion of the factors that contribute to rape.

Section 8 discusses acquaintance violence. Building on the discussion in **Section 7**, it emphasises the point that most cases of assault and sexual assault are believed to involve people who are known to each other, as victim and perpetrator. Other forms of violence, such as violent or sexual child abuse, are also generally committed by family members or people known to them, while murder perpetrators were usually also known by the victim. There is also data from a survey of young people, indicating that robberies of children are often carried out by people who are known to them. South African data on acquaintance violence is compared with data on murders in the USA, as well as data from various small-scale studies conducted in South Africa, which also indicates that most murders, and particularly those related to arguments, involve people who are known to the victim. In relation to violent crime more generally, acquaintance violence makes a far more substantial contribution to

overall levels of violence in poorer violence-prone communities (discussed further in Section 10) than in wealthier high-crime communities. However, this discussion highlights the issue that there are various degrees of relationship and that the bulk of acquaintance violence *may take place more in the zone of “intermediate relationships”, involving people who are not family or friends but are also not complete strangers*, although this is likely to vary relative to the gender of victims. This section briefly alludes to questions about the explanations for the high levels of acquaintance violence before engaging with a discussion about response to acquaintance violence, specifically in relation to the role of the police. In conclusion this section motivates that acquaintance violence needs to be addressed in its own right but also can be seen as a generator of violence more broadly. Therefore, strategies aimed at tackling violence in South Africa should focus on acquaintance violence.

Section 9 looks at issues to do with the degree of violence used in incidents of violence, listing a large number of manifestations of violence that are cause for special concern. The paper distinguishes between “instrumental”, “expressive” or “gratuitous” motives, suggesting that these may tend to be linked to certain types of psychological dispositions or pathologies. In addition, other factors such as the levels of gun ownership among the general population, alcohol or other substance use, vindictiveness or anger, group dynamics, lack of confidence on an interpersonal level, or the desire for notoriety, may also contribute to the risk of excessive violence. Despite the evidence of incidents of violence that are particularly shocking, perhaps related to the identity of the victim, or the degree of violence used, violence is often used instrumentally so that in many incidents of robbery, for instance, people will be threatened with violence but physical harm will often only be inflicted on them where they resist or obstruct the perpetrators in some way. There are, therefore, general guidelines that people can follow in situations where they are victimised, although these cannot be guaranteed to ensure their safety in all cases.

Section 10 looks at numerous issues relating to the distribution of violence and the profile of victims and perpetrators of violence, including factors such as age, race, gender and nationality. The section suggests that an examination of the distribution of violence can benefit from differentiating between “poorer violence-prone

communities” and “middle-class high-crime communities”. While both types of communities may be affected by predatory violent crime, it is primarily the poorer violence-prone communities that are affected by high levels of acquaintance violence. Perpetrators of violent crimes differ quite substantially from each other in the nature of their “violence careers”. While there are many perpetrators who are repeatedly involved in acts of violence, this is not necessarily the norm among perpetrators of violence. While the information on these questions is inadequate in South Africa, the information cited does not contradict research in other countries, which indicates that many people who are convicted of serious acts of violence do not have criminal records for violence (and possibly for other offences). Violent victimisation and perpetration appear to be more concentrated in African and Coloured than in White and Indian communities. Foreigners may suffer disproportionately high levels of victimisation in some areas. Although there is evidence of foreign involvement in crime, and Zimbabwean and Mozambican criminals play a prominent role in certain types of high-profile robberies, violent crime in South Africa is overwhelmingly driven by South Africans. Perpetrators of violence are overwhelmingly men. It is difficult to draw conclusions on overall levels of victimisation of men and women, as it appears that much violence is also not reported to victimisation surveys. While women are more at risk of sexual assault, and also more affected by repeat violence in intimate relationships, men are more likely to be victims of near-fatal and fatal physical assaults, and thus constitute the overwhelming majority of murder victims. Consistent with patterns documented elsewhere, most violence involves violence committed between people of the same race and class rather than being directed at members of other races or classes.

Section 11 looks at the involvement of groups and gangs in violence. Both “stranger crimes” and “acquaintance crimes” may be carried out by individuals or groups. Many street robberies and home robberies are carried out by small groups of perpetrators, although a relatively large number of home robberies appear to be linked to individual perpetrators. Where crimes are carried out by groups of perpetrators, this may be a group of friends or peers, or even informal acquaintances, rather than a formal gang. More sophisticated robberies tend to be linked to loose networks of criminals, although sometimes the groups are more permanent. Gang structures in Western Cape vary substantially in terms of their size

and stability. Violence that is related to gang members is probably more likely to be linked to predatory criminality or internal violence between members of the same gang, and less likely to be linked to conflict between rival gangs, although the chances of violence between different gangs may be accentuated if, for instance, “external factors” destabilise existing gangs. Within drug markets it may tend to be the less-organised elements, rather than organised crime groups, that are linked to violence, both as victims and perpetrators.

Section 12 looks at the impact of violence on South African society. Information from a docket study conducted in the late 1990s suggests that acquaintance violence makes a far greater contribution to levels of injury than does robbery. Violence, including rape, in particular, also frequently contributes to emotional and psychological trauma, which may be long lasting. Violence also has impacts in terms of financial costs, impacts on behaviour, broad impacts on society, including contributing to fear of crime and reinforcing existing social divisions. It also has impacts on specific sectors such as business, although it may be greatest among business in poorer communities. The paper also briefly discusses the impact of violence on perpetrators, not all of whom are entirely unaffected by incidents of violence they participate in or are witnesses to.

Section 13 starts by raising the question of to what degree explanations for violence and crime should differentiate on an explanatory level between different violence and other forms of crime, or between different forms of violence. It argues that the causes of violence include both factors that contribute to the overall levels of crime, as well as factors that are specifically relevant to understanding violence. Various factors are discussed. Ambivalence to the law dates back to the repressive role of the criminal justice system and the law during the apartheid era, although it is also sustained by factors in the current environment. Long-term and more recent processes of upheaval and change in society have weakened practices and systems relating to the socialisation of young people. The legacy of apartheid is expressed partly in feelings of low self-worth, and high levels of inequality aggravate feelings of lack of self-confidence among the less well off. Factors contributing to feelings of insecurity are also accentuated for men by the emphasis on gender equality, contributing to a type of threatened masculinity. For a variety of reasons violence

has become normalised in South African society and the tendency to resolve things violently is also accentuated in poorer communities by numerous other causes of friction. The criminal justice system does not significantly contribute to reducing levels of violence because its effectiveness in apprehending perpetrators is limited, because mechanisms for diversion and for preventing repeat offending among young offenders are poorly developed, and because prisons themselves are highly violent environments, which, in turn, contribute to habituating inmates to further violence. Alcohol and other substances, firearms, the legacy of war in the southern African region, and local, regional and global criminal economies also accentuate the problem.

Section 14 makes a set of principal findings and recommendations, and provides a broad framework for addressing violent crime and short-term measures. The full set of recommendations is listed at the end of this executive summary.

Finally, **Section 15, the conclusion**, draws together the main lessons or insights of this paper, focusing on the high levels of acquaintance violence, the overall high levels of violence, and the questions of the high degree of violence.

Acquaintance violence

In terms of acquaintance violence, the concept paper emphasises that this takes place within a wide spectrum of relationships in which people are known to each other and is not necessarily concentrated among more intimate relationships. Acquaintance violence accounts for the bulk of assaults and sexual assaults, and is the primary contributor to offence categories such as assault with intent to inflict grievous bodily harm (assault GBH), attempted murder, and murder that tends to occur in what the concept paper refers to as “violence-prone” as opposed to “high-crime” communities. Linked to the fact that it makes a large contribution to murder rates, it also appears that there is a higher incidence of serious injury associated with acquaintance violence. As a result, acquaintance violence probably makes a major contribution to the load violence places on hospital services.

Most violence against women is acquaintance violence. But apart from violence against women, acquaintance violence has been largely neglected on a policy level related to factors such as beliefs that it is private and that there is little that can be done about it, that it primarily impacts on poorer communities, and that victims are often marginal people, including young Black men who tend to be labelled as perpetrators and, in terms of prevailing stereotypes, are not recognised as a victim constituency. Furthermore, in some incidents where two young men are involved, the two may in some cases better be understood as opponents rather than victim and perpetrator.

The level of violence — why there is so much violent crime

In accounting for the overall levels of violence, the paper makes reference to several of the factors listed in Section 13. The conclusion emphasises the role of acquaintance violence, which is not only a product of, but itself reinforces, the normalisation of violence in specific communities, so that acquaintance violence can be seen as a key generator of broader violence in society. For instance, children who grow up in families characterised by violence not only internalise the acceptability of violence but are likely to internalise the verbal and emotional style of interaction that characterises these families. While middle-class concerns motivate for government to give priority to predatory violent crimes such as robbery, violence can probably be addressed more productively if greater attention is paid to the problem of acquaintance violence, although this is not to argue that crimes such as robbery should not also be regarded as an important concern.

The degree of violence

Members of the public expressing disapproval about violence often label such violence as “gratuitous”, especially where the violence is particularly horrific. As highlighted in the discussion of Section 9 above, the paper highlights a wide range of manifestations of violence that potentially cause particular concern. Rather than focusing specifically on gratuitous violence, the paper therefore highlights a more general problem of the high degree of violence in many incidents of victimisation.

While this will vary from one case to another, factors that may contribute to increasing the degree of violence in particular incidents may include:

- The broad normalisation of violence.
- The presence of firearms or other weapons.
- Group dynamics and peer pressure and susceptibility to this on the part of individuals among a group of perpetrators.
- Prior hostility towards the victims.
- Low self-esteem, or other specific types of psychological pathologies or dispositions, the prevalence of which may be linked to factors such as family dysfunctionality and the level of previous exposure to violence.
- A lack of confidence or poor communication skills on the part of the perpetrator.
- Dynamics relating to the specific incident, including whether perpetrators believe they are being obstructed or lied to, language that provokes them, acts of resistance or defiance by the victim, and the mental state of the perpetrators possibly linked to their use of drugs or alcohol.
- A desire on the part of the perpetrator for notoriety.

Overall, it seems that criminal violence is itself a manifestation of South Africa's historical traumas as well as contemporary social ills. Many of the contemporary problems deserve to be addressed in their own right. But South African society will also benefit if measures targeted specifically at the problem of violence are brought more directly and explicitly on to the priority public agenda.

Full list of recommendations

Principal recommendations

RECOMMENDATION 1: Sustained investment in measures of the kind discussed in paragraph 14.4,¹ targeted at violence-prone communities, would be likely to be

¹ These are measures such as:

- Sending public health nurses or equivalent professionals to visit the homes of high-risk families, such as low-income families, and those with teenage or unmarried first-time mothers to help them with parenting practices, mental-health problems and to address the use of tobacco and alcohol.
- Providing professional child-care workers or using preschool and other programmes to increase the cognitive and social abilities of children in underprivileged socioeconomic surroundings, and to help them develop without the disadvantages of inconsistent and uncaring parenting.

beneficial in reducing overall risk and disposition towards violence and overall levels of violence in many such communities. Government should strengthen the provision of these types of support to high-risk families. Preferably the provision of such support should be financed out of supplementary funds provided to the relevant government departments on a sustained basis rather than undermining existing initiatives.

RECOMMENDATION 2: In addition, the large number of child-headed households should be regarded as deserving of similar types of interventions.

While there are government programmes focused on these problem areas, developing a programme to support more focused implementation of measures of this kind requires sustained political will, as well as financing and demarcating line responsibilities for management and implementation. It also requires investment in developing the human resource capacity to support and implement these kinds of interventions, which may include outsourcing components to agencies outside of government.

Recommendation 3: While some of these initiatives, such as those addressed at primary school children, fall within the ambit of the existing government departments, and departments may be able to accommodate initiatives of this kind, government should consider establishing a dedicated agency, along the lines of the British Youth Justice Board² to strengthen interventions in this area.

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- Comprehensive education and family-support services that reach out to families in high-poverty neighbourhoods to help disadvantaged children get ready for primary school in order to promote children's academic success, to facilitate parents' involvement in children's education, and to enhance family functioning by strengthening the parent-child relationship.
 - Increasing support and respite for parents so they are able to provide more consistent and caring parenting.
 - Developing emotional skills for primary school children so they can understand, express and regulate their emotions.
 - Providing adult mentors to provide a sustained caring relationship and role models to youths aged 6-18 who live in single-parent families below the poverty line.
 - Residential programmes that provide social and educational support to youths preparing to enter the job market.

² The Youth Justice Board was established under the Crime and Disorder Act, 1998. In addition to initiatives focused on improving the efficiency of juvenile courts, and orientated to reducing repeat offending among young offenders, it also funds the Youth Inclusion Programme, which focuses on small groups of "most at risk" youth — the 8-17-year-old age bracket — in 110 of the most at deprived/high-crime neighbourhoods in England and Wales. Youth are provided with 10 hours of activities per week, including "sports, training in information technology, mentoring, and help with

Broad framework for addressing violent crime

Recommendation 4: Policies, programmes and initiatives at various levels in society should be strengthened in such a way as to better promote social cohesion and inclusion, to motivate poorer and marginalised constituencies to feel that they have a greater stake in society, to engender among these constituencies a greater sense of their value and importance to society, irrespective of their social status and circumstances, thereby promoting awareness of personal worth, and to engage more directly with the problem of inequality.³

Recommendation 5: Role players in the media and advertising industry should also engage with how the images they present impact on perceptions of personal worth.

Recommendation 6: Measures to promote a non-violent and law-abiding society and respect for justice and the law should be strengthened by:

1. Strengthening the condemnation of violence against women and extending this to a general condemnation of violence in social relationships and in society more broadly.
2. Articulating the values embodied in the constitution in a manner that clarifies their meaning in relation to personal conduct, notably in emphasising the issue of dignity and by implication the importance of acting in accordance with standards of respect and civility towards others.
3. Motivating members of the public at all levels of society to report criminal activities and to refrain from conduct that supports crime, including the purchase of stolen goods.⁴
4. Emphasise the need for public officials to conduct themselves in terms of standards of integrity.

literacy and numeracy issues”, as well as “assistance in dealing with violence, drugs, gangs, and personal health”. Waller, 2006: 35, as well as <<http://www.yjb.gov.uk/en-gb/yjs/Prevention/YIP/>>.

³ Compare first bullet point in recommendations section of Irish-Qhobosheane, 2007: 214.

⁴ Compare fourth bullet point in recommendations section of Irish-Qhobosheane, 2007: 214.

Recommendation 7: Within public space, recreational facilities, schools, correctional institutions and in society more broadly, there should be a stronger emphasis on discouraging violence, including:

1. Discouraging and preventing the carrying of guns and other weapons.
2. Taking measures to ensure that there is safety in specific areas, and at times when there is a heightened risk of violence.
3. Empowering appropriate people to intervene to discourage and prevent violence.

Recommendation 8: Overall there should be a strengthening of the focus on emotional and interpersonal awareness and development, and positive peer-group relationships, with notable emphasis given to the quality of interventions of this kind in violence-prone communities. Skills of this kind can be promoted among people in troubled families, in schools, in prisons and in the police.

Recommendation 9: Along with measures of the kind referred to in Recommendation 8, efforts at discouraging violence at schools should include measures to ensure that violence and bullying at school are reported,⁵ and to work in a focused way with bullies to stop bullying⁶ and with the victims of bullying.

Recommendation 10: In relation to the policing system:

1. CSVR has recently issued a report that provides an overall framework and approach for stabilising and consolidating the South African Police Service, and the recommendations made in that report are relevant to an overall framework for strengthening the criminal justice system.⁷
2. Among the recommendations made in the report are recommendations to strengthen support to SAPS members in their interactions with suspects and in

⁵ See the Centre for Justice and Crime Prevention (undated: 5) regarding informal pressures within the school environment not to report violence and other bullying.

⁶ See Waller, 2006: 30–31.

⁷ Bruce, Newham and Masuku, 2007.

dealing with conflict situations.⁸ The context in which the police are working is characterised by high levels of violence and conflict. Empowering police to deal with armed suspects and to intervene in an effective manner in interpersonal confrontations that are violent or potentially violent are necessary if they are to have the confidence to work in this environment.

3. In addition to strengthening initiatives to deal with gender violence, police should be trained and motivated to recognise other categories of victims, including victims of male-male peer violence, as deserving of sympathetic service. This should apply notwithstanding the fact they may be intoxicated, and despite the fact that this may add to the difficulty of providing assistance to them.
4. In line with this recommendation, and recognition that there is a strong overlap between victim and offender constituencies, police members should be motivated to ensure that suspects and offenders are also treated in a respectful way. In this regard the SAPS should renew its commitment to, and reinvigorate the Prevention of Torture Policy.
5. In terms of broad analysis the police should differentiate between poorer violence-prone communities and middle-class high-crime communities, and tailor their strategies accordingly.
6. Vehicle stops by municipal police should consistently be used to check for illegal firearms.
7. Recommendations below that are also directly relevant to the police include:
 - 7.1 Recommendation 11 on firearms.
 - 7.2 Recommendation 12 addresses the need for strengthening interventions in relation to domestic violence to support violence prevention.
 - 7.3 Recommendation 13 addresses responses to “youth at risk”.

Recommendation 11: The implementation of the Firearms Control Act by the police and the courts should be strengthened, notably in ensuring that firearms are not

⁸ Ibid. See p. 178, Recommendation 26.

legally available to persons who are unfit to possess them, and in reducing the number of illegal firearms.

Recommendation 12: Domestic violence is in some ways the core of the problem of acquaintance violence. Children who grow up in an environment where there is domestic violence are particularly at risk of engaging in violence, or of other social practices that may feed into violence. Dealing with domestic violence situations can be taxing for police but support provided to police relating to interventions (see Recommendation 10 and, particularly, point 2 above) should engage with difficulties in dealing with these types of situations and help police to reflect on the types of outcomes they can achieve through these interventions. In addition, some children in families affected by domestic violence may be at risk, particularly if the domestic conflict is also associated with neglect, inconsistent or inappropriate discipline, or other abuse.

Recommendation 13: In addition to factors associated with the home environment (see recommendations 1, 2 and 12 above), violent or other conduct — *and violent victimisation*⁹ — can be seen as warning signs for future violent or other criminal behaviour, particularly among young boys. The types of support and interventions most appropriate for such youth will depend on their age and broader circumstances, but such interventions need to start with identifying those who have the greatest need them.

1. Many of the types of measures highlighted above (see footnote 1) would be appropriate for interventions targeted at these “youth at risk”.
2. Where such youth have been involved in perpetrating acts of violence, diversion measures, possibly modelled on the framework in the Child Justice Bill, may be helpful in addressing their violent behaviour, but should also include a component of the kind outlined in Recommendation 8 above.
3. Restorative justice approaches should be strengthened generally in addressing acquaintance violence, although in some instances this should be in addition to imprisonment.

⁹ See, for instance, Shaffer and Ruback, 2002, as well as Dissel, 2005 and Langa, 2005.

4. Probation services would also need to be aligned with interventions targeted at this constituency.
5. Strengthening interventions in these types of areas requires developing specific types of human resource capacity. In particular, it would require much greater investment in the social work profession.

Recommendation 14: In line with Recommendation 7, the Department of Correctional Services should take stronger measures to ensure that prisons are managed in such a manner as to minimise violence and promote a non-violent environment in prisons. Programmes around emotional and interpersonal awareness and development should also be provided to prisoners along with other life skills or occupational training.

Recommendation 15: In line with paragraph 3 of Recommendation 10 above, victim support programmes should also be motivated to recognise victims of violence broadly, including victims of male-male peer violence, as deserving of support and should inform themselves about the type of empowerment measures that are likely to be most beneficial to different victim groups.

Recommendation 16: The advertising of alcohol should be prohibited. Revenues from taxes on alcohol should be directed to public education around violence, including public education, that specifically addresses “hazardous drinking”, such as drinking to intoxication,¹⁰ as well as the vulnerability to violence associated with alcohol consumption.

Recommendation 17: Public education around sexuality should be strengthened and should seek to speak to young men in a way that is meaningful in terms of their experience of their own sexuality, and address issues of responsible sexual behaviour.

Recommendation 18: Government should fund further research focused on understanding and addressing violence, as well as scientific evaluations of violence-

¹⁰ See Parry and Dewing, 2006.

prevention initiatives. In particular, research should be carried out on recidivism among violent offenders in order to inform the debate about the usefulness of minimum-sentencing legislation.

Short-term measures

Recommendation 19: Government should consider this framework of recommendations and adopt an action plan for implementing the recommendations. This should also address questions to do with financing, line responsibility and institutional arrangements.

Recommendation 20: Government should initiate a programme of action focused on strengthening non-violence in South Africa and involving civil society groups. Such a programme could draw on the lessons and symbolism of the National Peace Accord of the early 1990s.

Recommendation 21: Public education measures should be produced, focusing on the problem of acquaintance violence, highlighting its destructive consequences and assisting members of the public with steps that they can take to prevent such violence.

Recommendation 22: Government should launch an initiative in violence-prone communities aimed at mobilising local-level capacities such as those located in community police forums towards strengthening family and community life in these communities and the ability of community members to resolve conflict and prevent violence. Such initiatives could draw on models such as those of the Peace Committee structures as promoted by the Community Peace programme.¹¹ These initiatives should be based on models of community empowerment but should be supported with capacity and resources from outside the community.

Recommendation 23: There should be a rapid audit of government policy in relation to the above recommendations, specifically in relation to the impact of policy on violence-prone communities.

¹¹ See Cartwright and Jenneker, 2005.

Recommendation 24: This report should be made available for general public comment and discussion.

**Concept Paper on the
Violent Nature of Crime
in South Africa**

1 INTRODUCTION

- 1.1 The Centre for the Study of Violence and Reconciliation (CSVR) has been contracted by the Department of Safety and Security, acting on behalf of the Justice, Crime Prevention and Security (JCPS) cluster within cabinet, to undertake a study on the violent nature of crime in South Africa.
- 1.2 The contract provides for the study to include the following six components:
 - 1.2.1 Component 1: A concept paper on the violent nature of crime in South Africa (delivery date: 31 May 2007).
 - 1.2.2 Component 2: A study of the circumstances of occurrence of murder in areas with a high rate of murder in South Africa (30 November 2007).
 - 1.2.3 Component 3: A study on the nature and causes of sexual violence (29 February 2008).
 - 1.2.4 Component 4: An analysis of the socioeconomic factors that contribute to violence (31 May 2008).
 - 1.2.5 Component 5: Case studies on perpetrators of violent crime (31 May 2008).
 - 1.2.6 Component 6: A summary report on key findings and recommendations (30 November 2008).
- 1.3 This paper constitutes component 1 of the overall project: The concept paper on the violent nature of crime in South Africa.
- 1.4 The objectives of this component as defined in previous documents relating to the project¹² are:
 - 1.4.1 To present an overall picture of the nature of violence in South Africa.
 - 1.4.2 To answer questions relating to:

¹² See the preliminary concept paper submitted by CSVR, March 2007.

- 1.4.2.1 Why there is so much violent crime.
 - 1.4.2.2 Why there is so much “acquaintance violence” between people who are known to each other.
 - 1.4.2.3 Why there is such a high degree of violence in many criminal incidents.
 - 1.4.3 To make recommendations regarding criminal justice responses to violent crime and violence-prevention measures that are relevant both to the JCPS cluster and social development cluster.
- 1.5 Broadly, then, this paper will present an overview of the current state of knowledge regarding the nature and causes of violence in South African society, and attempt to provide answers to questions relating to the prevalence of acquaintance violence and the high degree of violence involved in many criminal incidents. Among other things the paper aims to:
- 1.5.1 Put forward a framework that is useful for understanding criminal violence in South Africa.
 - 1.5.2 Give an account of the current state of knowledge about the dominant forms of violence in South Africa.
 - 1.5.3 Contribute to debate and strengthening understanding about violence, and measures to address violence, in South Africa.
- 1.6 There are many others who have engaged with the questions that are being addressed here, and therefore much of what appears in this paper will not be new. Nevertheless, this paper will attempt to present an integrated and coherent framework for understanding what is in many ways a complex question.

Structure of the concept paper

- 1.7 The opening three sections of the paper are largely introductory in nature.
 - 1.7.1 Section 2 deals with the politics of crime and violence in South Africa.

- 1.7.2 Section 3 provides a definition of violence and addresses related issues.
- 1.7.3 Section 4 talks about the overall nature of crime, distinguishing “violent crime” as a group of crimes from other broad groups of crime, and discussing the contribution of violent crime to overall levels of reported crime.
- 1.8 Thereafter the following nine sections of the paper engage with various aspects of the problem of violence in South Africa. These sections are partly descriptive in nature, being concerned with developing clarity about what we talk about when we discuss the issue of criminal violence in South Africa.
 - 1.8.1 Section 5 looks at information comparing levels of violence in South Africa to that in other countries.
 - 1.8.2 Section 6 puts forward a framework for distinguishing various forms of violent crime.
 - 1.8.3 Section 7 looks at what the paper describes as “the major forms of violence”.
 - 1.8.4 Section 8 discusses the question of “acquaintance violence”, which is one of the central concerns of this paper.
 - 1.8.5 Section 9 looks at issues to do with the degree of violence used in incidents of violence.
 - 1.8.6 Section 10 looks at the geographic distribution of violence and a variety of issues to do with the demographic profile of victims and offenders.
 - 1.8.7 Section 11 looks at the involvement of groups and gangs in violence.
 - 1.8.8 Section 12 looks at the impact of violence in South Africa.
- 1.9 The three concluding parts of this paper are largely concerned with explaining and addressing violence.

- 1.9.1 Section 13 puts forward explanations for the high level of violent crime in South Africa.
- 1.9.2 Section 14 makes recommendations for addressing the high levels of violence in South Africa.
- 1.9.3 Finally the conclusion draws together the main lessons or insights of this paper.

2 THE POLITICS OF CRIME AND VIOLENCE IN SOUTH AFRICA

2.1 Violence in South Africa understandably gives rise to fear and anxiety, and issues about the government's response to crime and violence have become highly charged politically. Those involved in raising issues about violence and crime are also invariably trying to influence government policy in one direction or another. Engaging with questions about crime and violence invariably draws one into the terrain of politics. It is important for those who are trying to engage with questions about violence to be aware of the political elements of this discussion and to be clear about how they are positioning themselves relative to these political issues.

2.2 One of the dimensions of the politics of crime and violence is the role of groups who advocate on behalf of specific victim constituencies. These are often loose networks advocating on behalf of specific constituencies. There are not always formal, or even informal, ties between those lobbying on behalf of a specific cause.

2.2.1 Groups that can be identified in South Africa, some more prominent than others, have included groups and individuals concerned with:

2.2.1.1 Gender-based violence (violence against women).

2.2.1.2 The victimisation of children (child abuse).

2.2.1.3 The victimisation of White farmers ("farm attacks"/"farm killings").

2.2.1.4 Racially motivated killings or attacks by Whites against Blacks.

2.2.1.5 Violence against police.

2.2.1.6 Robberies such as bank robberies or other crime in specific business sectors, such as in the cash-in-transit industry or at petrol stations.

2.2.1.7 Groups involved in lobbying against guns can also be included on this list, partly as advocates on behalf of victims of gun violence.

2.3 The media are also not neutral roleplayers in shaping perceptions of crime, with the representation given to crime and violence depending in part on the identity and editorial policies of particular media organs (specific newspapers, magazines or television stations, among others). The fact that crime and violence are not purely a cause for concern but also a subject of entertainment (films, novels) reflects the strong public interest they provoke. In order to survive, media depend on maintaining readership/listenership/viewership figures, and coverage that is given to crime and violence is shaped by what editors and journalists believe will be of interest to their readers. In practice this means that types of victimisation that provoke limited public interest may receive limited or no coverage. Incidents that receive the greatest amount of coverage are often fairly unique or exceptional incidents with factors to do with the identity of the victim (race, age, gender, social prominence) affecting whether they are given media attention or not. Overall the priority given by the media to crime and violence reinforces public anxieties and fears. Media reports of incidents that may be fairly unique contribute to shaping public fear of a generalised risk of incidents of this kind. Partly as a result of media coverage, but also as a result of the biases and selectiveness of members of the public in interpreting information, many South Africans are largely uninformed about crime and violence in South Africa.

2.3.1 The attention here to the role of the media in shaping perceptions about crime and violence should not be seen to diminish the role of direct experiences and knowledge of victimisation in shaping public perceptions and fears.

2.3.2 Nevertheless there is a need for sensitivity to the role of media in shaping perceptions and fears. While the media help to alert people to the dangers that they face, the picture created through the media is in some ways a distorted one.

2.3.3 The quality of media coverage can have an important influence on whether the public is well informed or whether public perceptions are largely based on untested and unsubstantiated information.

2.4 Notwithstanding the influence of groups motivating for the needs of specific victim constituencies to be addressed, the middle or wealthier classes have a very strong influence on the media, as well as possibly having greater access to the social and other resources that enable them to exert influence in the public sphere. As a result they have a disproportionate influence on the general public agenda regarding crime.

2.4.1 While public opinion surveys appear to indicate that other concerns, such as unemployment, are priorities, alongside crime, for the majority of people, the middle-class agenda appears to give emphasis to crime sometimes to the exclusion of an engagement with other concerns.¹³

2.4.2 What is more important in terms of the immediate concerns of this paper is that *crime and violence manifest themselves in different ways among poorer communities to the way in which they manifest in middle-class/wealthier communities*. However, due to their disproportionate influence, partly via the media, on the public agenda, the concerns of the middle class, in relation to crime, hold

¹³ See, for example, the results of a national survey of respondents in 2006 in urban areas conducted by AC Nielsen. The survey asked people: "What should be the South African government's number 1 priority?" Unemployment was regarded as the overall priority by the greatest number of people (33%) with crime in second place (30%), HIV/AIDS in third (15%) and poverty in fourth place (9%). However, analysis of the results by race and household income reveals more striking differences. Among people in the highest income group (household income of more than R8 000 per month) crime was regarded as the highest priority among 42%, with unemployment being regarded as the highest priority by 24%. Among people in the lower two income groups (household income of between R1 and R3 999 per month) unemployment was regarded as the highest priority by 37% while crime was regarded as the highest priority by between 22% and 23% of respondents. Looked at by race, 38% of African respondents prioritised unemployment, while 21% prioritised crime. On the other hand, 49% of Whites prioritised crime while 21% prioritised unemployment. More Coloured and Indian respondents also gave priority to crime than gave priority to unemployment (AC Nielsen, April 2007 Omnibus Survey, p. 22). Slightly different results were recorded by the Afrobarometer survey in 2006 where crime is rated as the fifth priority for government action after unemployment, housing, poverty and HIV/AIDS. Crime had for the previous several years held the position of second overall priority among respondents to the Afrobarometer survey. Respondents from all race groups in fact rated unemployment as the priority issue. However, among Whites crime was rated a close second. Among Indians it also achieved second place but received significantly fewer nominations than unemployment. Among Coloureds crime came third after housing. Among Africans it achieved fifth place (Afrobarometer, 2006).

centre stage on the public agenda, and there is limited awareness of the nature of crime in poorer areas.

- 2.5 Due to South Africa's history of institutionalised racial discrimination the term "middle class" is in some ways a synonym for the racial classification "White". Part of the contestation about crime in South Africa has been about whether crime is primarily a concern of White people or whether crime is also a concern for Black people.¹⁴
- 2.6 The evidence would appear to be fairly clear that crime is a concern that is common to Black and White South Africans, with concerns about crime being most intense in geographical areas (both Black and White) that are most affected by crime. However, the fact that crime is of concern to many Black people can end up being used by the middle classes to help promote a focus on the types of crime that are of most concern to them. This perpetuates the situation where the crime concerns of poorer people are not given proper recognition on the public agenda.
- 2.7 One of the central arguments of this concept paper will therefore be that, in order for crime, and specifically the violent nature of crime, to be more effectively addressed, the crime concerns of poorer people need to be more clearly understood. In particular, this paper argues that the problem of "acquaintance violence" in poorer communities is a major factor in contributing to the broader problem of violence in South African society and needs to be addressed more directly, both in the interests of protecting people in poorer communities against violence, as well as in order to tackle the broader problem of violence.
- 2.8 There are other aspects of the politics of crime that we will merely mention at this point. These include:
- 2.8.1 The task of explaining and addressing crime is inherently political, partly in relation to questions about what weight is to be given to

¹⁴ See the previous footnote.

historical factors, or questions to do with social and economic policy.

- 2.8.2 Related to this, crime and violence inherently give rise to questions about rights and about the types of intrusions on rights that are reasonable in trying to control crime.
 - 2.8.3 In relation to questions of criminal justice policy and appropriate sanctions, the contemporary field of criminal justice is characterised by contestation between those with a strongly punitive orientation and others that emphasise a more restorative and preventive orientation.
- 2.9 In general we support the work of those who have tried to draw attention to the victimisation of specific groups and have motivated for attention to be given to problems of crime and violence in South Africa. As mentioned, however, this concept paper will be guided by a concern for a more equitable approach to crime priorities that gives due acknowledgment to the crime concerns of the less well off.
- 2.10 In some cases groups involved in addressing violence and crime may also create or reinforce perceptions based on inaccurate information. We support the need for crime to be addressed on the basis of the most reliable information available, as well as the need to conduct studies to improve understanding of crime and violence.
- 2.11 We are also concerned that a punitively orientated politics may reinforce the problems giving rise to crime in South Africa society. We do not doubt that dealing with crime and violence will in many cases require tough measures, and recognise the need to optimise the role of the criminal justice system in dealing with crime. But we also seek to promote an approach that is guided by a concern to:
- 2.11.1 understand and address the underlying social factors that give rise to crime and violence in South Africa; and
 - 2.12.1 strengthen the use of strategically targeted preventive measures.

3 DEFINITIONS

3.1 Violence

3.1.1 In its discussion of violence, this paper is concerned with applications, or threats, of physical force against a person, which can give rise to criminal or civil liability, whether severe or not and whether with or without a weapon. When more severe such violence may be associated with intimate violations of the person or the potential to cause serious physical pain, injury or death.¹⁵

3.1.2 This is, therefore, a legal definition of violence. Most acts of violence are not eventually adjudicated in the courts but the acts this paper is concerned with would by implication all be judged to be illegal, or give rise to civil liability, if the courts were to adjudicate on them in terms of the law. Actions that are not judged to be illegal, such as actions judged to be legitimate actions of self-defence, or reasonable use of force by law enforcement agents, are not included as acts of violence in terms of this definition.¹⁶

3.1.2.1 The legal framework that underpins this definition is the legal framework in contemporary South Africa that has common law and statutory elements and now also increasingly shows the influence of the South African Constitution, reflected, for instance, in a strong emphasis on equality.

3.1.2.2 Partly as a result of the influence of the new Constitution, the legal framework is strongly human-rights orientated. One impact of this is to increase the range of officials' actions that constitute criminal violence. For instance, a new law on the use of lethal

¹⁵ One example of another definition of violence is: "[A]ny behaviour by an individual that intentionally threatens, attempts to inflict, or does cause, physical, sexual or psychological harm to others or to themselves" (Stanko, et al., 2002: 3). This definition differs from the definition provided in the concept paper in various ways, including with respect to the fact that it includes behaviour that is legal, includes self-harm and suicide, as well as with respect to the inclusion of psychological harm.

¹⁶ Compare the definition of violence in the previous footnote.

force for purposes of arrest came into operation in 2003. Previously the law regulating the use of lethal force for purposes of arrest was less restrictive and as a result many more such uses of lethal force were classified as legal and therefore falling outside the definition of violence as used in this paper.

3.1.2.3 This legal framework also supports freedom of expression and allows free political activity and the right to assembly and demonstration. Previously, protest demonstrations against official policies were criminalised. Such criminalisation gave legal legitimacy to official uses of force against peaceful demonstrations. Generalised uses of force against demonstrators are no longer authorised by the law in South Africa, unless demonstrators pose a threat to people or property.¹⁷

3.1.3 South African law criminalises deaths, but not injuries, that are the result of criminal negligence. Negligent killing may give rise to a conviction of culpable homicide. Injuries that are the result of criminal negligence may not in themselves give rise to a criminal charge, though they may give rise to a civil suit. There is also a crime of reckless or negligent driving of a motor vehicle, and where a person is injured as a result of this, this would likely be an aggravating factor in relation to sentence.

3.1.3.1 The definition provided in paragraph 3.1.1 is therefore a definition of “violent crime”, with the addition of negligent actions causing injury or pain that may give rise to civil but not criminal liability.

3.1.4 Violence as discussed in this paper is therefore criminal violence but does not include crimes that do not involve violence (see

¹⁷ See the Regulation of Gatherings Act, 205 of 1993.

paragraph 4.7 on the overlaps between “property crime” and “violent crime”).

3.1.5 In applying definitions of violence, questions inevitably arise about the boundaries of such definitions. These include questions regarding injuries and deaths relating to the use of vehicles (see Table 1), as well as injuries and deaths or other harm related to corporate negligence. We acknowledge that there are issues here but do not discuss these problems in any detail in this paper.

TABLE 1: Main causes of non-natural deaths in South Africa, 2000–04

YEAR	2000	2001	2002	2003	2004	TOTAL	%
Number of mortuaries	15	32	34	36	35		
Violence	8 341	11 163	11 587	10 385	8 575	50 051	43%
Transport accident	4 982	6 796	6 850	6 616	6 106	31 350	27%
Non-transport accident	1 467	2 468	2 524	2 748	2 380	11 587	10%
Suicide	1 772	2 482	2 471	2 529	2 462	11 716	10%
Undetermined	2 082	2 139	2 062	2 352	1 838	10 473	9%
Total	18 644	25 048	25 494	24 630	21 361	115 177	100%

Source: National Injury Mortality Surveillance System, 2001, 2002, 2003, 2004 and 2005. Non-transport accidents include burns, falls, drowning and other accidents. Percentages may not add up to 100% due to rounding. NIMSS coverage of non-natural deaths nationally was estimated at between 24% and 40% during the 2000 to 2004 period.

3.1.6 This approach to defining violence partly overlaps with, but does not include, all aspects of violence as defined in Section 1 (viii) and (ix) of the Domestic Violence Act, 116 of 1998.

3.1.7 Similarly to this definition, discussions of one or other forms of violence also often note that threats and physical violence are often related to other forms of abusive, coercive, intimidatory or manipulative behaviour.¹⁸

3.1.8 The definition overlaps with but does not include all aspects of child abuse in so far as child abuse also includes emotional abuse or neglect of children.

3.1.9 Many definitions of violence incorporate suicide (see Table 1) and other deliberate self-harm as a form of violence.¹⁹ Suicide is not

¹⁸ See, for instance, Gear and Ngubeni, 2002, or Harris, 2004: 31 and 64-65.

¹⁹ See, for instance, the example of a definition of violence provided in footnote 4.

incorporated in this definition and is only referred to in this paper in relation to family murders and other murder suicides (listed in Table 2 but not discussed in detail in the paper).

- 3.1.10 The term “structural violence” is also used partly to refer to state and corporate policies and practices that are harmful in their consequences, but this is a far broader use of the term violence than is used in this paper.

3.2 When does violence become crime?

- 3.2.1 A British report on violence emphasises that, “Depending on the circumstances, violence may be considered acceptable, unacceptable, lawful or unlawful. How an act is labeled also depends on the context in which it occurs. This process of labeling affects whether the behaviour comes to the attention of someone authorized to intervene and to assist the victim or the offender.”²⁰

Thus:

- 3.2.1.1 A problem that people who have been concerned with domestic violence have highlighted is a tendency on the part of some police to regard this as a “family matter” and not something that the police need to deal with.
- 3.2.1.2 Participants in domestic violence also may not see such violence as “crime”. A British study indicates that particularly where men are assaulted by their intimate partners they are unlikely to see such violence as crime.²¹
- 3.2.1.3 Similarly, bullying at schools and fights between school children or other children are often regarded as a normal or trivial part of childhood and may not be regarded as meriting intervention by anyone.

²⁰ Stanko, et al., 2002: 3.

²¹ Mirrlees-Black, 1999, quoted in Heidensohn, 2002: 495.

3.2.1.4 Much violence between men takes place in the form of fights where there is a level of aggression from both sides. Even if severely beaten the “loser” may not see himself as a victim of crime. Depending on the context in which this occurs, bystanders may also view such a fight as a spectacle. Similarly, the police may not necessarily see this as a matter that requires their attention.

3.2.2 The law, therefore, provides certain objective definitions in terms of which acts are identified as crime. However, culture in some ways shapes the interpretation and application of the law by victims and perpetrators, by community members and by personnel employed by official agencies charged with implementing the law.

3.2.3 In addition, legal definitions are themselves subject to change so that certain types of acts may be criminalised or decriminalised or in other ways redefined so that they come to be seen as more serious or, alternatively, more justifiable.

3.2.3.1 For instance, over recent years there have been a number of court cases that have dealt with charges of murder against women who have killed their abusive partners. In some cases, where the woman is able to provide persuasive evidence that the abuse was of a serious nature, and that other measures for protecting herself had repeatedly failed so that she reasonably believed that she had no other way of escaping from the situation, the courts have accepted this as evidence that mitigates against a punitive sentence.²²

3.3 “Offences” and “forms of violence”

3.3.1 In discussing violent crime this paper distinguishes between:

²² See, for instance, Vetten, 2007: 428.

- 3.3.1.1 **Offences:** Violent crime is dealt with by the criminal justice system as specific offences such as assault, murder, rape or robbery.
- 3.3.1.2 **Forms of violence:** Different forms of violence can be distinguished from each other related to the circumstances in which they take place. For instance, people are accustomed to talking about taxi violence (a form of violence) while taxi violence may be prosecuted as an offence such as murder or assault GBH.

3.4 "Perpetrator" and "victim"

- 3.4.1 In recent decades there has been increasing interest and attention to the position of victims of crime as well as victims of state abuses and repression.
- 3.4.2 In thinking about violence we may tend to imagine acts of violence as involving a person who can be described as the "perpetrator" and another person who can be described as the "victim".
 - 3.4.2.1 In many incidents of violence it is reasonable to describe the two roleplayers in these terms and straightforward to identify which is which.
 - 3.4.2.2 However, some incidents of violence do not lend themselves so easily to such a description. In particular, some incidents of violence appear to be related to an escalating argument between two "opponents" (see further below at 7.1.15 and following). The standard use of the words "victim" and "perpetrator", therefore, in some ways misrepresents and oversimplifies some incidents of violence.
 - 3.4.2.3 Similarly, in cases of retaliatory or defensive violence, victim and offender are interchangeable.

3.4.2.4 In this paper we nevertheless generally use the terms “victim” and “perpetrator”. As indicated, we discuss in more detail the circumstances where the use of these terms is more problematic.

3.4.2.5 We also note that:

3.4.2.5.1 There have been debates about the use of the term “victim” and the connotations associated with the term. We use the term despite reservations about it.

3.4.2.5.2 There is also analysis that has been conducted about the degree to which people who are perpetrators of violence are themselves victims of violence. We allude to these issues later on in this paper when we discuss the motives and causal factors for violence (see, for example, paragraphs 13.12, 13.23 and 24, and 14.17).

3.4.3 The term “offender” is sometimes used as an alternative to the term “perpetrator”.

3.5 “Stranger violence” and “acquaintance violence”

3.5.1 Available evidence indicates that a substantial proportion of violence in South Africa takes place between people who are known to each other. In the concept paper we will therefore distinguish “acquaintance violence” from violence where the perpetrators are unknown to the victim, which can be referred to as “stranger violence”.

3.5.2 In this paper the term “acquaintance violence” refers to all violence where the victim and acquaintance are known to each other, including where they are, for example, intimate partners, family members, friends, employees, neighbours or other acquaintances.

- 3.5.3 There are some relationships that can be regarded as falling into a grey area between “acquaintances” and “strangers”, such as people who are merely “known by sight”.
- 3.5.4 Acquaintance violence has sometimes been referred to in South Africa as “social fabric crime” or “social crime”. These terms highlight the fact that this type of violence takes place in the context of ordinary day-to-day relationships between people.
- 3.5.5 Issues to do with acquaintance violence are referred to at various points in this paper, but are specifically discussed in Section 8.

3.6 The level and degree of violence

- 3.6.1 In discussing violence in South Africa the concept paper will concern itself with the level and degree of violence where:
 - 3.6.1.1 The **level of violence** refers to the number of incidents of victimisation where violence is used.
 - 3.6.1.2 The **degree of violence** refers to the amount of violence used in individual criminal incidents, such as when people are killed or injured, or assaulted repeatedly in one incident, or subjected to deliberate prolonged physical pain or repeated assault.
- 3.6.2 Issues to do with the degree of violence are specifically discussed in Section 9.

3.7 “Violence-prone” and “high-crime” communities

- 3.7.1 In line with the issue raised above of violence manifesting in different ways in poorer and wealthier communities (see paragraph 2.4), this concept paper also distinguishes between “middle-class high-crime communities” and “poorer violence-prone communities”. In particular, the paper indicates that the problem of acquaintance violence is a major part of the problem of violence in “violence-prone” communities (see further paragraph 10.5).

4 BROAD TRENDS AND CATEGORIES OF CRIME IN SOUTH AFRICA

4.1 As reflected in Table 2, for the last three years for which statistics are available (April 2003 — March 2006) there has been an overall decline, of 375 502 cases, in the number of crimes reported by the police, a decline of 15% relative to the 2003–04 figures.

4.1.1 This decline has primarily been among the categories of “property crime not involving violence”, which is the biggest overall group of crime categories identified in Table 2. In this category the total decline in the number of cases was 268 451, a decline of 21% relative to the 2003–04 figure.²³

²³ One of the categories of crime which makes up this group “all theft not mentioned elsewhere” is consistently the biggest category of crime overall. During this period cases recorded in this category dropped from 606 460 to 432 629, a drop of 173 831 (29% of cases).

TABLE 2: Recorded crime in South Africa, SAPS Statistics 2003–06

TYPE OF CRIME	MAIN OFFENCE CATEGORIES IN SAPS STATISTICS	REPORTED INCIDENTS 2003–04	REPORTED INCIDENTS 2004–05	REPORTED INCIDENTS 2005–06	PERCENTAGE OF OVERALL REPORTED CRIME (AVERAGE OVER 3 YEARS)	LEVEL OF UNDER-REPORTING
Violent crime	Assaults, rape, robbery, murder, attempted murder, culpable homicide	893 264	855 381	765 189	36 (of which assault roughly 22%; robbery 9%; rape and indecent assault 3%; murder and attempted murder 2,5%)	High. Reporting is more likely when offence is more serious
Damage to property	Arson, malicious damage to property	167 053	158 969	151 887	7	As above
Property crime not involving violence	Burglary, theft, shoplifting	1 271 778	1 133 537	1 003 327	49	As above. Insurance also a major factor in reporting
Commercial crime	Fraud	55 869	53 931	54 214	2	As above. Sometimes dealt with "in-house". Victim may be unaware of crime
Crime where there is no immediate victim (crime reliant on police action for detection)	Firearms and ammunition, drugs, driving under the influence	104 414	129 425	142 259	6	Depends to significant extent on level of this type of police action
Total		2 492 378	2 331 243	2 116 876	100	

Source: SAPS, 2006. Percentages, in fact, add up to less than 100% (99%) due to rounding.

4.1.2 The decline in reported cases has also been substantial among categories of violent crime. Among these crimes the overall decline in this two-year period has been 128 075 cases, a decline of 15% relative to the 2003–04 figure. This reduction has primarily been a reduction in cases of assault where there has been a reduction of 16% (86 529) of cases, including 19% (53 389) in cases of common assault. There has also been a 15% (34 760) reduction in cases of robbery, including a 22% (20 828) reduction in the number of cases of common robbery. Relative to the more serious categories of assault and robbery, common robbery and common

assault are already recorded at very low levels, and it is unusual that both categories should decline at a faster rate than the more serious categories of assault and robbery (see also paragraph 7.1.13).

- 4.1.3 The overall number of recorded cases for “damage to property” and “commercial crimes” also declined.
- 4.1.4 Crimes reliant on police action for detection increased in number during this period.

Violent crime

- 4.2 Violent crime constitutes roughly one-third of recorded crime in South Africa. Over the three-year period reflected in Table 2, roughly 36% of reported crime was violent crime. During this period:
 - 4.2.1 The offences involving assault (common assault and assault with intent to inflict grievous bodily harm) made up roughly 22% of all recorded crime, and 61% of recorded violent crime.
 - 4.2.2 Offences involving robbery (common robbery and robbery with aggravating circumstances) constituted 9% of all recorded crime, and 25% of recorded violent crime.
 - 4.2.3 Offences involving sexual assault (rape and indecent assault) made up roughly 3% of all recorded crime, and 8% of recorded violent crime.
 - 4.2.4 Cases of murder made up roughly 1% of all recorded crime and 2% of recorded violent crime. Attempted murder accounted for 1% of all recorded crime and 3% of recorded violent crime. Culpable homicide made up roughly 0,5% of recorded crime, and 1,5% of recorded violent crime.
 - 4.2.5 Trends in these various offence categories for the period 1994–2006, according to SAPS statistics, are reflected in figures 1 to 7.

FIGURE 1: Number of assaults recorded by SAPS, 1994–2006

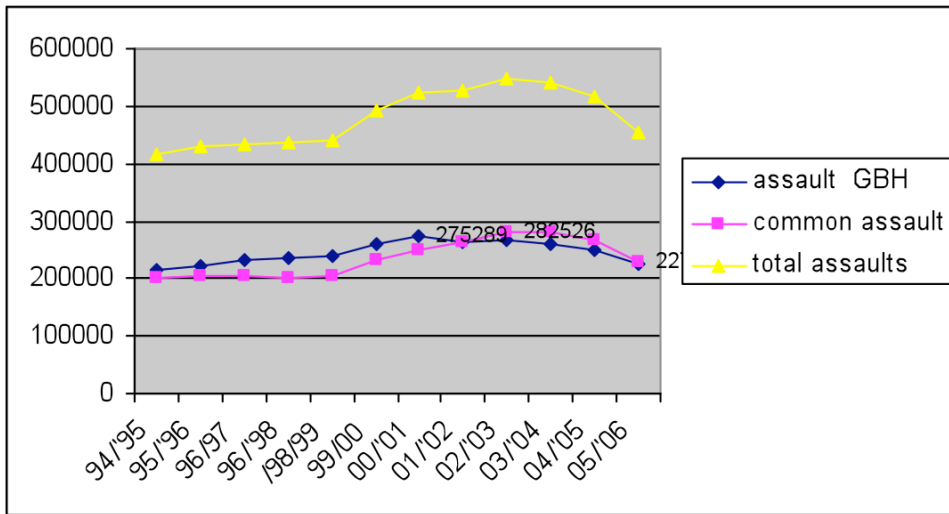


FIGURE 2: Number of robberies recorded by SAPS, 1994–2006

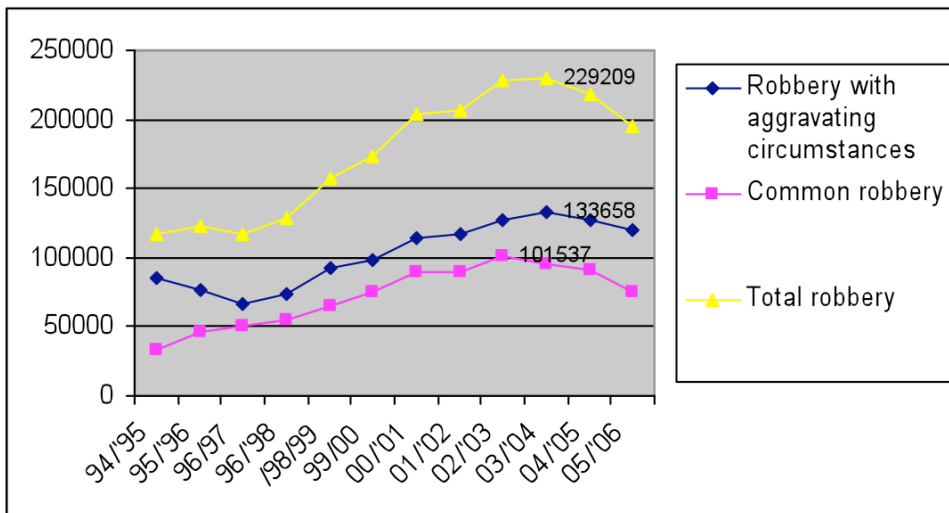


FIGURE 3: Number of truck and car hijackings (subcategories of aggravated robberies) recorded by SAPS, 1994–2006

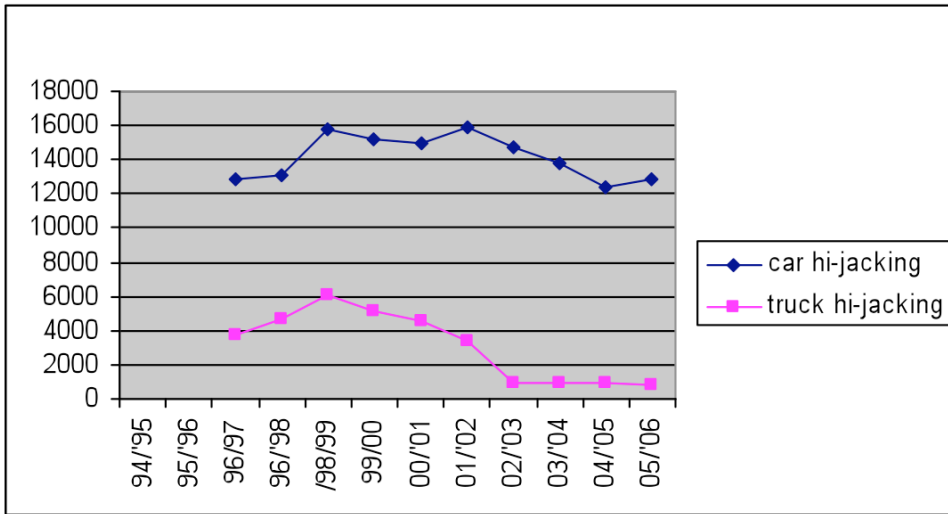


FIGURE 4: Number of cash-in-transit and bank robberies (subcategories of aggravated robberies) recorded by SAPS, 1994–2006

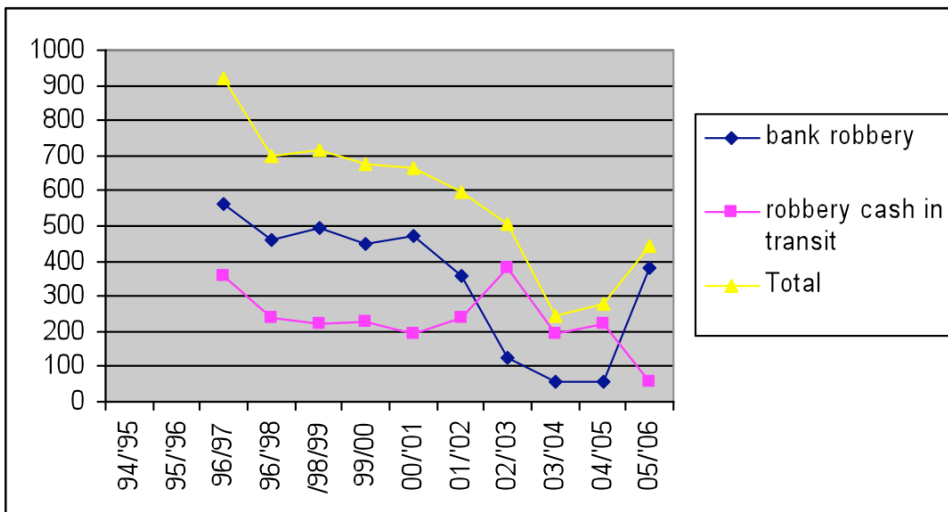


FIGURE 5: Number of house and business robberies (subcategories of aggravated robberies) recorded by SAPS, 1994–2006

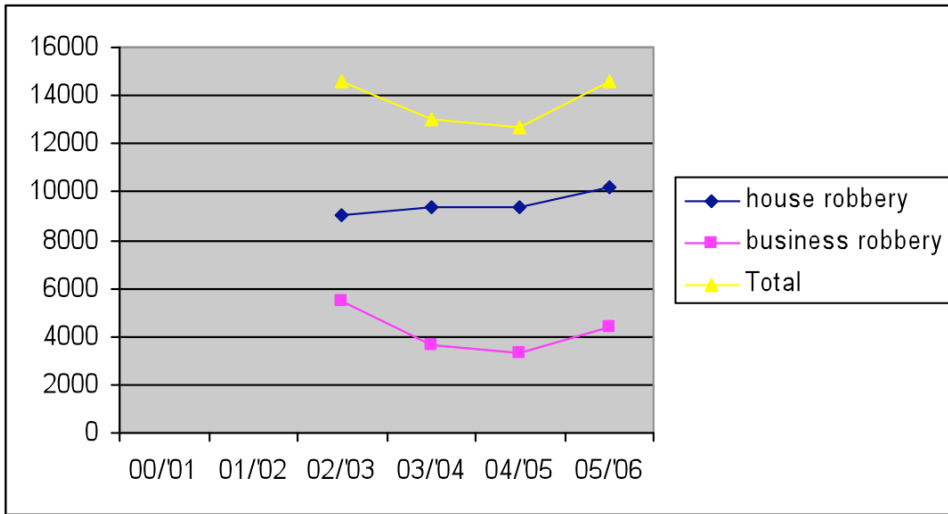


FIGURE 6: Number of sexual assaults recorded by SAPS, 1994–2006

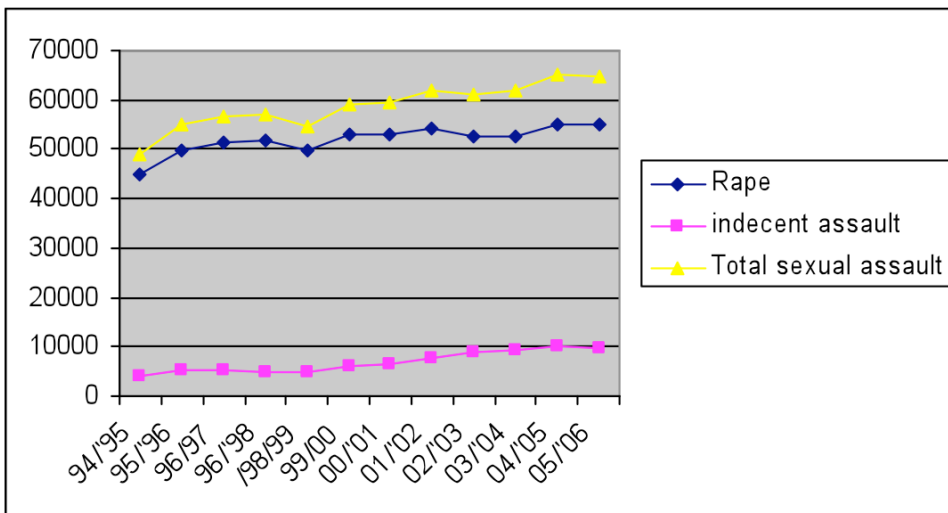
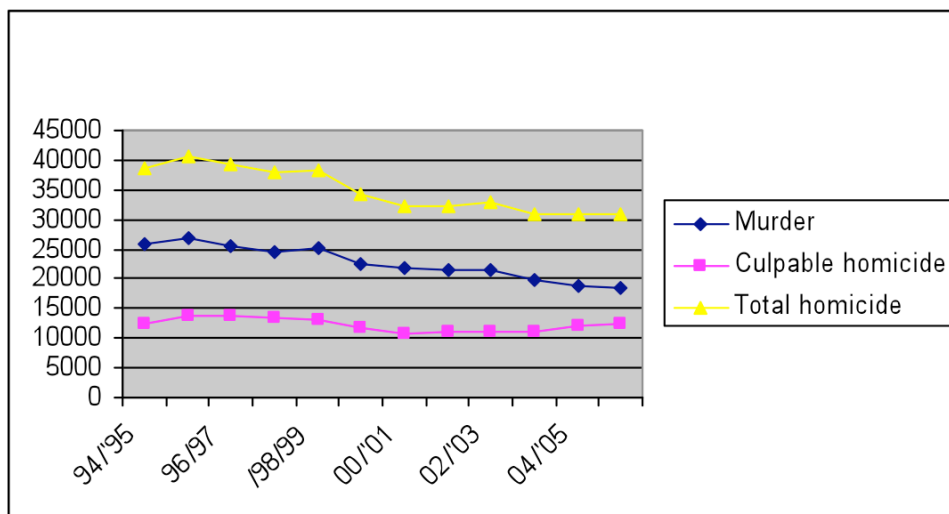


FIGURE 7: Number of murders and culpable homicides recorded by SAPS, 1994–2006



Provincial variations in rates of violent crime

4.3 According to SAPS statistics for 2005–06, Northern Cape has the highest national rates of crimes such as rape (156 per 100 000), attempted murder (115), assault with the intent to inflict grievous bodily harm (1 178), and common assault (728). These are all categories of crime that frequently involve violence between people who are known to each other. In particular, the rate for assault GBH is more than double the rate for any other province. However, due to the relatively small population of this province, these high rates make a relatively small contribution to the overall national levels of these offences. Northern Capes only contributes 5% of national cases of assault GBH.

4.4 However, while the prevalence of these offences would appear to predict that Northern Cape should also have the highest rates for murder, this is not the case. Northern Cape, in fact, has only the fourth-highest rates (41 per 100 000) as opposed to Western Cape (59), Eastern Cape (52) and KwaZulu-Natal (50).

4.5 The explanation for the far higher murder rates in Western Cape may have something to do with the fact that Western Cape not only has high rates of assault GBH (second-highest in the country) but also a gang culture

associated strongly with drug usage and trade,²⁴ which probably also contributes to the high murder rate in that province.

- 4.6 Western Cape also has the second-highest rates for aggravated robbery, a crime that is also known to be a contributor to overall murder rates. However, Gauteng, which has a per capita rate of aggravated robbery far higher than any other province, ranks only fifth (38 per 100 000) on the per capita murders, suggesting that while aggravated robbery makes a significant contribution to murders it is definitely not the primary drivers of murder in South Africa.

The relationship between violent crime and property crime

- 4.7 Crime that involves taking the money or property of another person constitutes the bulk of reported crime (60%) in South Africa. In Table 1 these include property crime not involving violence (49%), robbery (9%) and commercial crime (2%).

4.7.1 Robberies are both property crimes and violent crimes. They are therefore “violent property crimes”. They account for roughly 15% of property crime.

4.7.2 In addition to this, in many burglaries or incidents of vehicle theft the perpetrator may be armed and may use violence if confronted or pursued. Some murders, for instance, start off as incidents of housebreaking.²⁵

4.7.3 Many property crimes that are not violent may therefore be “potentially violent”.

4.7.4 Some disputes that lead to assaults are also related to arguments over money or property.

²⁴ While rates of drug offences are in many ways generated by police activity, the fact that Western Cape generates 36% of all drug offences as per 2005–06 SAPS statistics cannot be taken as insignificant.

²⁵ Federal Bureau of Investigation statistics on homicides in the US in 2005, for instance, indicate that, out of a total of 14 860 murders, 921 were linked to robberies, 88 were linked to burglaries and 31 were linked to motor-vehicle theft.

4.7.5 The factors driving property crime generally can therefore be seen as contributing to the prevalence of violent crime (see further Section 13 and, in particular, 13.13 and following).

Levels of imprisonment for violent as opposed to other offences

4.8 While property offences that do not involve violence constitute the majority of offences reported to the police, roughly 73 of sentenced prisoners (81 364 out of 112 197) are serving sentences for sexual offences or other crimes of violence (Table 3). Roughly 63% of awaiting-trial or unsentenced prisoners are facing charges relating to violent or sexual offences. The fact that the vast majority of people in prison are there in relation to sexual and other violent offences reflects the much greater seriousness with which these crimes are viewed (as opposed to property offences that do not involve violence). Incarceration also tends to be viewed as more appropriate for people in these categories on the grounds that they are believed to be dangerous.

TABLE 3: South Africa's prisoner population

	NUMBER			%			TOTAL	
	>18	18-25	25<	>18	18-25	25<	NUMBER	%
Unsentenced	1 193	23 796	23 332	0,7	15	15	48 321	30
- Of which alleged sexual offences	166	3 475	4 182	0,1	2	3	7 823	(5)
- Of which other alleged violence	572	11 918	10 222	0,4	7	6	22 712	(14)
- Other alleged offences	455	8 403	8 928	0,3	5	6	17 786	(11)
Sentenced	851	35 105	76 241	0,5	22	47	112 197	70
- Of which sexual offences	111	4 529	12 962	0,1	3	8	17 602	(11)
- Of which other violence	377	19 192	44 193	0,2	12	28	63 762	(40)
- Other offences	363	11 384	19 086	0,2	7	12	30 833	(19)
Total	2 044	58 901	99 573	1%	37%	62%	160 518	100

Source: Department of Correctional Services, 4/05/07, e-mail communication. Percentages of more than 1 have been rounded to zero decimal places. Percentages of less than 1 have been rounded to 1 decimal place.

4.9 However, unlike robbery, which is mostly committed by strangers, most violence in South African society appears to be between people who are known to each other, involving assaults of various levels of severity as well as sexual assaults.

4.10 Before discussing the differences between these different forms of violent crime, this paper looks at how levels of violence in South Africa compare to levels of violence in other countries.

5 COMPARING LEVELS OF VIOLENCE IN SOUTH AFRICA TO THOSE IN OTHER COUNTRIES

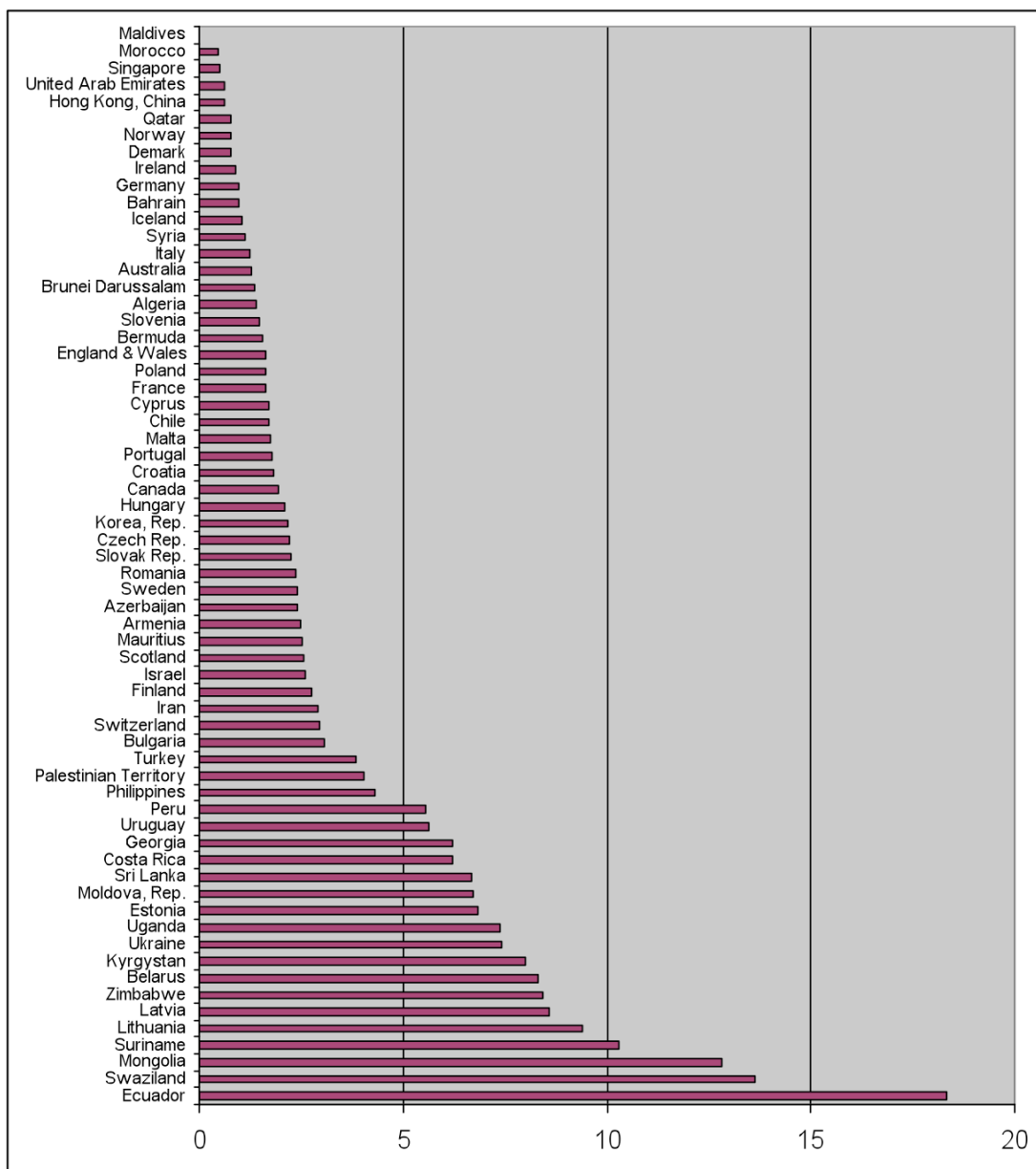
- 5.1 Is it true that crime in South Africa is high in international terms? To what degree are levels of violent crime in South Africa comparable to levels in other countries?
- 5.2 When examining questions to do with comparative crime rates it should be remembered that many countries do not make national data on crime available. Where countries do provide such data it can be unwise to rely on this data for purposes of comparison for some of the following reasons:
- 5.2.1 The practice of police in recording crime differs from one country to another.
 - 5.2.2 Police do not necessarily keep accurate records of reported crime.
 - 5.2.3 Statistics may not be collated centrally in a reliable manner, may not be easily available, or are perhaps not even kept at all.
 - 5.2.4 Countries classify crimes according to different legal criteria.
 - 5.2.5 The accuracy of crimes reported per capita depends further on the accuracy of the population count of the year against which the crime figures are being compared.
 - 5.2.6 Not all crimes are reported to the police at the same rate.
- 5.3 The task of comparing rates of crime between different countries should therefore be approached with some caution, and it should be emphasised that no one is in a position to make categorical statements about overall global rankings in crime levels as there is not sufficient reliable data that can provide the basis for such statements.
- 5.4 The information that does exist nevertheless suggests that levels of violent crime in South Africa may be regarded as very high. One source for comparative information on crime is the United Nations Survey of Crime Trends and Operations of the Criminal Justice System, which is compiled by

the United Nations Office on Drugs and Crime (UNODC) every three years since the early 1970s. The survey is sent to every country represented in the UN. The number of countries responding varies from year to year. The latest available survey, the ninth, contains crime information from 2003 and 2004. Sixty-four countries responded to this survey.

5.5 The survey looks at reported figures for several categories of violent crime but homicide statistics are generally regarded as providing the best basis for comparison. In the 2004 survey, Ecuador ranks the highest, with 18,33 homicides per 100 000, followed by Swaziland and Monrovia. Maldives recorded no homicides in that year, and Morocco recorded 0,47 per 100 000. Interestingly, Swaziland reported homicide rates of 88,6 in the 2000 survey, ranking it with the highest rate of murder, whereas in the 2004 survey only 13,63 per 100 000 homicides were reported. This discrepancy casts doubt on the accuracy of Swaziland's figures.

5.6 However, as can be seen from Figure 8 below, looking at reported rates of intentional homicide, many countries do not respond to the survey, resulting in a skewed picture. Countries that are absent from the survey include South Africa as well as the USA, Colombia, Jamaica, Brazil, Namibia, Guatemala and Venezuela — all countries that have recorded high rates of homicide in the past. For instance, in the seventh UNODC survey, for 2000, Colombia reported homicide rates of 62,7 per 100 000; South Africa, 51,4; Jamaica, 33,7; Venezuela, 33,1, Guatemala, 25,5 and Russia, 14,1. Other important omissions from the 2004 survey include China and India, where the bulk of the world's population is found. Few African countries are included, as are few developing countries.

FIGURE 8: UNODC 2004 data on international intentional homicide rates per 100 000



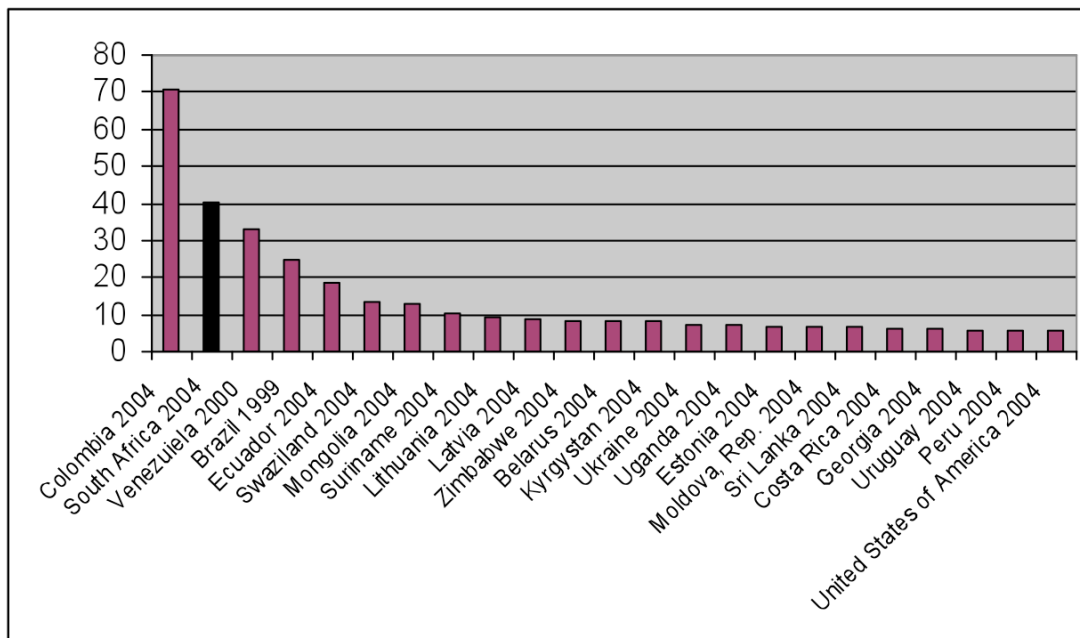
Source: UNODC, 2005.

5.7 The ninth UN survey is therefore of limited use. A more comprehensive picture can be constructed by adding data from other countries from the same sources. This has been done with data available at the time of compiling this concept paper, with some data (notably that from Venezuela and Brazil) several years out of date.

5.8 Figure 10 puts together this different data in a single graph covering the 23 countries with the highest rates of murder for which we were able to access

statistics. South Africa, Colombia, Venezuela, Brazil and the USA have been added to the 2004 UNODC data, and countries with homicide rates less than the USA have been omitted. According to this data, Colombia at that time had the highest per capita murder rate of the countries listed in 2004, at 70,6. However, this is a marked reduction from the 139,6 homicides recorded in 1992.²⁶ South Africa comes second with 40,3 murders per 100 000 in the 2004–05 year, also a substantial reduction on murder rates in previous years. Venezuela and Brazil follow (although both statistics are from previous years), and Ecuador, and thereafter the graph flattens out somewhat to the USA's 5,5 per 100 000 homicide rate.

FIGURE 9: Extended list of high homicide countries using data from different sources



Source: UNODC, 2005; FBI statistics; Guerrero, 2006; Pan American Health Organisation; SAPS, 2004–05

5.9 While the murder rate has declined further since 2004 (from 42,7 per 100 000 in 2004 to 39,5 per 100 000 in 2006), South Africa's murder rate is therefore extremely high relative to virtually all other countries that do report these figures.

5.10 Another angle from which to examine South Africa's murder figures is at the provincial level. From this point of view the picture in some provinces is particularly disturbing. Most notably, Western Cape (59 per 100 000), Eastern

²⁶ Guerrero, 2006.

Cape (53 per 100 000). KwaZulu-Natal (50 per 100 000), Northern Cape (41 per 100 000) and Gauteng (38 per 100 000) are all relatively high by comparison with the remaining provinces, which have murder rates varying from 30 per 100 000 (the Free State) to 13 per 100 000 (Limpopo).

- 5.11 It is worth noting that, even in countries with violent murder rates substantially lower than those in South Africa, there may be jurisdictions with violent crime rates comparable to, or higher, than those in high-violence South African provinces or other jurisdictions. Thus a recent paper on crime and growth in South Africa points out that there are some US cities, such as New Orleans and Washington, DC, with murder rates comparable to those in these high-violence provinces.²⁷
- 5.12 In relation to categories of crime other than murder, police statistics are generally regarded as an unreliable measure due to differences in reporting. It is thought that victimisation studies may present a more accurate picture.
- 5.13 One recent article reports on the findings of surveys conducted in 17 African countries during the year 2005–06. South Africa ranks fifth in relation to responses to questions to respondents about whether they had been assaulted at least once in the past year, with Uganda, Kenya, Nigeria and Namibia returning higher rankings in relation to this question. As compared to the 16% of South Africans who answered that they had been assaulted, 27% of Namibians answered in the affirmative to this question.²⁸
- 5.14 Comparing South African victimisation data for 2003 with the data collected by the International Crime Victims Survey (ICVS) run in 70 countries, Altbeker found that South Africa, with nearly 23% of people reporting that they have been the victim of at least one crime, falls in the middle of the 22 countries surveyed (mainly developed countries). This sample excludes murder.

²⁷ Stone, 2006.

²⁸ Mattes, 2006.

Comparison is also difficult due to differences in the ways countries define crimes, and by how seriously participants viewed a particular crime.²⁹

- 5.15 Another issue to be aware of is that crime rates are not static over time, and that crime rates in a particular country may fluctuate over time, placing it in a different rank to other similar countries at different points in time.
- 5.16 It is not clear exactly where South Africa is ranked in relation to serious violent crimes due to the data gaps that exist. Nevertheless, it is clear that its murder rates are higher than many other countries. South Africa should certainly aspire to addressing this situation and improving levels of public safety.

²⁹ Altbeker, 2005*b*. A recent survey by AC Nielsen of residents of urban areas (see also footnote 2) found that 19,8% of respondents indicated that they, or a member of their families, had been a victim of crime in the past six months.

6 FORMS OF VIOLENT CRIME IN SOUTH AFRICA

6.1 General

6.1.1 Table 4 provides a list of 12 forms or categories of violent crime in South Africa.

6.1.2 When acts of violence related to any of these 12 forms are reported in crime statistics, or investigated by the police and brought before the courts, they are treated as cases of murder, attempted murder, culpable homicide, assault common, assault GBH, common robbery, robbery aggravated, rape, indecent assault or public violence, or possibly the illegal pointing of a firearm or other offences.

TABLE 4: Forms of violent crime in South Africa

CATEGORY	TYPE OF VIOLENCE	CHARACTERISTICS
A	Assault related to arguments, domestic violence and other circumstances (includes Murder A)	Interpersonal violence of various degrees of severity, often related to arguments or anger or part of a pattern of coercive and controlling behaviour
B	Robbery and other violent property crime (includes Murder B)	Violent property crime. In addition to robberies includes some burglaries where the burglars are disturbed while the crime is in progress and respond with violence
C	Rape and sexual assault (includes Murder C)	Sexual offences
D	Violent child abuse (includes Murder D)	Violence or sexual abuse generally within domestic context or guardianship role intended to coerce or control children or for gratification of one kind or another
E	Violence involving groups or individuals, involving disputes over territory, markets or power, or other perceived threat which they present (Murder E)	Includes taxi violence or other violence between groups or individuals involved in licit or illicit economic activity, over markets, conflict between gangs over territory or markets, or between political rivals over territory or constituencies. Includes some hate violence, such as xenophobic violence directed against non-national traders
F	Excessive force by public or private police or security, torture and vigilantism (includes Murder F)	Civilians or police or private security taking the law into their own hands. Witch-killing could possibly be included as part of this category
G	Violence to resist law enforcement intervention (includes Murder G)	Main category of killings of police but may also include violence against private security or person carrying out citizen's arrest
H	Violence against state and economic institutions, including protest violence and terrorism (includes Murder H)	Oppositional violence targeted at institutions, often directed at change of one kind or another
I	Serial killers (includes Murder I)	Title speaks for itself
J	Other violence (Murder J)	Includes some premeditated and planned murders, such as some spousal killings, and some killings or murders that may be premeditated or more spontaneous, such as family killings and other suicide murders. May add premeditated racist attacks or other hate crimes that are not better classified under other categories, such as A or E
K	Kidnappings (Murder K)	Title speaks for itself
L	Culpable homicide and other negligent actions that have the potential to cause physical pain or injury	These are killings related to negligence (includes many road deaths)

- 6.1.3 What is implied by this is that violence related to any of these forms of violence may be fatal or non-fatal. Where it is fatal the case will be classified as a case of murder. Therefore, each of the forms of violence (categories A, B, C, etc.) has a category of murder related to it (murder A, B, C, etc.), although a death relating to criminal negligence would provide the basis for a charge of culpable homicide rather than murder.
- 6.1.4 The list provided in Table 4, therefore, uses an analytical system of classification, partly related to the circumstances in which acts of violence occur, and not exclusively based on the offences that they may be punished as. However, some categories listed in Table 4 are closely linked to specific offence categories.
- 6.1.4.1 For instance most robberies (Category B) are recorded as robberies (“aggravated” or “common”). Nevertheless, robberies that result in murder are recorded as murder, rather than robbery, by the police.
- 6.1.4.2 Similarly, most rapes and sexual assaults (Category C) are recorded either as rape or indecent assault in police statistics. As with robberies, incidents of rape that culminate in murder would be classified as murder rather than rape by the police.
- 6.1.5 The list puts forward a number of forms or categories of violence that have features in common. There are numerous possible ways of grouping and classifying acts and forms of violence. As with all attempts at classifying social phenomena there are overlaps between areas and grey areas between them. Examples here are that:
- 6.1.5.1 Child abuse (Category D) includes the sexual abuse of children that could be classified in Category C.

- 6.1.5.2 The violence of a group of robbers who are resisting law enforcement action after a robbery could be classified in categories B or G.
 - 6.1.5.3 Murder-suicides that are included in “other violence” (Category J) may share characteristics with assaults referred to in the first category (Category A).
 - 6.1.5.4 Serial killings (Category I) often involve sexual assaults (Category C).
 - 6.1.5.5 Violence in different categories (for instance, categories E and J) may involve the “subcontracting” of violence to “hit men”.
- 6.1.6 Domestic violence, which is classified under Category A (discussed in more detail in paragraph 7.1.1 and following), is often closely linked to rape (Category C).
- 6.1.6.1 In one study of a group of 32 Gauteng women experiencing domestic violence, 18 (56%) stated that their partner physically forced them to have sex when they did not want to.³⁰
 - 6.1.6.2 Among respondents to a survey of 1 370 men aged 15–26 years from 70 villages in Eastern Cape, roughly 106 (47,5%) of the 223 men who admitted to raping a non-partner, and roughly 68 (59,1%) of the 115 men who admitted to raping a partner, also admitted to having been physically violent towards an intimate partner. By comparison roughly 260 (22,7%) of the 1 147 men who said they had never raped a non-partner, and roughly 297 (23,7%) of the 1 255 who said they had never raped a partner, nevertheless

³⁰ Vetten and Hoosain, 2006: 1.

admitted to being physically violent towards an intimate partner.³¹

6.1.7 Crimes are sometimes “composite”, for example, criminals will break into a house for the purpose of committing a robbery and then rape someone who is in the house. Many police dockets cover different types of offences, and people are sometimes charged in court for different offences related to a single crime incident. However, recorded statistics do not necessarily reflect this composite nature of crime. All of the different “composite” crimes are not necessarily recorded in crime statistics.

6.1.8 The list is not exhaustive but is intended to provide a framework for classifying the various types of violence that have manifested themselves in South Africa. Some may, for instance, want to add bullying or corporal punishment as categories. Arguably, a focus on violent crime might not incorporate these, due to the fact that they are unlikely to be the subject of criminal proceedings. Some violence related to gangs or drug transactions may also not be properly provided for in this attempt at categorisation (see further paragraphs 11.12 and 11.13).

6.2 Murder as a form of violent crime

6.2.1 As indicated in Table 4, the approach followed in this paper is not to treat murder as a separate form of violence, but to treat it as falling under the different forms of violence that define the circumstances in which it takes place.

6.2.2 Available evidence is that a small proportion of murders is deliberate and premeditated actions of the kind that occur where people hire another person to carry out the murder, or kill a

³¹ Jewkes, et al., 2006: 2 953–4. Note that 51 of the respondents admitted to having raped both an intimate partner and a non-partner. The latter two non-rape groups comprised 1 083 individuals who had not raped at all. In addition to these 1 083, the group of individuals who had not raped a non-partner would have included 64 individuals who had raped a partner. In addition to the 1 083, the group that had not raped a partner would have included 172 who had raped a non-partner (see further paragraph 7.3.7 below regarding distinctions between these two groups).

member of a gang who is suspected of cooperating with the police. These murders are often the type that attract press coverage, creating the impression that murders of this kind are quite numerous. But the available evidence does not support this perception.

6.2.3 As far as is known at this point, most murders occur:

6.2.3.1 Either as an extreme outcome of an assault or argument of one kind or another (Category A).

6.2.3.2 Or take place in the context of a robbery or burglary, rape or another crime (categories B or C).

6.2.4 These questions are explored further in Component 2 of this study (see paragraph 1.2.2), which will explore the circumstances of murder in a number of station areas that experience high rates of murder.

6.2.5 See also the data presented in Section 8 of this paper relating to acquaintance as opposed to stranger violence.

6.3 Violence against women

6.3.1 One avenue of criticism of the system of classification used in Table 4 may come from a perspective that focuses on male violence against women. From this perspective violence is often analysed in relation to patriarchal power relations, with violence serving to uphold male domination over women and being rationalised by patriarchal ideas that legitimise exploitation of women by men. Advocates who are concerned to address male violence against women have tended to give priority to specific forms of violence, including, particularly, domestic violence and sexual assaults as well as, for instance, problems such as sexual harassment or trafficking in women.

6.3.2 Arguably domestic violence should be placed in a separate category to the other assaults that are incorporated in Category A.

Domestic violence, for instance, is often part of a pattern of sustained coercion and repeated violence that establishes itself in some domestic relationships. While not much is known about the general characteristics of the other assaults that are recorded in crime statistics, people may be inclined to assume that these tend to be much more randomised in relation to the patterns of victimisation and are largely different from domestic violence in their nature.

6.3.3 Part of the issue here is that while studies have been done on domestic violence, relatively little is known about the phenomenon of assaults more broadly. Considering that most of these assaults are between people who are known to each other, the question arises as to what degree domestic violence and other assaults may be seen as emerging from a common pattern of violence, and to what degree they should be seen as separate (see paragraph 7.1.1 and following regarding assaults more generally).

6.3.4 Similar issues also arise in relation to rape and other sexual assaults (Category C). Violence of this kind is overwhelmingly directed against women and girls but is also directed against men (specifically in male prisons but also elsewhere) and male children. Again arguably, it may be appropriate to distinguish sexual offences against women from those against men by placing them in separate categories, but this has not been done here.

6.4 Gun violence

6.4.1 Another category of violence that is not explicitly referred to in Table 4 is that of “gun violence”.

6.4.2 For instance, data from the National Injury Mortality Surveillance System on “external cause of death”, relating to homicides in the five-year period 2000–04 (see Table 5), indicates that:

6.4.2.1 53% of homicides were attributed to firearm violence.

6.4.2.2 31% of homicides were attributed to sharp-force violence.

6.4.2.3 14% of homicides were attributed to blunt-force violence.

6.4.2.4 2% were attributed to strangulation.

6.4.2.5 0,1% were attributed to burn violence.

TABLE 5: Type of injury resulting in death for homicides — NIMSS data, 2000–04

CAUSE OF DEATH	2000	2001	2002	2003	2004	TOTAL	% OF ALL
Number of mortuaries	15	32	34	36	35		
Firearms	4 372	6 104	5 572	5 387	3 953	25 388	53
Sharp force	2 547	3 168	3 151	3 220	2 992	15 078	31
Blunt force	1 135	1 414	1 246	1 461	1 310	6 566	14
Strangulation	86	184	153	199	157	779	2
Burn	63	55	48	67	57	290	0,6
Total	8 203	10 925	10 170	10 334	8 469	48 101	(100%)

Source: National Injury Mortality Surveillance System, 2001, 2002, 2003, 2004 and 2005. Percentages do not necessarily add up to 100% due to rounding. Note that the data for “other” external causes of death from 2000, 2001 and 2003 is excluded from this table, as it was not provided for the other years.

6.4.3 The proliferation of guns is a compounding factor in the problem of violent crime in South Africa. Incidents of violence in which guns are used are far more likely to result in death than other incidents of violence. Even where they do not result in death, gun-shot injuries are in general far more severe than injuries resulting from other violence. Guns in the hands of those who are criminally minded dramatically increase their coercive power and dangerousness and therefore their confidence about being able to dominate others through the use or threat of violence.

6.4.4 The use of guns is a feature of many incidents of violence in many of the forms of violence outlined in Table 4. However, other weapons are also used and some incidents of violence do not involve weapons.

6.5 Farm attacks and killings

- 6.5.1 “Farm attacks and killings” are also not explicitly referred to as a category of violence in Table 4.
- 6.5.2 The emergence of “farm attacks and killings” as a separate category of violence largely has its origins in a phenomenon in the late 1990s where a significant number of White farmers were victims of violent crime. These included a significant number of murders, some of them extremely brutal in nature. The perception emerged in sections of the White farming community that White farmers were the targets of a coordinated campaign of violence aimed at driving them off the land. A commission of inquiry into farm attacks was appointed by the then Minister for Safety and Security, Steve Tshwete, in January 2001, and reported in July 2003. The committee of necessity used a non-racialised definition of farm attacks so that many incidents in which Black people are victims are included in the definition of “farm attacks”.³²
- 6.5.3 The committee reached the conclusion that farm attacks are overwhelmingly cases of robbery. As such “farm attacks” can be regarded as having several features in common with other subcategories of robbery, including particularly “residential” or “house” robberies and business robberies (robberies are discussed further in paragraph 7.2.1 and following below).
- 6.5.4 The committee appears to have been rigorous in examining relevant cases and concluded that there “were very few cases where there were indications of a political motive”.³³ The committee report states that, “The Committee accepts that there is a small minority of cases where there are racial or political overtones such as the utterances of attackers, but despite a close scrutiny of these

³² Committee of Inquiry into Farm Attacks, 2003: Chapter 1.

³³ Ibid, 2003: 411.

cases no connection could be found between them and political groupings.”³⁴

6.5.5 The concern that violent crime is orchestrated political violence that is targeted at Whites is not restricted to sections of the White farming community but is also sometimes expressed by other White South Africans. This perception, however, has no foundation in reality.

6.5.6 Similarly the balance of available evidence is that vindictive racial hostility is not a key factor driving violent and other crime. Considering the legacy of racial oppression and discrimination one might expect that such hostility would be a major factor in South Africa. However, while the evidence does not seem to support the idea that such hostility is a key factor in violence, it does play a role in some crime incidents. In addition, there is evidence that some groups involved in robberies or other property crime distinguish between White and Black targets, with Whites being seen as more legitimate targets by some, but by no means all, groups involved in vehicle hijacking. However, a recent publication argues that these attitudes have broken down, with Blacks, for instance, being as, if not more, likely to be victims of vehicle hijacking.³⁵

6.6 Killings of police

6.6.1 The large number of killings of members of the SAPS has also been a cause of concern. Available information indicates that many of these deaths are killings by people who are resisting police attempts to arrest them or other interventions by police members (that is, Category G). However, anyone looking at statistics on killings of police should remember that some of them are also killed in robberies (Category B), and a number of police personnel have

³⁴ Ibid.

³⁵ See, for instance, Segal, Pelo, Rampe, 2001: 104, and Irish-Qhobosheane, 2007: 124–126.

also been killed in arguments, sometimes related to intimate partner violence (Category A).³⁶

6.6.2 It is not clear what proportion of these killings is reflected in the official statistics that are released each year on killings of police as these may emphasise those “in the line of duty”.

6.7 Overall prevalence of various forms of violence (reporting and documentation)

6.7.1 The available information on violence is overwhelmingly crime statistics as recorded by the police. As indicated, the offence categories used in crime statistics cut across most of the 12 categories of violence listed in Table 4. Information on the 12 forms of violence identified here is therefore not systematically produced in South Africa, although there are numerous publications on specific issues such as gangs, taxi violence, police brutality or vigilantism.

6.7.2 In addition, there is the problem of underreporting of violence in that many acts of violence are not reported to the police. Violence in all of the categories recorded in Table 4 is underreported. Incidents of violence in each of the categories may tend to be reported when they are more serious, although this is not a uniform rule. In relation to rape, for instance, factors such as the intimate nature of the offence, fear of shame and humiliation, fear of the perpetrator, and the power relationships between victim and perpetrator more generally may add to the problem of underreporting of the offence.

6.7.3 Nevertheless, from the information that is currently available it appears reasonable to say that the first three forms of violence (“assaults related to arguments, domestic violence and other circumstances”, “robbery and other violent property crime”, and

³⁶ Bruce, 2002.

“rape and sexual assault”) account for most violent crime in South Africa.

6.7.3.1 In this paper these are therefore described as the “major forms of violent crime”, which are discussed in more detail in Section 7 of this paper.

6.7.4 The other forms of violent crime listed in Table 4 are therefore not discussed further in this paper.

6.7.4.1 Estimating the prevalence of different forms of violence is a difficult task, and any results that are achieved are likely to be provisional and will obviously depend partly on how “forms of violence” are defined. It would consume time and a substantial part of this paper to give a detailed examination of all the information on the various forms of violence, as well as evaluations of arguments about how available figures are linked to the actual levels of this violence.

6.7.4.2 The observation that the three forms of violence mentioned make up most violence seems to be a fairly safe one. It may, in fact, be the case that, in combination, these different forms of violence make up a substantial majority of incidents of violence in South Africa.

6.7.4.3 At the same time it is reasonable to ask what should be regarded as the overall contribution of other forms of violence — such as violent child abuse, culpable homicide, gang or taxi warfare, police brutality or vigilantism — to the overall level of violence in South Africa.

7 MAJOR FORMS OF VIOLENT CRIME

7.1 Assault

7.1.1 Incidents of this form of violence may feature in crime statistics as “assault common”, “assault with intent to inflict grievous bodily harm”, or as “murder” or “attempted murder”. These different crime categories reflect the fact that the incidents covered by this category vary dramatically in their seriousness.

7.1.2 In terms of the broad approach adopted here, this form of violence includes several subcategories that are often treated as separate types of violence. These would include:

7.1.2.1 Incidents of domestic violence that generally would involve male perpetrators assaulting their female partners, but also may involve assaults by female partners on male partners, or assaults in same-sex relationships.

7.1.2.2 Other assaults between family members.

7.1.2.3 Other assaults related to arguments between people who are known to each other, of which it is believed that the vast majority involve two male opponents.

7.1.2.4 Most violence at schools.

7.1.2.5 Many incidents that may be classified as “workplace violence”. For instance, a British crime survey found that, after the police and other security work, occupations such as nurses, care workers and public transport personnel are those in which personnel faced the highest levels of assault while at work.³⁷

7.1.2.6 Incidents of “hate crime”, where assault is an expression of prejudice against other people, perhaps because of their race, religion, ethnicity or sexual

³⁷ Stanko, et al., 2002: 22, quoting Budd, 1999. See also Kgosimore, 2005.

preference. Prejudice may be an aggravating factor rather than the principal motive in many incidents of assault. Discussing racial violence, one report says, “Wide and deep cultures of racism are deployed in other violent confrontations that have ostensibly non-racial origins.”³⁸

7.1.2.7 Assaults by strangers, possibly related to the person taking offence at something the other person has said or done. These would include “road rage” assaults, some of the assaults that take place in drinking establishments, and numerous others.

7.1.3 This category may seem to be a fairly eclectic one of different types of violence. However, many of the assaults in these different subcategories are what appear to be spontaneous acts of violence that are motivated by anger. But while they often seem to be isolated incidents, they may form part of a pattern of violence, which may primarily be directed against a single person or against a variety of people. According to Toch, “Some repeatedly violent persons explode ‘all over the place’ but most favour certain types of targets, are provoked by a small range of stimuli, and find themselves in similar situations when they become violent.”³⁹

7.1.4 Analyses of domestic violence, for instance, emphasise that individual incidents recorded by police are often part of a longer-term pattern of habitual violence, intimidation and manipulation, of women by their male partners. Almost half (48%) of victims of domestic violence who responded to a British survey using a self-completion questionnaire, indicated that they had been assaulted or threatened three or more times in the past year.

7.1.5 Similarly, a 2005 national survey of crimes against young people in South Africa found that, of those who had been threatened, scared

³⁸ Stanko, 2002: 19. For South African discussions of hate crime see, for instance, Harris, 2004 and Nel, 2005.

³⁹ Toch, 1996: 108.

or hurt at school, roughly half (49%) indicated that this had occurred once, more than a third (34%) indicated that this had happened two to five times, with the balance (18%) presumably indicating that this had happened more than five times.⁴⁰ In the 2003 National Victims of Crime Survey (NVCS), 27% of assault victims, including nine of the 14 spousal assault victims, said they had been assaulted by the same person before.⁴¹

7.1.6 Available evidence indicates that most murders are linked to the escalation of an argument of one kind or another. The SAPS 2002–03 annual report, for example, refers to research that indicates that “[a] majority of 56% murders started as an argument which degenerated into a fight and then an assault”.⁴² A study conducted by the SAPS of 2 645 murder docket closed in 2001 found that of 1 664 docket where it was possible to attribute a motive, 68% (1 129) were related to an argument, with a further 45 being attributed to “jealousy/love triangle”, and others being attributed to racial discrimination (3), road rage (3), discrimination on grounds of sexual preference (1), and refusal by spouse to resume relationship (1).⁴³

7.1.7 As highlighted in the definition of domestic violence in the Domestic Violence Act, physical violence are often also linked to other forms of abuse, such as “emotional, verbal and psychological abuse”, “sexual abuse”, or “economic abuse”. There appear to be some similarities with violence at schools with threats, bullying, teasing and taunting.

7.1.8 In the 2003 NVCS (respondents 16 years of age and above), between 60 and 70 per cent of assailants were known to the assault victim. However, these incorporated various degrees of relationship, including “community members known to the victim” (30%), and “other persons known to the victim” (10%). People who

⁴⁰ Centre for Justice and Crime Prevention, undated: 7.

⁴¹ Burton, et al., 2004: 130.

⁴² South African Police Service, 2003: 29.

⁴³ SAPS, 2004: 9–10.

seemed to be better known to the victim, such as “friends or acquaintances” (17%) or “the spouse or lover” (12%), made up between a quarter and a third of assailants.⁴⁴

7.1.9 In the 2005 National Youth Victimization Study (NYVS) (respondents 12–22 years of age), 93% of victims of assault indicated that they knew who the perpetrators were. Similarly to the NCVS, in 30% of cases they indicated that these were “known community members”, while significant numbers of respondents indicated that the perpetrators were “school mates” (22%), other friends/acquaintances (10%), or the person’s boss or teacher (7%). People from the “inner circle” of relationships, such as “other relative/household member” (16%) or “boyfriend/girlfriend” (6%), accounted for close to a quarter of these assaults.⁴⁵

7.1.9 There appear to be two possibilities relating to the gender distribution of victims of assault:

7.1.9.1 One possibility is that a greater number of victims of assault are women, but that assaults are likely to be more serious and are more likely to escalate to the level of murder, where both parties are male. An analysis of cases on the SAPS Crime Administration System (CAS), covering the period February 2002 to January 2003, for instance, indicated that 54% of victims of common assault, 40% of victims of assault GBH and 18% of victims of attempted murder were female. Roughly 90% of the victims here were over 18 years of age, and 8% were between 13 and 18 years of age.⁴⁶ Similarly, the 2005–06 SAPS annual report also indicates that 53% of victims of common assault,

⁴⁴ Burton, et al., 2004. The remaining responses were “other” (10%), “unknown from community” (20%) and “unknown” (11%). The category “other” potentially includes others who are known to the victim.

⁴⁵ Leoschut and Burton, 2006: 52–54. Numbers have been rounded.

⁴⁶ South African Police Service, 2003: 33.

38% of victims of assault GBH and 18% of victims of attempted murder were women.⁴⁷

7.1.9.2 The other possibility is that incidents where both parties are male outnumber those in which the victim is female, but that men are less likely than women to report less serious assaults which they are victims of. The 2005 NYVS indicates that rates of assault victimisation are higher for males than for females, with 20% of boys and young men indicating that they had been assaulted as opposed to 13% of girls and young women. However, the gender profile of assault victims may be different for older victims.

7.1.9.3 The proportion of male and female victims may vary across different locations.

7.1.10 The question of the gender profile of victims of assault is partly of interest in relation to questions about what proportion of assaults may be related to domestic violence within intimate relationships.⁴⁸

7.1.10.1 The NVCS and NYVS suggest that even in relation to incidents where the victims are female it should not be assumed that the assault amounts to an incident of domestic violence. As indicated, assault victims in the NVCS indicated that the perpetrator was a “spouse or lover” in 12% of cases, while in the case of the NYVS the perpetrator was identified as “boyfriend/girlfriend” in 6% of cases.⁴⁹

7.1.10.2 A small-scale analysis of dockets for cases of serious violent crime (excluding rape dockets) from 1998 at the

⁴⁷ South African Police Service, 2006: 57. It is not clear if the data here includes or excludes female children.

⁴⁸ Note that the Domestic Violence Act, 116 of 1998 does not only refer to violence by intimate partners but also by other family members.

⁴⁹ It also cannot be assumed that all of those who were assaulted by intimate partners were female or that all perpetrators were male.

Mamelodi and Randburg police stations,⁵⁰ indicated that while women were a strong majority of victims of domestic or family violence they also represented a substantial proportion of victims of “other violence among acquaintances”. In Mamelodi, which recorded a much higher number of these cases than Randburg, they represented 42% of victims of this type of violence (see Table 7).

TABLES 6, 7 and 8: Comparison of serious violent-crime cases reported in the three months April–June 1998 from docket analysis conducted at Randburg police station (n=197) and Mamelodi police station (n=325)

TABLE 6: Profile of offences by gender of victim

STATION	GENDER OF VICTIM	MURDER	ATTEMPTED MURDER	ASSAULT GBH	AGGRAVATED ROBBERY	TOTAL
Randburg	Male	1%	7%	22%	70%	100%
	Female		8%	37%	55%	100%
	Total	1%	8%	26%	66%	100%
Mamelodi	Male	1%	17%	48%	35%	100%
	Female		14%	79%	8%	100%
	Total	0%	16%	58%	26%	100%

Source: South African Law Commission, 2001: Chapter 5. Note that the low number of murder cases is due to the fact that murder dockets tend to stay open for a longer period of time. The study excluded rape and indecent assault dockets for legal reasons.

⁵⁰ South African Law Commission, 2001. The docket analysis covered closed dockets at these two stations for cases of murder, attempted murder, assault GBH and aggravated robbery that had been opened between April and June 1998. Rape and indecent assault cases were not covered as access to these dockets was not granted (p. 94). Of the 522 cases analysed, two were cases of murder. The report indicates that murder dockets remain open for much longer, and that many of these had probably not been opened at the time of the study. The docket analysis was intended to inform research on victim compensation. The analysis excluded cases of common robbery and common assault on the grounds that victims would be less likely to seek compensation in relation to these types of cases.

TABLE 7: Type of crime incident by gender of victim

STATION	GENDER OF VICTIM	DOMESTIC / FAMILY VIOLENCE	OTHER VIOLENCE AMONG ACQUAINTANCES	HIJACKING	OTHER ROBBERY	ATTACK BY STRANGER	OTHER
Randburg	Male	25%	67%	89%	72%	75%	
	Female	75%	33%	11%	28%	25%	
	Total	100%	100%	100%	100%	100%	100%
Mamelodi	Male	32%	58%	100%	86%	85%	60%
	Female	68%	42%	0%	14%	16%	40%
	Total	100%	100%	100%	100%	100%	100%

The category “other violence among acquaintances” is called “violence amongst knowns” in the original report.

TABLE 8: Relationship between gender of victim and perpetrator

STATION	SEX OF VICTIM	MALE PERPETRATOR	FEMALE PERPETRATOR	SEX OF PERPETRATOR NOT AVAILABLE	
Randburg	Male	95%	3%	2%	100%
	Female	94%	4%	2%	100%
	Total	94%	4%	2%	100%
Mamelodi	Male	90%	7%	2%	100%
	Female	80%	17%	3%	100%
	Total	87%	10%	3%	100%

7.1.11 It appears that assaults are overwhelmingly carried out by men and that they fit in with the general pattern of male violence, whether the victims are male or female. There are incidents where women assault women or men, but men tend to be the aggressors in cases of assault.

7.1.11.1 In the docket analysis conducted in Mamelodi, women were the alleged perpetrators in 17% of cases where women were victimised (see Table 8). These presumably were largely assault cases as they comprised most of the cases where women were victims in Mamelodi (see Table 6).

7.1.11.2 See further paragraphs 10.45 and 10.46 regarding perpetration of violence by women.

7.1.12 In recent years South African police crime statistics have consistently recorded a number of cases of “common assault”

roughly similar to those of “assault with intent to commit grievous bodily harm” (see also Figure 1 under Section 4). This may partly be a result of the fact that most less serious assaults are not reported, but it is also likely to be related to police often not recording these cases. National-level statistics conceal quite substantial differences between provinces, with Free State, Gauteng and Western Cape consistently recording more common than aggravated assaults, KwaZulu-Natal and Limpopo recording similar numbers in both categories, while the remaining provinces (Eastern Cape, Mpumalanga, North West and the Northern Cape) consistently record fewer common, than aggravated, assaults. But even in provinces where recorded common assaults outnumber aggravated assaults it is not by a large margin, and while national figures for common assault started to increase above the levels for aggravated assault a few years ago, this trend has now been reversed, with the numbers in the two categories being roughly similar in the most recent financial year.⁵¹ By comparison, in Britain the ratio of “more serious” to “less serious” assaults was estimated at 1:20,⁵² and there is no reason to doubt that “less serious” assaults also far outnumber “serious” assaults in all provinces in South Africa.

- 7.1.13 The underrepresentation of “common” assaults also appears to be a characteristic of South Africa victimisation surveys, with respondents to these surveys also tending to report serious rather than less serious assaults. According to the NYVS, for instance, more than half of the respondents who indicated that they had been assaulted (52%) indicated that they had been physically injured in the assault and a similar number (48%) indicated that they had to seek medical attention. It may reasonably be presumed that most assaults are not of a kind that necessitate medical

⁵¹ The difference is usually less than 10%, but in the most recent financial year the number of cases of assault GBH was 99,7% that of the number of common assault cases.

⁵² Levi and Maguire, 2002: 805.

attention. Similar phenomena are reflected in reporting of assaults in the 2003 NVCS.⁵³

7.1.14 In so far as women are victims of assaults perpetrated by men it may possibly generally be assumed that they were not involved in physical aggression against the man, although this is not necessarily always so (see further 10.46 below). But, particularly when considering assaults when both the parties involved are male, one cannot avoid questions to do with the role of the different parties in contributing to the physical conflict.

7.1.15 Many of the assault-related murders that are recorded by police appear to be related to escalating arguments or fights between two people. In such incidents, were it not for the fact that one is now alive and the other dead, it may be difficult to ascribe the roles of “victim” and “perpetrator”. Similarly, many other incidents are recorded as acts of assault related to an argument, and perhaps a physical fight, in which the two parties were active protagonists.

7.1.16 Issues concerning the contribution of the victim to acts of violence (“victim precipitation”) began to be considered within criminology several decades ago. However, consideration of this category of issues came under increasing criticism, partly because it fitted in with a tendency to displace blame for an incident onto the victim, often fitting in with the desire by the perpetrator to rationalise his or her actions. Issues of this kind have therefore received little attention in recent years. While wishing to avoid falling into the trap of blaming victims and legitimising violence, it seems that in understanding assaults, questions about the role of the different parties may need to be examined.

7.1.16.1 For instance, the small-scale examination of dockets of cases of violent crime in Randburg and Mamelodi looked at the circumstances surrounding the complaints laid by crime victims. In 35% of cases they

⁵³ See Burton et al., 2004, 128.

found evidence in the docket that victims had “provoked or been involved in fight”. This applied to 20% of dockets in Randburg and 44% of dockets in Mamelodi.⁵⁴

TABLE 9: Victim precipitation, from comparison of serious violent-crime cases reported in the three months April–June 1998 from docket analysis conducted at Randburg police station (n=197) and Mamelodi police station (n=325)

VICTIMS' ROLE IN THEIR OWN INJURY	RANDBURG	MAMELODI	TOTAL
Involved in a crime	1%	2%	1%
Provoked or involved in a fight	20%	44%	35%
No role	36%	43%	40%
Unknown or information not available	44%	12%	24%
Total	100%	100%	100%

Source: South African Law Commission, 2001: 105.

7.1.17 In so far as both parties contributed to the escalation of physical conflict, this may complicate the task of ascribing the roles of victim and perpetrator. However, this should not always be interpreted as putting the two parties on a par. Even when both parties contributed to the escalation of the argument, this may not have been with equal aggression, and one of them may have acted more in a defensive role, while the other may have been more willing to resort to violence.

7.1.18 Other than research on domestic violence the most substantial information on the motivation for these assaults appears to be data from the NVCS,⁵⁵ which indicates that 20% of victims of assault thought that the assault was due to long-term personal anger towards the victim, 15% sudden personal anger, 13% money disputes, 12% jealousy or other romantic motives, and 12% by anger towards the friends or family of the victim.⁵⁶

7.1.19 It seems reasonable to assume that this violence often fits in with a pattern documented elsewhere, where “many acts of violence arise from incidents that are trivial in origin — insult, curse or a jostle —

⁵⁴ South African Law Commission, 2001: 105.

⁵⁵ Burton, et al.: 130.

⁵⁶ Ibid: 130. In some cases (17%) victims also thought the assault had been an attempted robbery.

the significance of which is blown out of all proportion”.⁵⁷ Even where the dispute is described as a “money dispute”, as was the case in 13% of responses in the NCVS, it may be less the money but more the perceived insult (such as that involved in failing to repay a debt or cheating another person of money) that enrages the protagonist.

7.1.20 It seems reasonable to assume that these assaults in some ways feed off “cultural acceptance of violence as a way of resolving problematic situations”,⁵⁸ though they may also tend to involve individuals who are subject “to the tendency of individuals who are prone to anger to see hostility and provocation in the words and actions of other people”,⁵⁹ or to an oversensitivity to affronts that derives “from an underlying sense of inadequacy or feelings of self-doubt”.⁶⁰

7.1.21 One of the characteristics of many of these assaults, particularly those of a more serious nature, is that they involve two (or more) male opponents who typically belong to the same social and age group. Levi and Maguire use the term “honour contests” as a generic term to describe these incidents.⁶¹ Daly, Wilson and Vasdev describe these as “competitive killings”, which take place in the “shadow of status competition”,⁶² suggesting that it “is not inconceivable that violent escalation of social competition at the bottom of the social hierarchy is indirectly exacerbated by an awareness of extreme wealth at the top that contributes to a pervasive cultural perception and acceptance that one is living in ... a ‘winner-take-all society’”.⁶³

7.1.22 Considerations of relative physical strength and physical confidence, possibly combined with possession of a weapon of one

⁵⁷ Levi, 2002 : 818.

⁵⁸ Stanko, et al., 2002: 19.

⁵⁹ Hollin, 2002: 163, quoting Novaco and Welsh.

⁶⁰ Toch, 1996: 105.

⁶¹ Levi and Maguire, 2002: 819.

⁶² Daly, Wilson and Vasdev, 2001: 219.

⁶³ Ibid: 233.

kind or another, are likely to have an influence in many situations on whether or not an individual becomes involved in a physical confrontation that may lead to assault. Factors to do with relative physical strength clearly play a role in promoting the sense of confidence with which some men exercise their perceived “right” to assault women. Writing about male violence against women in Ngangelizwe, near Umtata, Wood and Jewkes describe how such assaults serve as a direct means for exercising control over female behaviour. In addition, such assaults are also motivated by a wish to maintain the respect of other men, relative to male beliefs about the type of authority men should exert over, and deference they should receive from, women.

- 7.1.23 The prevalence of assaults are indicative of a situation where violence is generally used as a strategy for regulating conflicts and differences with others. Recent work of gender activists has contributed to problematising domestic violence and assaults against women, in a context where the tendency has often been for such assaults to be seen as a private matter. Similarly, where two boys or men are involved in a physical fight there is often a tendency to “leave them to sort it out”. As indicated, to a significant degree assaults only come to the attention of the criminal justice system where they are of such a serious nature that they result in injury. Often they may not be labelled as criminal acts by either party. An environment that generates and tolerates such high levels of violence as part of the normal fabric of social interaction is likely, in turn, to generate other forms of violence.

7.2 Robbery

- 7.2.1 Incidents of robbery usually feature in crime statistics as incidents of “robbery with aggravating circumstances” and “common robbery”. Where a person is injured or killed in the incident, the incident may be recorded as “assault GBH”, attempted murder or

murder, and if a rape is committed it is likely to be recorded as rape.

7.2.2 In addition to this, some subcategories of aggravated robbery — carjacking, truck hijacking, cash-in-transit heists, bank robberies, house robberies and business robberies — have been a subject of specific interest, and the police report separately on these subcategories, in addition to the overall statistics on aggravated and common robbery. In combination, these different types of aggravated robbery nevertheless make up a minority of aggravated robberies.

7.2.3 Using a slightly different approach, different types of robberies may be distinguished roughly as follows:

7.2.3.1 Street robbery and robbery on trains, including incidents of “bag snatching” or “smash and grab”, as well as incidents where people are “held up” by a group or individual, who are usually armed with guns or knives, and robbed of their possessions. Perpetrators of this type of robbery usually do not use vehicles to flee from the scene but flee on foot (or just merge into the crowd). The 2003 NVCS, for instance, indicates that 57% of robberies took place on the street in residential areas.⁶⁴

7.2.3.2 A major category of robberies could also be seen to include car and truck hijackings and robberies at residences and banks and other business premises. As reflected in Table 10 (see page 82), these robberies constitute roughly 24% of aggravated robberies nationally and 33% of aggravated robberies in Gauteng. The 2003 NVCS indicated that 15% of robberies took place in the respondent’s home.⁶⁵ This

⁶⁴ Burton, et al., 2004: 135.

⁶⁵ Burton, et al., 2004: 135.

category of robberies could be seen to include most farm attacks and killings.

7.2.3.3 Lastly, one may distinguish a category of organised robberies involving sophisticated and heavily armed groups. These include cash-in-transit heists and some mall heists. They make up a very small proportion of robberies overall. For instance, cash in transit heists make up roughly 0,3% of aggravated robberies, both nationally and in Gauteng, in the latest crime statistics (see Table 10).

7.2.3.4 There is no simple way of distinguishing between these different categories of robbery. But some of the factors relevant to distinguishing between them include: the level of planning and sophistication of organisation; types of localities; mobility of the perpetrators; type of weapons (the first category involves either knives or firearms but may not involve a weapon necessarily, as in snatch-and-run or smash-and-grab robberies; the second generally involves firearms; the last category tends to include heavy weaponry).⁶⁶ The types of victims differ considerably with the victims of the first category being overwhelmingly less affluent. Robberies in the second category impact more on people who are better off, as well as businesses, although they also impact on poorer people partly in the form of house robberies. Robberies in the third category are targeted at certain types of business groups.

⁶⁶ The National Victims of Crime Survey indicates that, "Guns were the most common weapon in armed robberies (73%) being more popular in the home (83%) than on the street (73%). On the street knives were also popular (26%)." Burton, et al., 2004: 136.

TABLE 10: Categories of robbery and selected other property crime — Gauteng and national levels compared

CATEGORY	CRIME FIGURES			RATIO PER 100 000		
	NATIONAL	GAUTENG	% GAUTENG	NATIONAL	GAUTENG	GAUTENG NATIONAL RANKING
Aggravated robbery	119 726	49 784	42%	255	552	1
1. Carjacking	12 825	6 890	54%	27	76	1
2. Truck hijacking	829	425	51%	1,8	4,7	1
3. Bank robbery	59	45	76%	0	0,5	1
4. Robbery of cash in transit	342	140	41%	0,7	1,6	1
5. House robbery	10 173	5 909	58%	22	66	1
6. Business robbery	4 387	3 068	70%	9	34	1
7. Other aggravated robbery	91 313	33 105	36%	NA	NA	1
Common robbery	74 723	24 420	32%	271	159	1
Burglary at residential premises	262 535	72 146	27%	559	800	2
Burglary at business premises	54 367	12 860	24%	116	139	3
Vehicle theft	85 964	41 170	48%	183	457	1

Compiled from statistics available on the SAPS website. Northern Cape has the highest ratio (883 per 100 000) for residential burglary and business burglary (210). Western Cape has the second-highest business burglary ratio (171). Figures for ratios of “other aggravated robbery” were not available.

7.2.4 One of the very distinctive features of robbery in South Africa is the major concentration of robberies, in particular high-profile robberies, in Gauteng. Recent police statistics (see Table 10 above) indicate that:

7.2.4.1 Gauteng contributes 42% to overall national levels of aggravated robbery, but consistently more than this in relation to five of the six most prominent categories of robbery (car and truck hijacking; bank, business and residential robberies).

7.2.4.2 The exception to the rule is cash-in-transit heists where vehicles travelling in outlying areas are probably often regarded as easier targets.

7.2.4.3 Gauteng’s high level of contribution to overall levels of car hijacking is associated with a similar contribution to levels of vehicle theft, partly reflecting the high

concentration of more upmarket vehicles in the province.

7.2.4.4 Gauteng's contribution to the six most prominent categories of aggravated robbery is consistently higher than its contribution to "other aggravated robberies", although it still contributes a high proportion to the national number of these crimes.

7.2.4.5 The high levels of robbery in Gauteng are also associated with high levels of other property crime. While rates per 100 000 of business and residential burglaries are higher in Northern Cape and (in the case of business burglaries) Western Cape, Gauteng still contributes a higher number to the total number of these burglaries than does any other province.

7.2.5 Robberies have risen steeply since the mid-1990s and remain at high levels despite substantial decreases in figures reported by the police (see paragraph 4.1.2 and Figure 2 in Section 4). As compared to robberies in the mid-1990s, it may also be true that there is a tendency for robberies to involve larger, and sometimes more sophisticated, groups of perpetrators. It is also widely believed that there has been an increase in the degree of violence associated with robberies in recent years. It is not possible to verify this, but the issue is discussed amidst the discussion of factors impacting on the degree of violence in incidents of crime in Section 9 below.

7.2.6 Robbery and potentially violent property crimes such as burglary are the main types of violence impacting on the middle class and the drivers of middle-class fear. Related to this, public awareness of robbery is strongly shaped by the politics of crime (see Section 2). Certain types of robbery, such as vehicle hijacking, are the main types of violent crime that impact on the middle class. The concentration of media bodies in Gauteng is also reflected in the

prominence given to these types of robbery, which are most concentrated in the province. While vehicle hijacking has also increasingly impacted on Black areas (presumably mainly in Gauteng),⁶⁷ poorer communities are also far more affected by other types of robbery. Thus, 76% of robberies nationally (91 313 out of 119 726) and 66% of robberies in Gauteng (33 105 out of 49 784) fall into the “other aggravated robbery” category provided in Table 10, but little attention is given to these robberies in the media or in decisions relating to crime priorities. This contributes to poor people feeling that their crime concerns are not taken seriously, undermining respect for the law.

7.2.7 Perpetrators often operate in groups. See further the discussion of the involvement of groups and gangs in violence below (Section 11).

7.2.8 Unlike assaults that may be related to eruptions of anger (although this may fit within a pattern of coercive and aggressive behaviour), robberies are generally premeditated, and the sophisticated ones may even be rehearsed or planned in detail. Some common robberies and even hijackings, however, may be more opportunistic and spontaneous. Unlike assault, robbery, and particularly reported robbery, is also overwhelmingly a “stranger” crime.

7.3 Rape and other sexual assault

7.3.1 These incidents are recorded in crime statistics as incidents of rape or indecent assault, and recorded, investigated or prosecuted as cases of assault, assault GBH, attempted murder or, for instance, the unlawful pointing of a firearm.

7.3.2 As is noted above (paragraph 6.7.2), all forms of violence are underreported. Rape is possibly more underreported than other forms of violence. Different studies have estimated that the number

⁶⁷ See Irish-Qhobosheane, 2007: 124–126 (also footnote 19 above).

of cases reported to the police may represent anywhere between one in two, and one in nine of all cases.⁶⁸ Although it cannot be taken as representative of prevalence among all women in the area, a study of women in antenatal clinics in Soweto found that 9,7% disclosed rape by an intimate partner in the year prior to the study, and 20,1% had experienced it at some stage in their lifetime.⁶⁹ Similarly, in a survey of working men in Cape Town, 15,3% reported “sexually coercing a female partner in the previous decade”.⁷⁰

7.3.3 In so far as reported rape is a measure, rape is distributed fairly evenly across most provinces in South Africa, with six out of eight provinces recording rates of reporting of between 124 and 132 per 100 000, according to the 2005–06 SAPS statistics. The exceptions to this trend are Northern Cape, with significantly higher rates (156), and KwaZulu-Natal (101) and Limpopo (78), which both have relatively lower rates of recorded rape.

7.3.4 It is understood that the Sexual Offences Bill is likely to be passed into law quite shortly, having been approved already by the National Assembly. One of the impacts of this will be that a larger number of sexual assaults will be classified as rape, as the Bill provides a definition of rape that is broader than the current one. It is anticipated that this will contribute to an increase in the figures for rape in official statistics.

7.3.5 One of the issues that is a specific focus of interest in studies of rape has been the degree to which rape is committed within marriage or by other intimate partners, partly in relation to the overall concern with the degree to which male intimate partners are responsible for violence against women. While rape by intimate partners, or former intimate partners, is part of the problem, many rapes are committed by other acquaintances, including other family

⁶⁸ Vetten, 2007: 429, quoting figures from Statistics South Africa and the Medical Research Council.

⁶⁹ Jewkes, et al., 2006: 2 950, quoting Dunkle, et al., 2004.

⁷⁰ Ibid, quoting Abrahams, et al., 2004.

members, and the data that is available does not necessarily clearly differentiate between these different types of acquaintance rapes.

7.3.6 The SAPS 2002–03 annual report, for instance, states that in 50%–80% of rape cases the victim and perpetrator are known to each other,⁷¹ while the 2005–06 SAPS annual report contains data from an analysis of 9 623 dockets dealing with various categories of “socially determined contact crimes”. Among the rape dockets from this sample, 16% of perpetrators were “relatives” (a category that presumably includes husbands, as well as other relatives, including immediate and extended family, but not intimate partners who are not married), while the combined total of relatives with “friends and acquaintances” was 57% — these combined with other persons “known to the victim” totalled 76%.⁷²

7.3.7 In a survey of 1 370 male volunteers, aged 15–26 years, from 70 villages in rural Eastern Cape, participants were asked a number of questions about violent and sexually coercive practices against women. Overall 115 (8%) of the participants indicated that they had raped a female partner. However, the findings of the survey were complicated by the fact that certain types of rapes, perpetrated by groups of men, were interpreted in the analysis as “non-partner” rapes despite the fact that these rapes were often initiated by and involved an intimate partner.⁷³ Of the 287 (21%) young men interviewed who admitted to rape, 223 admitted to non-partner rape. Of the latter 223, 190 admitted only to having being involved in these group rapes, although it is not clear what proportion of these group rapes of women involved current, or former, intimate partners.

⁷¹ SAPS, 2003: 37.

⁷² SAPS, 2006: 56.

⁷³ The classification of some of rapes as non-partner rapes within the study is based on the fact that “when a boyfriend organizes for his girlfriend to be [raped by a group], it would terminate the relationship and is not open to reinterpretation”, and that this was the definition given to these rapes by victims of the rape (Jewkes, et al., 2006: 2 951).

- 7.3.8 Whatever the proportion of intimate partner (and former partner) rape may be, it seems clear that the vast majority of acts of rape are perpetrated by persons known to the victim. The figure of 76% of perpetrators known to the victim provided by the SAPS cited above is interesting in this regard, as it is possible that cases reported to the police over-represent stranger rapes, and the proportion of acquaintance rapes may therefore be higher than this (if we assume this is a representative sample of dockets). While there are various inhibiting factors to reporting rape, in situations where the rape is committed by someone who is known to the victim, the victim may be more vulnerable to intimidation or other pressure not to report the case.
- 7.3.9 In so far as these are relatively consistent, the proportion of stranger as opposed to acquaintance rape is also likely to change from one setting to another. A study of gang rape using rape dockets at police stations in inner-city Johannesburg found that among rapes where there was a single perpetrator (426 incidents), just short of 50% of assailants were known either intimately by their victims (as either current or former partners) or by sight.⁷⁴ In 90% of rapes involving two or more perpetrators (162 incidents), all of the perpetrators were not known to the victim.⁷⁵ When combined these results imply that close to 60% of *recorded* rapes at these inner-city stations were committed by strangers.
- 7.3.10 The study of rape in the Johannesburg inner city, therefore, may be taken to suggest that the overwhelming majority of rapes involve a single perpetrator, and that gang or group rapes make a less substantial contribution to the overall incidence of rape. In the inner-city study, “gang rape” comprised a fairly substantial minority (27%) of the incidents of rape. However, as noted above, in the study involving young men from Eastern Cape villages (see

⁷⁴ Vetten and Haffejee, 2005.

⁷⁵ Ibid.

paragraph 7.3.7), the majority of young men who admitted to rape in fact only admitted to involvement in group rape.⁷⁶

7.3.11 Whatever the proportion of group or gang rapes, as opposed to rapes committed by an individual perpetrator, one aspect in relation to which there appear to be major differences from one geographic setting to another is in relation to the identity of perpetrators of group rape. In the Johannesburg inner-city study, group rape perpetrators were overwhelmingly strangers. The picture of group rape in Eastern Cape villages is entirely different, with group rape sometimes being initiated by a boyfriend of the victim, perhaps motivated by the desire to punish her for having another partner or any one of a number of other arbitrarily defined “transgressions”,⁷⁷ and often relying on trickery or emotional manipulation as well as physical force.⁷⁸ Even where the boyfriend or other partner is not involved, the social environment of the villages in which this study was conducted is one where there “aren’t a lot of true strangers” so that “true strangers” would be a small minority of rape perpetrators, whether acting individually or in groups.⁷⁹

7.3.12 In terms of the circumstances of occurrence of group rapes in the Johannesburg inner-city, a high proportion of victims (41%) were walking at the time of the attack, while a significant minority (10%) were waiting for public transport. Among rapes where the perpetrator is not known to the victim, which include group and individual perpetrators, a number start off as other crimes (usually robberies or housebreaking incidents). The Johannesburg inner-city study found that 7% of gang rapes (roughly 11 out of 162) “occurred in the context of another crime such as housebreaking or

⁷⁶ Care should be taken not to confuse statistics on the incidence of group rape among young men with the overall incidence of group rape among incidents of rape.

⁷⁷ Jewkes, et al., 2006: 2 951.

⁷⁸ Ibid, paraphrasing a sentence on p. 2 952. See also Niehaus, 2005.

⁷⁹ Insights from an e-mail message from Rachel Jewkes, 4 June 2007.

robbery”,⁸⁰ suggesting that this type of rape makes a relatively small but significant contribution to the overall number.

7.3.13 There is no doubt that the overwhelming majority of victims of rape are women. Up to the point when the Sexual Offences Bill becomes law there will actually not have been legal provision for men to have been victims of rape, and no acts of rape against men should therefore be recorded in current rape statistics.⁸¹ Where men have been victims of sexual violation, these would be recorded as cases of indecent assault along with cases where women are victims of sexual assault, which also fall outside the common-law definition of rape.⁸²

7.3.14 Rape and sexual assault against men (usually by male perpetrators) is believed to be even more underreported than female rape. The main work that has been done on the subject relates to rape and sexual coercion in prison,⁸³ while cases have sometimes been publicised of male victims of vehicle hijacking being raped.

7.3.15 Current discussions of rape in South Africa often focus on questions to do with male self-concepts, as well as peer and gender power relations, while in general avoiding or downplaying the issue of how different men experience their sexuality and how the subjective experience of sexuality itself may feed into rape. By contrast, one of the longest-standing students of the characteristics of rapists in the US distinctively identifies “sexualisation”, along with “impulsivity” and an unstable or “callous/unemotional” emotional disposition, as one of the three main variable components of the major types of rapists.⁸⁴

⁸⁰ Vetten and Haffejee, 2005: 3.

⁸¹ However, see Mistry, et al., 2001: 29, where two of the 171 victims of rape among cases of violent crime studied in Northern Cape were men.

⁸² See in this regard the May 2007 judgment of the Constitutional Court in *Masiya v. Director of Public Prosecutions Pretoria (The State) and Another*, as well as the Sexual Offences Bill (B50-2003).

⁸³ Gear and Ngubeni, 2002. See also Gear, Isserow and Neville, 2006.

⁸⁴ Knight, 2006.

- 7.3.16 From a historical point of view it is also evident that broad processes of change over the last century, associated with industrialisation and colonial and racial domination, have contributed to the breakdown of social structures which, while they may have exploited women, also served to provide a certain level of protection to them against sexual violence.⁸⁵ The apartheid politics of rape in South Africa gave primacy to anxieties about the rape of White women, while the violence done to Black women was “utterly neglected”,⁸⁶ no doubt facilitating the emergence of social practices among young men that are antithetical to the well-being of women.
- 7.3.17 Component 3 of this study (see paragraph 1.2.3 above) is a study on the nature and causes of sexual violence.
- 7.3.18 Prior to this, the results of a major study of rape docket, which was recently carried out in Gauteng, should add considerably to understanding the occurrence of (reported) rape in the province and in South Africa, as well as to understanding the obstacles to investigation and prosecution of these cases.⁸⁷

⁸⁵ Delius and Glaser, 2001.

⁸⁶ Vetten, 2007: 435.

⁸⁷ The study was carried out by a group of organisations, including the Centre for the Study of Violence and Reconciliation, the Tshwaranang Legal Advocacy Centre and the Medical Research Council, and is due to be published late in 2008.

8 ACQUAINTANCE VIOLENCE

- 8.1 The discussion of the major forms of violence, assault, robbery and rape in the previous section highlights the fact that much of the violence that takes place in South Africa involves people who are known to each other. Most notably, both assaults and rape tend to involve people who are acquainted in some way.
- 8.2 While robbery is generally a stranger crime, robbers are not always complete strangers. Robbery victims sometimes know the perpetrator, at least by sight. In the National Youth Victimization Survey, in fact, the majority of victims of robbery appeared to know the perpetrators in one way or another, with victims indicating that perpetrators were “known community members” in 38% of cases, “learners at school” in 21%, and “other friends or acquaintances” in 11%.⁸⁸ This profile of perpetrators appears to have a fair amount in common with the profile of assault perpetrators provided by the same survey (see paragraph 7.1.9), except that it excludes the closer “inner circle” of relationships. This suggests that the issue of relationship may tend to vary in respect to robberies, as many of the robberies committed in some communities clearly tend to be stranger crimes, although sometimes — for instance, in the cash in transit industry — employees may in some way be linked to those involved in planning or carrying out the crime.
- 8.3 In addition to the forms of crime discussed in detail in the previous section, there are also others where it appears that the perpetrators are generally known to each other. Referring to the list of forms of violence in Table 4, for instance, it may be observed that:
- 8.3.1 Child abuse, including violent and sexual child abuse, overwhelmingly involves people who are known to the victim.
- 8.3.2 Family murders are by definition committed by people who are known to each other. Other murder-suicides also usually involve people who are known to each other.

⁸⁸ Leoschut and Burton, 2006: 57–58.

8.3.3 Related to the fact that the bulk of murders are related to arguments (see 7.1.6), they are also mostly committed by people who know the victim. This is reflected in data from the SAPS study of murder docket that were closed in 2001 (see Table 11).

TABLE 11: Victim–offender relationship as per SAPS study of selected murder docket closed in 2001

	FAMILY MEMBER, (EX) INTIMATE PARTNER, FRIEND, NEIGHBOUR, EMPLOYEE/EMPLOYER	OTHER ACQUAINTANCE	KNOWN BY SIGHT	STRANGER	UNKNOWN RELATIONSHIP	TOTAL
Number	457	693	274	557	432	2 413
Percentage	19	29	11	23	18	100%

Source: SAPS, 2004b.

8.3.4 In many targeted, pre-planned murders, the person who initiates the conspiracy to murder knows the victim, although they may recruit other “strangers” to carry out the murder. There is no current information as to what proportion of murders take this form. Recently a number of murders where the initiator has been a husband or wife have received publicity in the South African press. Some pre-planned murders may involve “opponents”, such as business or gang or romantic rivals, where the person initiating the murder is also not a complete stranger to the victim.

8.4 Notwithstanding the points made about robbery above, in terms of offence categories, the types of crime that are most associated with acquaintance violence tend to be the different types of assault, sexual offences, as well as attempted murder and murder. Table 12 presents figures from an analysis of 9 623 docket involving these types of cases, as reported in the latest SAPS annual report.⁸⁹

⁸⁹ No explanation is given in the annual report about the distinction between the different categories such that it is not clear to what degree “acquaintances” are to be differentiated from other persons “known” to the victim.

TABLE 12: Victim–offender relationships as per SAPS study of 9 623 docketts relating to cases of violent crime

	% RELATIVES AS PERPETRATORS	% PERPETRATORS WHO ARE RELATIVES, FRIENDS OR ACQUAINTANCES OF VICTIM	% PERPETRATORS KNOWN TO VICTIM	% STRANGER
Murder	20	62	82	18
Attempted murder	9	41	59	41
Rape	16	57	76	24
Assault GBH	25	72	89	11
Common assault	26	66	89	11
Average of above categories	19	60	79	21

Source: Adapted and modified from table provided in SAPS, 2006: 56. It is assumed that the data provided excludes cases where the relationship was unknown. Note that each row of the two right-hand columns adds up to 100%. The SAPS annual report notes that the number of these cases was proportionately higher among murder cases, accounting for 27,5% of murder docketts examined in this study.

8.5 The national profile of murders reflected in Table 11 is not dissimilar to that in the USA. Federal Bureau of Investigation (FBI) data on the circumstances of murder distinguish broadly between three types of murders. “Felony type” murders are murders that are carried out related to the commission of another crime. On the other hand, “non-felony type murders”, most of which are linked to arguments, are not linked to carrying out another crime. A third category of murders are those in which the circumstances are unknown. Table 13 represents FBI data on murders in the USA during 2005, based on reports received from the large number of different police agencies in the USA,⁹⁰ with various broad categories of murders being linked to the victim-perpetrator relationship.

⁹⁰ <http://www.fbi.gov/ucr/05cius/offenses/expanded_information/data/shrtable_09.html>.

TABLE 13: Percentage distribution of murders in 2005 in the USA

	FAMILY MEMBER, INTIMATE PARTNER, FRIEND, NEIGHBOUR, EMPLOYEE/EMPLOYER	OTHER ACQUAINTANCE	STRANGER	UNKNOWN RELATIONSHIP	TOTAL
Felony 1: related to commission of another crime such as robbery, burglary, rape or drug deals	1	2	3	4	11
Felony 2: narcotic drug laws	(Less than 0,2%)	2	(Less than 0,5%)	2	4
Non-felony 1: gangland or juvenile gang killings	(Less than 0.1%)	1	2 (1,5%)	3	6
Non-felony 2: mostly related to arguments, including brawls and love triangles	15	13	5	8	41
Unknown circumstances	3	4	3	28	38
Total (relationships)	19	22	14	45	100%

Source: Rearrangement by authors of data provided on www.fbi.gov. Percentages do not necessarily add up precisely due to rounding.

8.5.1 As can be seen from Table 13, the category of “unknown relationship” is overall the biggest relationship category, accounting for almost half (45%) of all murders. The unknown relationship murders are mostly concentrated in the “unknown circumstances category”, but are also unevenly distributed across the other categories so that they make up roughly 36% of the first category (felony type 1), and 50% of the second and third categories, (felony 2 and non-felony 1).

8.5.2 However, “unknown relationship” murders make up only 20% of the fourth category (non-felony 2), which is the category where murders are usually related to arguments between people who are relatively well known to each other. This is the only category of the four where the biggest number of murders (15 out of 41%) are those in the inner circle of family and acquaintances, and where this category is bigger than all the other categories, and is greater than the number of “unknown relationship” murders, reflecting the

fact that this is the category of murders where it tends to be easiest to identify both the victim and the perpetrator. Notably, other than with argument (non-felony 2) murders, “the inner circle of family and acquaintances” is relatively insignificant in the other three categories of murder.

8.5.3 At the same time it must be noted that a substantial number of these “argument” (13 out of 41%) murders involve the more intermediate set of relationships reflected in the “other acquaintance” category. Looking at the table overall, the intermediate “other acquaintance” category is the biggest overall category of the three known relationships categories. While its contribution is relatively small in the robbery-related (felony 1) and gangland (non-felony 2) categories, it contributes roughly 50% of all murders in the narcotics-trade-type (felony 2) murders. These “other acquaintance” relationships are presumably those between rival dealers, as well as between suppliers, dealers, and drug users, which, it seems to be implied, often involve a high level of violence. “Other acquaintances” also make a small but significant contribution to murders in the first category, such as those linked to robberies, rapes, burglaries and acts of arson.

8.5.4 Stranger murders therefore make up the smallest of the three categories, accounting for roughly 25% (14 out of 55%) of “known relationship” murders.⁹¹ Not surprisingly, this is the biggest category of “known relationship” among the robbery-type (felony 1) murders. It is also bigger than “other acquaintance” category among gangland (felony 2) murders.⁹² Nevertheless, one striking fact emerging from this table is that “argument” (non-felony 2) murders among strangers contribute roughly as many murders to the total number of stranger murders (5%) as the other three

⁹¹ Nevertheless, it is possible that if more was known about the “unknown circumstances” and “unknown relationship” murders, the relative proportion of stranger murders relative to the other known relationship categories would increase.

⁹² Note that available evidence seems to suggest that most killings among gang members may be intra- rather than “intergang”, related to arguments and rivalry between fellow gang members. It is not clear if the FBI would tend to classify such murders as “gangland” or “argument”-type murders.

“circumstance” categories combined, reflecting the major role argument-type murders play in contributing to murders across all types of relationships, not only in the US, but also in South Africa.

8.6 As reflected in tables 6, 7 and 8 above (see Section 7) and tables 16, 17 and 18 below (Section 10), a analysis of dockets from Randburg and Mamelodi suggests that more affluent and poorer communities that are affected by violence tend to demonstrate quite different violence profiles. Notably, acquaintance violence contributes substantially to the overall greater level of violence in poorer violence-prone communities (see also Paragraph 2.4.2, and Paragraph 10.2 and following).

8.7 In certain environments acquaintance violence makes an exceptionally large contribution to the overall level of violence. An analysis of murder, rape, assault GBH and indecent assault dockets opened in 1997 in Northern Cape, for instance, indicates that acquaintance violence contributed to over 80% of violent incidents in these offence categories (see Table 14). In another descriptive account of the police response to domestic violence in Galeshewe in Northern Cape, such violence is consistently part of a scenario of intoxicant-fuelled arguments characteristic of weekend drinking binges.⁹³

TABLE 14: Relationship between victim and perpetrator — selected crime categories (analysis of 1997 Northern Cape dockets)

RELATIONSHIP OF PERPETRATOR TO VICTIM	MURDER % (N=46)	RAPE % (N=165)	ASSAULT GBH % (N=536)	INDECENT ASSAULT % (N=11)	TOTAL % (N=758)
Intimate partner, former partner, relative	22	19	21	27	21
Close friend	17	5	19	0	16
Other acquaintance	43	36	41	45	40
Colleague, boss	4	1	2	0	2
No relationship	9	32	12	9	16
None of these	<1	2	4	18	3
Total	(100%)	(100%)	(100%)	(100%)	(100%)

Source: Mistry, et al., 2001. Note that one or two of the categories have been renamed to clarify the table in line with the terminology used in this concept paper. Totals may not add up to 100% due to rounding.

8.8 Another article describes the use of violence and coercion against young women who are their current or prospective sexual partners by post-

⁹³ Altbeker, 2005a, Chapter 2.

adolescent boys and young men in the Transkei township of Ngangelizwe. In this description, violence appears to be a chronic feature of the relationship between young men and women. Violence and threats of violence are used against (prospective or current) female sexual partners in situations of jealousy or suspected infidelity⁹⁴ as a means of obtaining “cooperation” from young women who resist their sexual advances⁹⁵ and, more generally, in relation to girls’ rejection of a male proposal to become involved in a “love affair”, attempts to end relationships, resistance to male attempts to dictate the terms of the relationship, and in response to (perceived) interference with their boyfriends’ relationships with other women.⁹⁶

8.9 One issue that emerges from a focus on the issue of acquaintance violence is that there are diverse types of relationships that are associated with acquaintance violence. These include:

8.9.1 Intimate partner, which includes husbands or wives (who constitute family members) as well as boyfriends or girlfriends.

8.9.2 Other immediate family such as mothers, fathers, sons, daughters, brothers and sisters, as well as extended family.

8.9.3 Other types of relationships may include neighbours, friends, employers and employees, colleagues, tenants or lodgers, clients, teachers, classmates, fellow gang members and, potentially, numerous others.

8.10 More generally, in analysing relationships one may also observe that:

8.10.1 There are also specific types of relationships that may embody specific elements of trust or respect for authority, or, alternatively, hostility, such as the relationship one has with a police officer.

8.10.2 It may also be asked whether “rival” or “opponent” should be regarded as an important relationship category.

⁹⁴ Wood and Jewkes, 2001: 324–325.

⁹⁵ Ibid, 326–327.

⁹⁶ Ibid, 319, 323–327.

- 8.10.3 The significance of more distant relationships may change from one context to another. Perhaps in a smaller community, someone who is “known by sight” may embody the most distant type of relationship, while in an urban setting, where many people are complete strangers, someone who is known by sight would represent someone whom one is relatively familiar with.
- 8.10.4 When people are institutionalised together, such as in a prison, issues of degrees of relationship are presumably also quite different.
- 8.10.5 There are not precise ways of distinguishing between many of these terms, so that when used by one person they often differ in meaning from when used by another. The word “acquaintance” often has a different meaning depending on who is using it.
- 8.10.6 Classifying relationships becomes difficult once people meet each other. At what point does someone who is a stranger become someone who is an acquaintance?
- 8.11 There appear to be significant differences between men and women in relation to the degree to which they are affected by violence from intimate partners. Beyond this point, however, while a substantial amount of violence takes place within the closer circle of intimate and family relationships, this is not necessarily the bulk of acquaintance violence, at least as represented by crimes reported to the police and research into specific crimes such as murder. Thus, while this is likely to vary somewhat according to gender, as well as in relation to specific forms of violence, the bulk of acquaintance violence *may take place more in the zone of “intermediate relationships”, involving people who are not family or friends, but are also not complete strangers.*
- 8.12 The question why so much violence should take place within the fabric of ordinary relationships between people is one of the key concerns of this paper. One factor that is given considerable attention is the role of alcohol in this regard, although it should be remembered that there are societies that

consume more alcohol per capita but do not have such high levels of violence. While alcohol is clearly a factor, it does not contribute independently to the level of violence and must be seen as interacting with other factors.

8.13 The analysis of causes of violence (Section 13) speaks to the causes of violence and acquaintance violence more broadly. These are also addressed in the conclusion to this paper.

8.14 The SAPS has repeatedly raised the issue of acquaintance violence, referring to it as “more socially determined contact crime”. For instance, the 2005–06 annual report, as with other reports before it, argues that such crime “cannot be prevented through conventional policing alone”, and that while it may eventually be able to address other types of crime, this will still “leave the socially determined contact crimes as a remaining problem”.⁹⁷

8.15 While these arguments need to be considered seriously, there is a need for a slightly more nuanced approach. The police are obviously a major point of interface with “acquaintance violence”, or, as they call it, “socially determined contact crime”. Unlike other agencies (such as health agencies that interact exclusively with victims), police interventions in these situations potentially bring them into contact with both perpetrators and victims, or opponents, involved in such acts of violence. In so far as there is potential to intervene in such violence, the contact the police have with victims, perpetrators or opponents, is therefore potentially one of the most important interfaces with the persons involved.

8.16 However, the question concerning what should be the focus of attempts to intervene is more difficult.

8.16.1 In so far as members of the public or others are inclined to see incidents of acquaintance violence as “private matters”, this will hinder the possibility of the police or others being called in to intervene to stop such violence from continuing.

⁹⁷ SAPS, 2006: 55–56.

- 8.16.2 In terms of direct intervention it will obviously be of benefit if the police have the confidence to engage with situations of this kind while they are happening in such a way as to try and minimise the harm caused.
- 8.16.3 The Domestic Violence Act provides a framework for intervening in certain types of relationships that are affected by acquaintance violence. Many of the situations in which the police find themselves intervening do not seem to be capable of easy or satisfactory resolution, but there is no doubt a substantial proportion where such kinds of interventions may be made more usefully. In relation to these cases, at least, there are issues that should be addressed relating to the kinds of support that should be provided to police to enhance the effectiveness of their interventions in these types of situations. Potentially this raises questions to do with creating links between the police and other government departments, in turn raising questions about the resources other government departments have available to address violence.
- 8.16.4 More generally, the available evidence is that involvement in incidents of violence, whether as an opponent, victim or perpetrator, is a key indicator of risk of potential further involvement in violence in one or another of these roles. Beyond the framework provided by the Domestic Violence Act, there may be other opportunities, involving diversion, restorative justice and victim-empowerment processes, that can be usefully exploited — but, once again, initial contact with the police related to an incident of violence may be the best indicator of “risk” (on risk see further Section 10 as well as Recommendation 13 at paragraph 14.18).
- 8.17 Acquaintance violence may be seen as a form, or combination, of various forms of violence. Its overall destructive impact on society is enormous and it deserves to be addressed in its own right, in the interests of protecting potential victims of violence against further violence.

8.18 However, the significance of acquaintance violence probably goes beyond this, as acquaintance violence may itself be seen as a driver of violence in society more broadly.

8.18.1 For instance, a recent analysis of rape involving young Eastern Cape men refers to the “idea that non-intimate partner rape can in part be seen as an extension of patterns of power and control in intimate relationships to settings in the community, rather than merely as opportunistic crime”.⁹⁸

8.18.2 Frude’s analysis of marital violence emphasises that “[vi]olence is relatively common in relationships which have high ambient conflict, involving frequent rows and the absence of inhibitions against attacking the self esteem of the partner”⁹⁹. Children who grow up in families characterised by such violence not only internalise the acceptability of violence, but are likely to internalise the aggressive and destructive verbal, emotional and interpersonal style that is associated with “high ambient conflict”.

8.18.3 But it is not only within the family that acquaintance violence is likely to have this impact. People who grow up in communities where they are exposed to violence frequently may themselves become habituated to the idea of violence as an acceptable tool for achieving whatever purpose it is that they may be pursuing.

⁹⁸ Jewkes, et al., 2006: 2 959.

⁹⁹ Frude, 1994, quoted in Levi and Maguire, 2002: 818.

9 THE HIGH DEGREE OF VIOLENCE USED IN SOME INCIDENTS OF CRIME

The high degree of violence

9.1 The overall levels of murder, rape, assault and robbery are cause for general concern. But among the large number of incidents of violence reported in the media and elsewhere in South Africa, certain incidents provoke particular public shock and alarm.

9.1.1 For instance, in one incident four security guards were burnt to death in a van. The robbers allegedly poured a flammable liquid on the van and set it alight,¹⁰⁰ with seeming indifference to the terrible suffering that would be inflicted on the victims.

9.1.2 The use of torture is one theme of some of the incidents of this kind. There have been incidents reported where boiling water or heated irons are used to torture persons over a prolonged period of time.

9.1.3 Another aspect of some of the incidents of this kind is that violence is sometimes used in a way where it seems not to be related to the achievement of any purpose. In some robberies the victim is shot despite not offering any resistance or presenting any threat to the robber. In other incidents the victims are also shot in cold blood.

9.1.4 In some robberies, a woman, or man or child is raped during the course of the robbery, adding considerably to the trauma of the victims.

9.1.5 In some instances the perpetrators go through with their actions despite the pleas of the victims for mercy or in a manner that seems to reflect a lack of any feeling towards the victims or sense of concern about the consequences of their actions.

9.1.6 In many relationships where there is domestic violence this includes repeated assaults over several months or even years.

¹⁰⁰ SAPA, "Four security guards killed in cash heist", 29 September 2006.

- 9.1.7 In some instances violence is used in what seems to be a petty and malicious way. In one incident a man's ears were cut off by a group of robbers, ostensibly to punish him for not having money or a cellphone for them to take.¹⁰¹
- 9.1.8 In "family murders" or other "murder-suicides", the killer sometimes kills a number of people before killing himself.
- 9.1.9 In some cases children are victimised, sometimes in an exceptionally brutal way. Sometimes children are present where people are murdered or raped or injured. In some cases of child abuse the child is subjected to severe cruel treatment, including violence, over a prolonged period of time.
- 9.1.10 In some incidents the perpetrator seems to go into a type of frenzy. For instance, a person may be repeatedly stabbed or beaten even after they have ceased to provide any resistance, or perhaps even after they are dead.
- 9.1.11 Some incidents of vigilantism are also characterised by what seems to be a type of fury and extreme cruelty on the part of the mob.
- 9.1.12 Some incidents where police have used violence have also been characterised by severe cruelty.
- 9.2 There are therefore a range of incidents in which violence is used in a way that seems excessive in the sense that it provokes particular horror. In this concept paper we refer to this problem as the problem of *the high degree of violence* in many incidents of violence. The implication is that it is not simply the fact that violence is so widespread that is a cause for concern, but also that other attributes of some of the incidents of violence, including the choice of victims, the fact that violence is used for what appear to be inconsequential reasons, and what often appears to be the excessive nature of the violence, are also of particular concern.

¹⁰¹ Sowetan, "Man's ears cut off for not having cash", 22 May 2007.

Prevalence of these types of incidents of violence, and contribution to levels of fear

- 9.3 There is no information that can provide a basis for identifying how frequent incidents in these different subcategories are. Nevertheless, it can confidently be said that it tends to be the most shocking incidents that are reported by the media and, therefore, that the reporting of these kinds of incidents is disproportionate relative to the reporting of more “typical” incidents of violence and crime.
- 9.4 Partly related to the fact that they consistently receive media coverage, incidents of this kind play a particularly prominent role in accentuating public fear. When they fear crime, members of the public often have a specific incident of this nature, which they may have heard about from other people or through the media, in mind. Fear is also likely to be accentuated when people identify the victim of a particular incident of violence as “someone like me”, and thus feel that “this could happen to me”. While they represent a minority of violent incidents, these incidents play a major role in shaping the climate of fear that is associated with high levels of violent crime.

Instrumental and expressive violence

- 9.5 In most incidents of violence the violence has some practical and/or emotional purpose for the perpetrator.
- 9.5.1 Where violence is carried out towards a practical purpose it can be called “instrumental”.
- 9.5.2 Where violence is carried out towards an emotional purpose it can be called “expressive”.
- 9.6 The difference between the two can be illustrated by reference to studies of the killings of police. In a study of the killings of New York City police officers, one researcher found that police officers “are more likely to be killed by rational robbers fleeing the scene of the crime, whose intention of injuring the police officer is secondary to their attempts to protect themselves from

capture or injury”.¹⁰² Killings of this kind can be described as instrumentally motivated. But if the killers were acting primarily because they hated police, or were angry with a particular police officer, this would be an expressive killing.

9.7 Most incidents of violence probably reflect a combination of expressive and instrumental motives.

9.8 Thus a person who kills police for instrumental reasons may still also feel some antagonism towards the police, and thus possibly some satisfaction at the killing.

9.8.1 Robbers may act in a way that is fairly controlled, and not use violence in a way that is clearly unnecessary, but still find the act of carrying out a robbery exciting and get satisfaction from being able to control and have authority over other people through the threat of violence and the sense of power derived from wielding a gun.

9.8.2 People who are prone to explosions of anger and “expressive” violence may find that such explosions help in intimidating and obtaining compliance from other people.¹⁰³

Gratuitous violence

9.9 In day-to-day conversations and discussions about crime people often refer to the problem of violence as a problem of gratuitous violence. Describing violence as “gratuitous violence” implies that it is carried out “for nothing” or “purely for its own sake”. It may also be called “unnecessary” violence. When people describe violence as gratuitous or unnecessary, this is often a moral judgement or reflects their feelings that much of the violence defies comprehension.

9.10 It appears that in some cases it may be analytically correct to describe acts of violence as in many ways gratuitous. In some cases people may resort to

¹⁰² Margarita, 1980, quoted in Geller and Scott, 1992: 224. See Bruce, 2002 for a discussion of evidence on the motives for killings of police in South Africa.

¹⁰³ This is an adaptation of similar examples provided in Levi and Maguire, 2002: 811, which also quotes Katz, 1988.

violence for little purpose and with indifference to its consequences. This is probably not true for most incidents of violence, *but an incident of violence that is low on both instrumental and expressive motivation can possibly be classified as “gratuitous”*.

- 9.11 Thus one aspect of some robberies is the relatively small amount of money or low value of property that is taken. That a person may be hurt, or even killed, for something like a cellphone may indicate that little significance is given by the perpetrator to the consequences of his or her violence.¹⁰⁴

Mental and emotional dispositions and pathologies

- 9.12 Violence is at least in part social learned behaviour and levels of violence are clearly influenced by social factors (see further paragraph 13.23 and following). Violence cannot be purely explained on the level of individual pathologies. At the same time, perpetrators of violent crime may tend to be associated with certain types or groups of mental and emotional dispositions and pathologies in one way or another.

- 9.13 In so far as violence is connected to specific types of internal dispositions or pathologies there are possibly different core types that can be differentiated, and which may tend to be aligned to the risk of instrumental, expressive or gratuitous violence:

- 9.13.1 In the first type the perpetrator of violence is strongly invested in achieving one or another type of purpose, whether this is of a material nature or not, such as self-enrichment or self-gratification or recognition from others. Such motivation may tend to be quite impulsive in nature, but whether it is not, it excludes consideration of the harm done to others. For this person the fact that others are victimised in pursuit of his or her own self-enrichment or gratification is a secondary concern, and he or she manages to

¹⁰⁴ However, if the perpetrator is desperately poor, there may be a strong material motivation to commit the robbery, and cellphones have also acquired powerful symbolic value in terms of social status.

rationalise his or her actions to justify the enrichment or gratification at the expense of others.

9.13.2 In the second type the person has strong feelings of anger or other motives that orientate him or her towards violence, such as strong vindictive or sadistic urges, or a strong impulse to dominate or humiliate others. These negative emotions cloud their interactions with other people, and undermine the capacity to allow awareness of the harm or injury done to restrain him or her from violence.

9.13.3 In the third type the person is indifferent to the feelings of others as well as possibly largely unaware of his or her own emotions. Such indifference may also be on the level of indifference relating to the consequences of violence for him/herself or for another person. It may also be related to an inability to distinguish right from wrong. Acts of violence may therefore be carried out by such a person without a strong practical or emotional motivation, but partly just because an opportunity presents itself.

9.13.4 The above framework does not take account of all pathologies that contribute to violence. But the dispositions or pathologies suggested are rather accentuated levels of the normal emotional range of most people. Many perpetrators of violent crime will have some combination of these three types of attributes, which, in specific circumstances or in combination with other factors:

9.13.4.1 provide them with a motivation to use violence; and/or

9.13.4.2 reduce or remove inhibitions against the use of violence.

9.14 For instance, where torture is resorted to during the course of a robbery, this is frequently to force the victims to divulge information on where goods such as money, guns or jewellery are to be found. This type of incident fits in with the pattern of instrumental uses of violence for purposes of self-enrichment. However, in this type of situation or others, torture is unlikely to be purely instrumental. The torturers must either dissociate themselves from the

situation, or rationalise the torture in some way, or else have vindictive or sadistic motives, or there must be some other reason why the perpetrator is unmoved by the violence which he or she is inflicting.

Other factors contributing to the heightened degree of violence

Target hardening and gun ownership

9.15 Security measures that have contributed to “target hardening”, such as immobilisers and tracking devices on cars and alarms and security gates, walls and fences on properties, are also believe to have contributed to increased levels of violent crime. Related to the fact that property crimes not involving violence, such as burglary or vehicle theft, have become more difficult, criminals are, in effect, encouraged to resort to violent property crime (robbery) where the threat of violence is used to overcome resistance. But the increase in the use of target-hardening technologies has also been accompanied by an increase in firearm ownership by civilians who believe that firearms will enable them to better protect themselves. The impact of guns has already been discussed (paragraph 6.4.1 and following), but in addition many robbers anticipate that they may need to use violence to defend themselves, possibly contributing to their overall levels of aggressiveness, while some may prefer to violently “neutralise” victims as a way of pre-empting resistance.

Alcohol and other substance use

9.16 In some robberies the robbers may also be under the influence of alcohol or other drugs, whose impact may be to suppress certain aspects of emotional responsiveness, to heighten aggression, as well as to reduce inhibitions and self-control and cloud judgement more generally. Though “it is alcohol rather than illegal drugs that tends to be linked to aggression and violent crime”,¹⁰⁵ the effects of these various stimulants are not uniform but interact with

¹⁰⁵ South, 2002: 936.

“personality variables”¹⁰⁶ so that they may often reinforce, or bring to the fore, underlying pathologies or dispositions that are conducive to violence.

Vindictiveness or anger

9.17 In some cases vindictiveness or anger specifically directed towards the victim might provide motivation for the high degree of violence used. Such vindictiveness or anger may sometimes be reasonable in some way, although this does not mean that it justifies the violence that is resorted to. Sometimes employees, for instance, may have a sense of grievance against their employers, and this may provide motivation for a direct act of violence against the employer, or provide part of the rationalisation for them colluding in theft or robbery against the employer, or providing information to criminals about the employer’s property. For instance, the report of the Committee of Inquiry into Farm Attacks indicates that, out of a total of 3 544 incidents during this period, there was evidence that farm workers were involved in roughly 101 (2,8%) cases, while 43 (1,6%) out of 2 644 incidents, in relation to which the motive was apparent, appeared to be related to labour matters, such as disputes over wages.¹⁰⁷ Though these were not necessarily incidents where there was a particularly high degree of violence, and while the involvement of farm workers or other employees does not itself indicate that this is related to a sense of grievance, sometimes the fact that a person has been harshly treated by the victim contributes to the degree of violence used against the victim.

Group dynamics

9.18 In crime situations where a group is involved, a major aspect of any violent crime will be the relationships and dynamics within the group.

9.18.1 The norms of criminal groups vary significantly. Many of the groups involved in sophisticated robberies, such as cash-in-transit heists and bank robberies, and some of the groups involved in vehicle

¹⁰⁶ Levi and Maguire, 2002: 828.

¹⁰⁷ Committee of Inquiry into Farm Attacks, 2003: Chapter 2, 20 and 23. See also, for instance, the eighth and 25th case detailed in Chapter 4.

hijacking, place a premium on being capable of dealing with violent confrontations but frown on reckless or unprovoked violence. Others may see acts of domination and gratuitous violence as part of the excitement and pleasure of doing crime.

- 9.18.2 Within any group there are also likely to be individuals in more dominant and subordinate roles. The group's behaviour is likely to be more strongly influenced by those in the dominant roles, while subordinates in the group may be influenced strongly by the need to earn approval from the more dominant members or other peers, although this does not mean that their own dispositions or pathologies do not play a role in relation to violence.

Interpersonal skill

- 9.19 The lack of verbal or interpersonal confidence or skills of the perpetrator may also be a factor. A person who is more confident on the interpersonal level may be less likely to see violence as a way to achieve his or her objectives, or to violently lash out at another person as a way of managing a situation of interpersonal conflict.

Notoriety

- 9.20 One purpose of some incidents of extreme violence may also be to obtain publicity or a reputation. For instance, some acts of criminal violence may be motivated by a wish to obtain recognition or notoriety, and may therefore be deliberately carried out in such a way as to ensure that the case receives media attention or to obtain recognition.

Minimising the degree of violence and the harm done

- 9.21 Some acts of violence reflect a deliberate course of action on the part of the perpetrator. For instance, some violent criminals are motivated by sadistic or sexual or otherwise violent fantasies, and the act of violence is carried out in

an attempt to enact the fantasy. In so far as the criminal is able to control the situation, the violence will therefore follow a particular course.

9.22 However, many perpetrators of violent crimes clearly do exercise a level of restraint. Thus, in many robberies it appears that violence is used in a manner that is largely instrumental. The victim is threatened with violence but if the victim cooperates with the robber no serious physical violence is used in the incident. Even if the victim is tied up, this is done to prevent resistance and to delay efforts to notify the police while the robbers flee from the crime scene. Incidents have also been reported where some members of a group of robbers have restrained other members of the group from engaging in violence, such as acts of rape.

9.23 Acts of violence often take place in situations that unfold in a manner that is not predictable. In relation to predatory stranger crimes such as robbery, for instance, the key concern of the perpetrators is often to establish control over the situation at the point of initial interaction with the victim, and a lot depends on whether they are able to do this or not. There may be little or no hesitation on the part of the perpetrator in using violence if there is any sign of resistance. This may be the case irrespective of the value of the item of property that is the target of the robbery.

9.24 These facts are confirmed by a recent book, the research for which involved several interviews with imprisoned hijackers. The book states that:

9.24.1 “Many of the people interviewed held the opinion that the more professional hijackers would target the vehicle, and would prefer not to waste time interfering with the victim. These criminals would also prefer to avoid shooting the driver of the car. A number of reasons were given to support this reluctance on the part of hijackers. [...] On the other hand, all the hijackers acknowledged that if they perceived any risk during the hijacking, they would “shoot first and ask questions afterwards”. The criminals involved know the potential dangers of the act of hijacking, and are focused on preserving their own safety. The hijacker does not know what to

expect from the victim, and even the slightest movement can be interpreted as a threat, and result in injury or death for the victim.”¹⁰⁸

- 9.25 The victim’s reaction, therefore, plays a crucial role in shaping the course of events. While robberies are inherently violent acts, they are often restricted to the threat of violence. In so far as the victim cooperates with the robber the primary objective of the robber may be to escape from the scene with the sought-after property and without being obstructed or apprehended. Advice given to people, in the event that they may fall victim to a car hijacking, for instance, is generally to remain calm and cooperate with the hijackers as it is believed that in most hijacking this is the response that is least likely to cause the victim to come to any further harm.
- 9.26 The above approach appears to be correct but there is often an element of fear and uncertainty attached to these kinds of situations related to the risk of further harm. In some vehicle hijackings victims are abducted. Although these abductions are sometimes intended to facilitate the robbery and do not lead to the victim coming to further harm, sometimes victims have been raped or murdered. Rape or murder is sometimes also carried out in house or other robberies, or by burglars. There is therefore no magic formula for victims to minimise the potential for harm in situations where they are victimised.
- 9.27 In some situations people have successfully defended themselves against a robbery or other violent attack by physically overpowering the attackers or defending themselves with a gun. However, acts of resistance or self-defence against violent attackers frequently merely provoke a violent response from the perpetrators, resulting in the death or injury of the victim or other innocent people. In general it seems that it is unwise to use force to defend oneself in these types of situations unless, on the basis of good judgement, one is confident of one’s ability to gain the upper hand in that specific situation. Speaking to the perpetrator in a manner that is aggressive or dehumanising

¹⁰⁸ Irish-Quobosheane, 2007: 130–131. See also Davis, 2005.

or insulting or disrespectful may also be likely to provoke an escalation of violence.

- 9.28 There are many situations where maintaining a polite attitude towards the perpetrators has contributed to minimising their hostility towards the victims and helped to reduce the potential for additional violence. In so far as people are able to maintain a calm approach to situations where they are victimised, this may help them to reason with the perpetrator and reduce the potential for violence. While there are many horrific incidents it is a mistake to see all perpetrators of violent crime as psychotic, deranged or depraved. In many situations it is possible to appeal to the reason or humanity of the perpetrator.
- 9.29 While the victims may be afraid the robbers may also be nervous or anxious, with the result that they may be inclined to overreact to actions that startle them or undermine their control of the situation. Actions on the part of the victim that are orientated towards calming the situation down may also help to minimise the potential for an increase in the level of violence.

10 GEOGRAPHICAL AND DEMOGRAPHIC ASPECTS OF VIOLENT CRIME

Risk factors for violence victimisation and perpetration

10.1 In South Africa, as in other countries, the risk of an individual becoming a victim or perpetrator of violence or other crime is partly associated with factors such as socioeconomic status, area of residence, sex, race and age.

Geographic distribution of violence

10.2 In relation to geographic area, for instance, over half of all murders (51%) in 2002–03 were concentrated in 11 (25%) of the 43 policing areas, and 20% of murders occurring in only 2% of police station areas (23 out of the roughly 1 100 stations).¹⁰⁹

10.3 However, there is not a direct correlation between income and violence victimisation or perpetration risk. For instance, British research suggests that levels of violence correlate with the “type of area or housing lived in”. “Private renters” are more likely than “owner-occupiers” to be victims of violence, and people in council estates or areas with a “high level of physical disorder” are also more likely to be affected by violence.¹¹⁰

10.4 The geographic areas that are most prone to violence in South Africa are not the poorest geographic areas in the country. (The question of the socioeconomic factors that correlate with levels of violence will be explored further in Component 4 of the overall project referred to in paragraph 1.2.4 above.)

10.5 Related to this, it must be emphasised that the profile of crime and murder varies quite dramatically between different areas, so that some areas may, for instance, have a much higher proportion of murders related to conflict between groups or to assaults, while others will have a higher proportion of

¹⁰⁹ SAPS, 2003: 28; see also Altbeker, forthcoming: 21–23.

¹¹⁰ Levi and Maguire, 2002: 807.

murders related to other forms of violence, such as robbery or rape. In particular, it seems that one can distinguish between (see Table 8):

10.5.1 **High-crime middle-class/wealthier communities:** A very high proportion of the overall number of aggravated robberies (as well as property crimes, such as housebreaking) take place in Gauteng. Many of these crimes take place in areas which are fairly affluent.

10.5.2 **Poorer violence-prone communities:** However, the communities that are worst-affected by violence are generally poorer rather than more affluent communities. These communities may also be affected by high levels of robbery and other stranger violence, but are also likely to be affected by high levels of acquaintance violence. As emphasised, these communities are likely to be among the poorer communities, but are not necessarily the poorest.

TABLE 15: Comparing poorer violence-prone communities with high-crime middle-class communities

	ACQUAINTANCE VIOLENCE	ROBBERY	OTHER PROPERTY CRIME	NOTE ALSO THAT...
Poorer "violence-prone" communities	Major problem of acquaintance violence, including domestic violence, other male-male assaults, and rape	Major problem of robberies — profile of robberies partly resembles that in middle-class communities, but in addition also includes major street robbery problem	High level of burglaries	Most murders linked to acquaintance violence. Stranger rape and gang rape may also more of a problem in these communities
"High crime" middle-class communities	Acquaintance violence still occurs but is significantly less of a problem	Major problem of house (and possibly business) robberies and vehicle hijackings	High level of burglaries, although private security measures may serve to inhibit this	Compared to poorer violence-prone communities have murder rates that are lower overall, with a higher proportion of murders linked to robbery

10.5.3 The point is illustrated by station-level statistics produced by the SAPS as well as, for instance, a docket analysis that compared reported serious violent crime (excluding common robbery and common assault) over three months in 1998 in Mamelodi and

Randburg¹¹¹ (see tables 16, 17 and 18). As is evident from the table:

- 10.5.3.1 In Mamelodi, which can be regarded as a poorer community, 58% of the incidents reported involved acquaintance violence, and 21% involved hijacking or other robbery. Acquaintance violence is associated with offences such as assault GBH and attempted murder, and these also make up a relatively high proportion (74%) of the offences in Mamelodi.
- 10.5.3.2 In Randburg, which can be regarded as a more wealthy community, the trend was the opposite, with 63% of cases involving hijacking or other robbery.¹¹² As opposed to Mamelodi, where 40% of offences were committed by strangers, in Randburg 74% of offences were committed by strangers.
- 10.5.3.3 There are obviously significant variations between different police station areas, and the profile of crime in an area may change significantly over time. Thus, Irish-Qhobosheane highlights increases in the level of hijacking in Soweto, which may reflect, among other things, the greater number and value of cars in the area, related to the increasing affluence of many of the area's residents.
- 10.5.3.4 However, the overall trend reflected in a 2002–03 SAPS annual report, in terms of which murder tends to occur in the same areas that have high rates of assault GBH and attempted murder,¹¹³ reflects the fact that the communities that are most affected by violence are

¹¹¹ South African Law Commission, 2001. See footnote 35.

¹¹² There is a small discrepancy between tables 16 and 17 on the percentage of robberies. In Table 16 it is 67%, while in Table 17 it is 63%.

¹¹³ SAPS, 2002–03: 29.

those that tend to be most affected by acquaintance violence.

TABLES 16, 17 and 18: Comparison of serious violent crime cases reported in the three months April–June 1998 from docket analysis conducted in Randburg (n=197) and Mamelodi (n=325)

TABLE 16

OFFENCE TYPE	RANDBURG	MAMELODI	TOTAL
Murder	1%	1%	0%
Attempted murder	7%	15%	12%
Assault GBH	26%	59%	46%
Aggravated robbery	67%	26%	41%
Total	100%	100%	100%

Source: South African Law Commission, 2001. Note that the low number of murder cases is due to the fact that murder dockets tend to stay open for a longer period of time. The study excluded rape and indecent assault dockets for legal reasons.

TABLE 17

NATURE OF INCIDENTS	RANDBURG	MAMELODI	TOTAL
Domestic/family violence	4%	9%	7%
Violence where assailant/ victim knew each other	20%	49%	38%
Attack by a stranger	12%	18%	16%
Hijacking	24%	3%	11%
Other robbery	39%	18%	26%
Other and unknown	1%	2%	1%
Total	100%	100%	100%

TABLE 18

RELATIONSHIP	RANDBURG	MAMELODI	TOTAL
Immediate family	4%	8%	7%
Extended family		3%	2%
Friend/acquaintance	20%	48%	38%
Stranger (no relationship)	74%	40%	53%
Other	2%		1%
Total	100%	100%	100%

The category "other" possibly refers to a relationship category other than the three categories listed above it (for example, employer or employee), but this is not clear from the report. The order of the relationship categories has been changed.

The age profile of victims and perpetrators of violence

10.6 Victims: The age profile of victims of violent crime may vary partly related to the type of violent crime. Data from victimisation surveys suggests that children and youths may be more vulnerable to crimes such as assault and

robbery than older people. Victimization rates reported in the 2005 National Youth Victimization Study (NYVS), which covered 12–22-year-olds, were significantly higher than those reflected in the 2003 Victims of Crime Survey (NVCS), which covered persons 16 years and older. For instance:

10.6.1 For assault, the rates in the NYVS were 17% while those in the NVCS were 2%.

10.6.2 For robbery, the rates in the NYVS were 9% while in the NVCS they were 2%.¹¹⁴

10.6.3 However, caution should be exercised in interpreting this information as the difference is related to different reporting trends in the two surveys. The report of the NVCS, for instance, indicates that respondents to this survey probably tended to only report more serious assaults.¹¹⁵ On the other hand, it appears that respondents to the NYVS may have tended to report a wider range of assaults and not merely the more serious ones.

10.6.4 While comparison of the NVCS and NYVS suggests that youth are more at risk of violence than older people, among youth the risk of violent victimization appears to increase with age. In the NYVS, 17% of 12–14-year-olds reported assault and 5% reported robbery, while among 21–22-year-olds 19% reported assault and 15% reported robbery. This appears to be consistent with data that appears to indicate that the group most at risk of violent death are those in the age category 20–34.

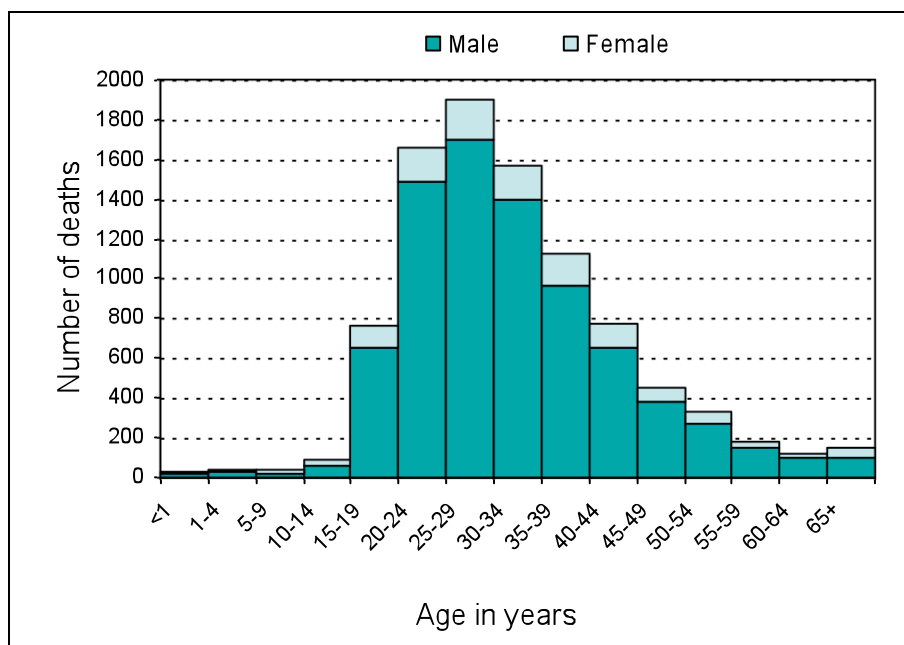
10.7 The analyses of deaths conducted by the National Injury Mortality Surveillance System¹¹⁶ indicate that (see Figure 11):

¹¹⁴ See Burton, 2006.

¹¹⁵ Burton, et al, 2004: 128.

¹¹⁶ Crime, Violence and Injury Lead Programme, 2003 and 2004.

FIGURE 11: Violence-related deaths in 2003, by age (n=9 222)



Source: National Injury Monitoring Surveillance System, 2004.

- 10.7.1 In both 2003 and 2004, more than 50% of deaths from violence were of people in the age category 20–34. Persons 19 years and younger account for roughly 10% of violent deaths, with most of these deaths concentrated in the 15–19 age category.
- 10.7.2 In 2003 and 2004, the leading non-natural cause of death for people in the age group 15–44 was violence. In 2003, the leading non-natural cause of deaths for people in the age group 45–54 years was also violence. Most notably, in the 15–24-year-old category, 52% of deaths surveyed by the system were linked to violence in 2004, and 58% in 2003. For the 0–14 age-group, the leading cause of death was “transport-related”, with transport accounting for 43% of deaths in this age category in 2003, and 38% in 2004.
- 10.7.3 Breaking down the analysis of deaths by violence into five-year age groups, in both 2003 and 2004 the highest number of deaths by violence occurred in the 25–29-year age group, with roughly 20% of all deaths by violence occurring in this category. This is

followed by the 20–24-year-old category, and then the 30–34-year-old group.¹¹⁷

10.8 Similarly, an analysis of police murder dockets that were closed in 2001 found that, where the ages were known, the majority (64,1%) were in the age category 20–39 years of age, with the largest number occurring in the 20–29-year age group. Persons 19 years or younger accounted for 10% of victims.¹¹⁸

10.9 Data on femicides indicates significantly different age patterns between intimate and non-intimate femicides. Women killed by intimates tended to be younger than women killed by non-intimates.¹¹⁹

10.10 However, comparison of homicide data by race group appears to indicate substantial differences in age of victimisation, particularly when data on violent mortality among Whites is compared to that among other population groups. Data from the National Injury Mortality Surveillance System analysis of non-natural deaths in 2001, based on data from 32 mortuaries in six provinces, indicates that Coloured homicide deaths were highest in the 20–24 age category, and those for Africans and Indians highest in the 25–29 age category. However, the data on homicides of Whites follows a completely different pattern, with the level of homicide victimisation increasing gradually with each age category, and then reaching a broad peak across the 35–54 age category.¹²⁰ Broadly similar trends appear to be reflected in the 2000 data.¹²¹

10.11 **Perpetrators:** Many people engage in some form of criminal behaviour at some point in their lives, particularly during their early years. For instance, British Home Office research in the mid-1990s found that over half of males

¹¹⁷ National Injury Mortality Surveillance System, 2004 and 2005.

¹¹⁸ South African Police Service, 2004*b*.

¹¹⁹ Mathews, et al., 2004.

¹²⁰ National Injury Mortality Surveillance System, 2002: 11–12. The graph peaks again in the 65 and older age category, but this no doubt reflects the fact that this age band is considerably broader than the others. All others span a period of five years.

¹²¹ National Injury Mortality Surveillance System, 2001: 19–20.

and almost one-third of females aged between 14 and 25 admitted to committing one or more criminal offence at some point in their lives.¹²²

10.12 However, research in Britain suggests that early offending up to the age of 16 is far more likely to be property-related, including burglaries, theft and criminal damage to property. From roughly 16 years of age onwards there is a dramatic escalation in violent offending, most notably in involvement in robbery, but also in relation to general assaults and sexual offences. Assaults and robbery peaked in the 16–20 age categories, while sexual offences peaked at this age but remained stable up to the age of 25 years, tailing off slowly after that. Fraud and forgery and drug offences peaked in the 21–25-year age category, but fraud convictions remained more stable even in the 30s.¹²³

10.13 Young people up to the age of 25 constitute the majority (54,6%) of the national population of South Africa.¹²⁴ One estimate is that approximately 15% of all criminal offences in South Africa are committed by children under the age of 18.¹²⁵ However, the contribution of children to the overall levels of crime is likely to be much higher. British statistics of a few years ago, for instance, “suggest that at least one-quarter of all recorded crime in the United Kingdom is committed by ten to seventeen-year-olds, and that over two-fifths is committed by those under twenty-one”.¹²⁶

10.14 An analysis of SAPS murder dockets closed in 2001 found that, among offenders whose ages were known, the largest group was among the 20–29-year age group (43%), with 25% being between the ages of 30 and 39. Seventeen per cent (17%) of perpetrators were between the ages of 10 and 19.¹²⁷ Most of the offenders in the 10–19-year age category would probably

¹²² Newburn, 1992: 540.

¹²³ Soothill, quoted in Smith, 2002: 717–719.

¹²⁴ Statistics South Africa, 2003.

¹²⁵ Pereira, 2002. The number of children arrested rose by 47% in just three years (from 114 773 in 1999 to 170 224 in 2002) (Muntingh, 2003). However, this increase may reflect an increase in the number of police stations, better recording and computerisation of statistics, and an overall increase of arrests during this period.

¹²⁶ Newburn, 2002: 540.

¹²⁷ SAPS, 2004b: 16.

be 16 years and older. While many children commit crimes of one kind or another, serious offending tends not to be associated with children in the early teenage years.

10.15 By comparison, a study of the murder of women in South Africa based on data collected at 25 mortuaries indicated that among known perpetrators 5% were under the age of 20, 38% between 20 and 29, and 35% between 30 and 39. However, there appeared to be substantial differences in age profiles between perpetrators of “intimate-partner” and “non-intimate-partner” femicides, with perpetrators of intimate femicides being more concentrated in the older age categories, and hardly any of them being under 20. Sixty-three per cent of perpetrators of intimate femicides were in the 30–59 age category, as opposed to 41% of perpetrators of non-intimate femicides. Perpetrators of intimate femicides tend to be older than the victims, while perpetrators of non-intimate femicides were on average nine years younger than the victims.¹²⁸ This data appears to indicate that partner violence against women follows a different pattern to that of male-male acquaintance violence in terms of the age profile of victims and perpetrators.

10.16 Statistics on the age of prisoners do not indicate what age the prisoners were when the actual crimes were committed. Prisoners may have committed the crime some years before they were apprehended or sentenced, and some of them, particularly in the serious crime categories, may have been serving their sentences for some time. According to data provided by the Department of Correctional Services in April 2007 (see Table 3), of those in South African prisons:¹²⁹

10.16.1 38% of all sentenced and unsentenced prisoners in correctional institutions are 25 years or younger.

10.16.2 Children under 18 years make up 1,2% of the entire prison population, partly reflecting the policy that seeks to avoid incarcerating children in prisons. Children are generally held in

¹²⁸ Mathews et al., 2004.

¹²⁹ Department of Correctional Services, 4/05/07, personal communication received by e-mail.

places of safety that fall under the Department of Social Development rather than the Department of Correctional Services, and therefore most “children in conflict with the law” are not held in prisons.

10.16.3 15% of the whole prison population are unsentenced youths, while 22% are sentenced youths (18–25 years).

10.16.4 49% of unsentenced prisoners are 18–25 years old.

10.16.5 Of unsentenced prisoners:

10.16.5.1 Those under 25 years of age make up 47% of the 7 823 held for sexual offences, with those under 18 making up roughly 2% of this group.

10.16.5.2 Those under 25 years of age make up 55% of the 22 712 prisoners held for other alleged violent offences, with those under 18 making up 2%–3% of this group.

The violence careers of perpetrators

10.17 The issue of age of offending begs a whole number of questions about the patterns of violent and other offending that people who become involved in violence might be associated with. To what extent do people who commit violent offences tend to persist in committing such offences over a sustained period of time? Alternatively, to what extent might violent offences, including some such offences of a relatively serious nature, be isolated incidents in an individual’s life, which is otherwise mostly free of violence?

10.18 The concentration of offending behaviour in the 16–25 age group potentially conceals two broadly different patterns:

10.18.1 On the one hand, a certain group of offenders are “life-course” persistent.¹³⁰ For instance, longitudinal surveys conducted in Western countries indicate that a small group of children born each

¹³⁰ Moffitt, 1993, 1997, quoted in Smith, 2002: 734.

year will account for a very large proportion of offences. These surveys indicate that roughly 5%–10% of children account for 50%–70% of all the offences admitted by the children or known to the police as the children grow up and become young adults.¹³¹ This also applies to violent offending. For example, 7,5% of the birth “cohort” born in Philadelphia in 1958, who were the subject of one longitudinal survey, were described as “chronic offenders” who accounted for 61% of the homicides, 75% of the rapes, 73% of the robberies, and 65% of the aggravated assaults associated with that group.¹³²

10.18.1.1 Among this group many juvenile violent offenders would therefore go on to commit violent offences as adults.

10.18.1.2 However, even within this group it may be reasonable to differentiate between levels of offending as suggested in one study that distinguished between high-level and low-level chronic offenders.¹³³

10.18.1.3 The number of offenders who are active over longer periods of their lives may represent a minority, although it may nevertheless represent a substantial proportion of the offending population.

10.18.1.4 This group tends to be more changeable than stable, tending to move from one cluster to another over the life cycle. Increasing specialisation with age is more likely to occur in some crime types (such as fraud and general theft, serious assault and shoplifting) than others (such as aggressive property offending and car theft).¹³⁴

¹³¹ Waller, 2006: 23.

¹³² Tracy, Wolfgang and Figlio, 1990, quoted in Levi and Maguire, 2002: 825.

¹³³ Nagin, et al., 1995, referred to in Smith, 2002: 736.

¹³⁴ Soothill, 2002, in Smith, 2002: 713.

10.18.1.5 There is some American research that “suggests that violent offenders have longer criminal careers and are less likely to stop in the early stages of their offending than are property criminals.”¹³⁵

10.18.2 On the other hand, a substantial number of those who become involved in crime follow a criminal career, which may be described as “adolescence limited”. The involvement of this group in criminality would account for the peak in levels of offending across the 16–25-years age categories.

10.19 Questions of patterns of violent offending are partly of interest in relation to acquaintance violence.

10.19.1 Even in relation to domestic violence, which often takes place within a pattern of repeat offending, we do not know for a fact that most domestic relationships that are affected by physical violence are affected by repeated acts of physical violence, or on average how persistent violence is in domestic relationships that are affected by it. Presumably it is particularly the domestic relationships that are affected by persistent physical violence, as well as other coercive and destructive patterns of behaviour, which are cause for greatest concern.

10.19.2 Some of the questions relating to patterns of violence regard the relationship between stranger violence and acquaintance violence. To what extent are individuals who are associated with acquaintance violence likely to be involved in other crime and violence? (The answers to the reverse question are also of interest.)

10.20 A relatively small group may therefore account for a large proportion of violent offences. But the majority of people who commit offences of violence do not necessarily engage in violence on an ongoing basis, although they may have a history of involvement in other forms of criminality. Studies in the UK

¹³⁵ Blumstein, 1986, quoted in Levi and Maguire, 2002: 825.

suggest that many of those who are convicted of violent offences, including rape, may have a more general history of property crime behind them, but do not necessarily have a history of convictions for violent offences, and are not necessarily likely to commit further violent offences after being convicted for one such offence.

10.21 Different British studies have had different results in examining whether people convicted of murder are likely to have previous convictions for violence. They also appear to indicate that the majority of convicted murderers are unlikely to commit further serious offences, fitting in with an overall pattern, in the UK at least, of “low recidivism for violence”.¹³⁶ It is obviously not clear to what extent the low rates of recidivism among those convicted of homicide specifically are related to the fact that they have spent a substantial amount of time in prison after being convicted of murder.

10.22 An analysis of a sample of murder dockets closed in 2001, conducted by the SAPS, identified 2 413 offenders as linked to 1 893 of the 2 645 dockets. For these 2 413 offenders, there were 1 725 for whom the dockets contained information relating to previous convictions. Of these 1 485 (86% of the 1 725) had no previous convictions, and 240 (14%) had one or more previous offences to their names (Table 19).

¹³⁶ Quotation and reference for British data on criminal histories and recidivism of murderers all from Levi and Maguire, 2002: 826.

TABLE 19: Summary of data from SAPS murder study on previous convictions of 240 perpetrators

OFFENCE CATEGORY	NUMBER	% OF CONVICTIONS	NOTES
- Murder, attempted murder and culpable homicide	15	3	Includes: murder (4), culpable homicide (5), attempted murder (6)
- Sexual assault	17	4	Includes: rape (13) and indecent assault (4)
- Robbery	21	5	Includes: robbery with aggravating circumstances (19), common robbery (2)
- Assault and illegally pointing a firearm	104	24	Includes: assault GBH (89), assault common (14), illegal pointing of a firearm (1)
- Public violence	1	0,2	
Violence offences sub-total	158	36	
Property and commercial crimes	219	50	Includes: other theft (103), housebreaking at residential premises (65), stock theft (19), malicious damage to property (18), theft of motor vehicle (4), theft out of/from motor vehicle (4), fraud (4), housebreaking at business premises (1), possession of stolen property (1)
Driving and traffic offences	10	2	Driving under the influence of alcohol (6), traffic-related offences (4)
Other	54	12	Includes: drug-related crime (35), illegal possession of a firearm (13), escape from lawful custody (2), crimen injuria (1), defeating the ends of justice (1), perjury (1), failure to pay maintenance (1)
Total previous convictions	441	100	

Source: Summary of data provided in SAPS, 2004*b*. Percentages do not necessarily add up to 100% due to rounding.

10.22.1 There are some doubts about the sampling methods applied in this study, and therefore doubts about whether the data is representative of overall trends in murder cases for the period of time that it deals with. Taking this into account, it can nevertheless be noted that this study indicates that, for the vast majority (86%) of the 1 725 individuals for whom there was data on previous convictions, there was no evidence of previous convictions. The significance of this data could be easily misunderstood as it could be largely a reflection of factors such as that previous acts of criminality and violence involving these individuals did not come under the scrutiny of the criminal justice system or, even if they did, did not result in a successful prosecution. Alternatively, it may also reflect shortcomings in the data systems on criminal records or other problems.

10.22.2 Of the convictions against the 14% who did have previous convictions:

10.22.2.1 There were 441 convictions against 240 offenders, representing an average of 1,8 convictions per convicted suspect or offender.

10.22.2.2 Roughly a third (36%) of these convictions were for offences of violence of which the vast majority (24%) were for offences of assault GBH and common assault.

10.22.2.3 Half (50%) of the convictions were for property offences not involving violence. With the addition of robbery, 240 of the 441 previous convictions (54%) were for property offences.

10.22.2.4 In terms of individual-offence categories, “drug-related crime” (under “other”) was the fourth highest (after other theft, assault GBH and residential housebreaking), accounting for 8% of previous convictions.

10.22.3 Similarly, an examination of dockets of cases of types of violent crime associated with acquaintance violence in Northern Cape also found that, in the vast majority of cases, there was no evidence of previous convictions in the docket (Table 20).

TABLE 20: Information in dockets on previous convictions of alleged perpetrators — selected crime categories (analysis of 1997 Northern Cape dockets)

	EVIDENCE OF PREVIOUS CONVICTIONS IN DOCKET	NO EVIDENCE OF PREVIOUS CONVICTIONS	TOTAL
Murder	30%	70%	100%
Rape	16%	84%	100%
Assault GBH	14%	86%	100%
Indecent assault	27%	73%	100%

Source: Mistry, et al., 2001.

10.22.4 While it cannot be taken as the final word on the matter, the SAPS murder study is consistent with findings in *some* studies in other

countries indicating that persons convicted of murder and other violent offences do not necessarily have criminal records for violence, and may be more likely to have records for property offending.¹³⁷

10.23 The idea of “careers of violence” may therefore be far more relevant to some violent offenders than to others. In so far as individual offenders are a focus of attention, some may demonstrate a strong pattern of violent offending, perhaps along with other criminal behaviour. But for others, possibly even the majority of perpetrators of violence, there may be some type of disposition to violence, but it may be more useful to focus on what it was that prompted their involvement in violence in specific circumstances, rather than seeing them as strongly and generally disposed towards its use.

Children as victims and perpetrators

10.24 Discussed earlier in this report is data (see paragraphs 10.6 and 10.7):

10.24.1 From the National Youth Victimization Survey regarding overall levels of victimisation among 12–22-year-olds.

10.24.2 From the National Injury Mortality Surveillance System regarding deaths from violence, reflecting the fact that young people under the age of 19 are a small but significant minority of murder victims.

10.25 The phenomenon of child abuse, which may include sexual or other physical abuse, emotional abuse or physical neglect, is known to be a significant problem in South Africa.

10.26 Figures in the 2005–06 SAPS annual report indicate that, for crimes reported in the 2004–05 year, roughly 6% of victims of murder (1 075), 7% of victims of attempted murder (1 378), 43% of victims of rape (23 453), 48% of victims of indecent assault (4 726), 9% of victims of assault GBH (20 879) and 11% of victims of common assault (25 941) were children (under 18 years).¹³⁸

¹³⁷ Levi and Maguire, 2002: 825–826.

¹³⁸ South African Police Service, 2006: 57.

- 10.27 Data discussed above (in paragraphs 10.11 and following) also highlights that patterns of criminal and particularly violent offending to a significant degree originate in childhood. This applies both to “life-course-persistent” and “adolescence-limited” offending (see paragraph 10.18).
- 10.28 As highlighted above (paragraph 7.3.7), a survey of 1 370 young men aged 15–26 years who were drawn from Eastern Cape villages found that roughly 21% (287) admitted to participating in rape of one kind or another. Among those who reported raping an intimate partner, the age of first rape ranged from 9–21 years, with an average of 16 years old. (The average age of the volunteers was 19.) Data on a small group of respondents (51) among those who admitted to raping a non-partner was that the average age at which this had first occurred was 17, with 31 (61%) of these men indicating that they had raped a non-partner once, 17 (33%) indicating that they had done so a few times, and three (6%) indicating that they had done so many times.¹³⁹
- 10.29 The phenomenon of children as victims and perpetrators of crime is also a feature in other countries. In South Africa the high level of violence including, particularly, acquaintance violence, and the high degree of violence in many incidents of violence, also impacts on children.
- 10.30 Children are dramatically affected by acquaintance violence. In the NYVS, 93% of victims of assault indicated that the assailants were known to them. Key categories of assailants included “school mates” (22%), “other relative/household member” (16%), “other friends/acquaintances” (10%), “boss/teacher” (7%) or “boyfriend/girlfriend” (6%).¹⁴⁰
- 10.31 Certain issues to do with the victimisation and offending by children will be discussed further in Component 3 of the overall study, which deals with the nature and causes of sexual violence. This will include a consideration of sexual offences by and against children.

¹³⁹ Jewkes, et al., 2006: 2 953.

¹⁴⁰ Leoschut and Burton, 2006: 52–54. Numbers have been rounded.

Race, crime and violent crime

10.32 The official crime statistics produced by the South African Police Service do not make reference to race. This is done deliberately to avoid the use of crime statistics to reinforce racial prejudices. Information on race and crime can be misused to stereotype people from one or other group.

10.32.1 The issue is obviously a sensitive one and the SAPS approach is in many ways to be commended.

10.32.2 Nevertheless, it seems that analysing and explaining crime and violence needs to consider questions of this kind if it is to be meaningful. If there are significant differences between different groups in relation to patterns of victimisation and offending, then these need to be taken into account in understanding and addressing crime. If one is to argue, as this paper does, that the legacy of apartheid and racism are contributing factors to levels of violence, then this becomes meaningless if one maintains that there are not significant differences in levels of offending between different communities in South Africa.

10.33 There is reasonable evidence that there are substantial differences in levels of risk of violent victimisation and offending between different race groups in South Africa, although it is difficult to find up-to-date information on this issue.

10.33.1 For instance, a study of intimate femicide based on an analysis of murders of women in 1999 at 25 mortuaries estimated that the national rate of intimate femicide was 8,8 per 100 000. Intimate femicides of Coloured women were estimated to occur at a rate of 18,3 per 100 000 as opposed to those for Africans (8,9 per 100 000), Indians (7,5 per 100 000) and Whites (2,8 per 100 000).¹⁴¹

10.33.2 Similarly, figures provided in the same study suggest that in 1999 perpetrators of the murder of women were also disproportionately

¹⁴¹ Mathews, et al., 2004.

Coloured, while Indians and Whites were underrepresented relatively to their proportion of the population (Table 21).

TABLE 21: Race of perpetrators of intimate femicide

	INTIMATE FEMICIDES	NON-PARTNER FEMICIDES	PERCENTAGE OF NATIONAL POPULATION
Coloured	18%	16%	9%
African	76%	81%	77%
White	4%	3%	11%
Indian	2%	0,3%	3%
Total	100%	100%	100%

Source: Mathews, et al., 2004. Numbers may not add up to 100% due to rounding. Percentages for perpetrators of non-intimate femicides have been adjusted to exclude perpetrators whose race was not known.

10.33.3 National Injury Mortality Surveillance System data relating to non-natural deaths:

10.33.3.1 For 2000, data from 15 mortuaries indicates that among deaths at those mortuaries 50% of Coloured deaths, 49% of African deaths, 26% of Asian deaths and 17% of White deaths were linked to homicide.¹⁴²

10.33.3.2 For 2001, data from 32 mortuaries indicates that among deaths at those mortuaries, 51% of Coloured deaths, 48% of African deaths, 27% of Asian deaths and 18% of White deaths were linked to homicide.¹⁴³

10.34 As indicated above (paragraph 10.10), there appear also to be substantial differences in the age profile of homicide victims, most notably between Whites and other population groups. This probably indicates that, of homicides among Coloureds, Africans and Indians, a high proportion is related to arguments and acquaintance violence. A higher proportion of homicides among Whites is probably related to robberies and perhaps burglaries of people in the 35–54 age band. These are probably people who have established careers and who therefore present more attractive targets for property crime. However, this does not necessarily mean that Whites suffer more than other groups from murders related to predatory crime. The

¹⁴² National Injury Mortality Surveillance System, 2001:18.

¹⁴³ National Injury Mortality Surveillance System, 2002: 8.

higher overall rate of murder of members of other race groups may also include a substantial proportion of murders related to predatory crime.

10.35 Racial patterns of violent victimisation and offending partly mimic differences in patterns of victimisation and offending across social class. However, as indicated above (paragraph 10.3), factors such as poverty and level of income are not in themselves predictors of levels of violence, with those communities that are most affected by violence not necessarily being the poorest.

10.36 There is also data such as that on rates of incarceration in prisons that may be used to analyse differences in patterns of offending. However, in using such data it should be noted that there are likely to be systematic biases in treatment of different racial groups by officials of the criminal justice system, and that this is likely to impact on the overall rate of incarceration among members of each group.

10.36.1 It has been argued that these systematic biases are themselves a contributing factor to the differences in rates of offending and victimisation, also observable between members of different groups in other countries.¹⁴⁴

Foreigners and violence

10.37 Immigrants, many of them illegally resident in South Africa, are often the most vulnerable to becoming victims of crime as a result of their marginal status. One study found that foreign nationals in inner-city Johannesburg were disproportionately targets of crime, especially robbery, with Nigerians the most victimised group.¹⁴⁵ In certain situations the conflict from the countries of refugees and asylum-seekers is transposed and played out in South Africa, resulting in intimidation, kidnapping, rape and beatings, and sometimes death.¹⁴⁶ Foreigners also report xenophobic violence in South Africa.

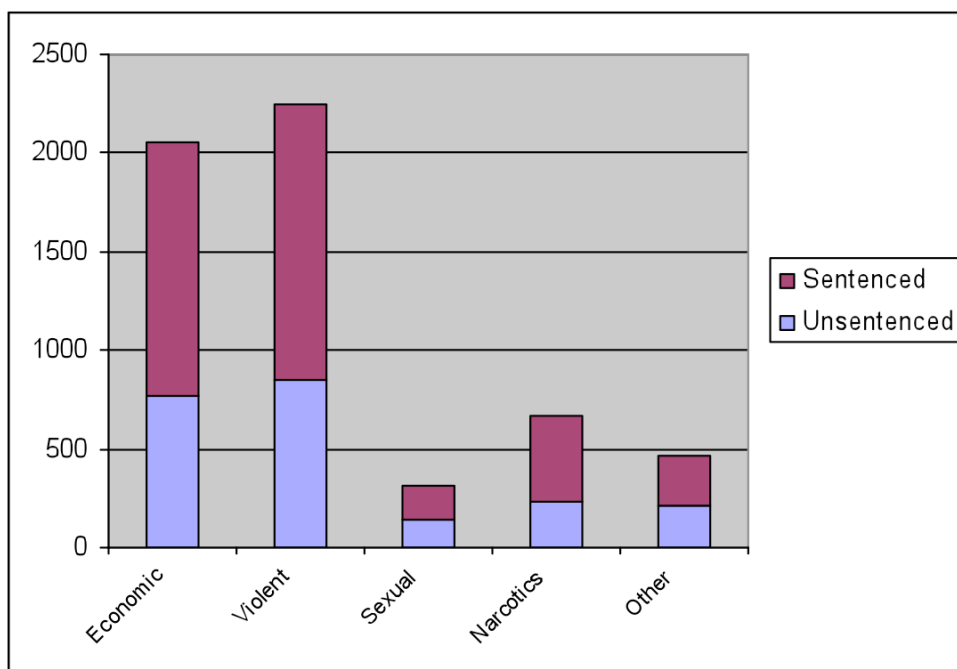
¹⁴⁴ Phillips and Bowling, 2002: 609–612.

¹⁴⁵ Leggett, 2003: 52. Note that the base for this finding, 26 Nigerian respondents, is very small, and should provide grounds for caution about the significance of this finding.

¹⁴⁶ Harris, 2001.

10.38 The information on arrests of foreigners indicates that they form the minority of the arrestee population, with immigration matters being the primary reason for arrest. Recent Department of Correctional Services statistics (see Figure 12) reveal that 4% of the prison population consists of foreign nationals suspected or convicted of a crime, of whom 2 214 are unsentenced and 3 525 sentenced prisoners.¹⁴⁷ The majority of these prisoners are held for violent (39%) and economic offences (36%). Interestingly, while 2% of the general prison population are being held for narcotics-related offences, 11,6% of the foreign nationals in prison are being held for these offences.

FIGURE 12: Foreign nationals in prisons in South Africa



Source: Department of Correctional Services, 31 May 2007.

10.39 Provinces that border on other countries are also obviously likely to be more prone to crime and violence involving nationals of those countries. The report of the Committee of Inquiry into Farm Attacks, for instance, refers to cases of robbers involved in attacks on farms in Free State, subsequently fleeing to Lesotho, with confirmation being given in at least one case that the robbers came from Lesotho.¹⁴⁸

¹⁴⁷ Department of Correctional Services, 31 May 2007.

¹⁴⁸ Committee of Inquiry into Farm Attacks, 2003. See, for instance, cases 4 and 5 in Chapter 4.

10.40 There is information that indicates that immigrants or foreign nationals to some extent occupy specific “niche” areas in forms of organised crime, and this, to some extent, defines the link of foreign nationals to violence. Some examples of this include:

10.40.1 Nigerian drug networks reportedly control approximately 80% of the cocaine trade inside South Africa, and they service most of the country except Western Cape.¹⁴⁹ Nigerian networks procure shipments and supplies of drugs, and they act as wholesalers and retailers of drugs. They also sell to other networks involved in selling drugs in more geographically specific markets.¹⁵⁰ In general, Nigerians associated with criminal networks see themselves as non-violent businessmen, with many disputes being solved non-violently.¹⁵¹ However, violence, including killing, may be used to punish someone or “teach them a lesson” if, for instance, they have cheated a Nigerian dealer. Apparently, though, this type of work is often subcontracted to non-Nigerians.¹⁵² Nigerian criminal networks have also been linked to kidnappings in order to put pressure on victims in Advanced Fee Fraud cases, and in at least one case they are suspected of having killed the victim. They are also reported to be known for kidnapping the family members of people alleged to have double-crossed Nigerian criminals.¹⁵³

10.40.2 There is also substantial evidence of involvement of Zimbabweans and Mozambicans in criminal networks involved in cash-in-transit heists and other aggravated robberies. The phenomenon of involvement of criminals from these countries in robberies in South Africa apparently goes back to at least the 1980s. Some of the networks that focus on cash-in-transit heists consist exclusively of Zimbabweans or Mozambicans, but a number of these networks include both South African and foreign members.¹⁵⁴ The

¹⁴⁹ Irish, 2007: 91.

¹⁵⁰ Ibid: 98.

¹⁵¹ Ibid: 108.

¹⁵² Ibid: 108.

¹⁵³ Ibid: 109.

¹⁵⁴ Irish: 45–47. See also 148–152.

Zimbabwean groups include some gangs that are believed to consist mainly of former policemen and soldiers, and these are believed to be linked to some of the major cash-in-transit heists.¹⁵⁵ Foreigners from Mozambique, for instance, are also involved in the trade in stolen vehicles, which contributes to the levels of vehicle theft and vehicle hijacking in South Africa;¹⁵⁶ there are also Zimbabwean and Mozambican connections to the South African drug trade,¹⁵⁷ as well as the trade in illicit weapons that has involved both ordinary civilians and organised crime groups.¹⁵⁸ There are some allegations that Zimbabwean armed robbers and cash-in-transit heist groups are more ruthless and prone to gratuitous violence. Irish-Quobosheane suggests that this may be linked to a diminished fear of punishment due to the ease with which they can escape, as well as other factors, including the xenophobic attitudes of South Africans.¹⁵⁹

10.41 In specific geographical locations that have a very high concentration of foreigners, it is not implausible that foreigners should make a fairly substantial contribution to the overall crime problem. When asked who they thought committed most of the crime in the area, 63% of South Africans and 39% of foreign respondents to a survey conducted in inner-city Johannesburg indicated that they thought foreigners were responsible.¹⁶⁰

10.42 While there is clearly some involvement by foreigners in crime and violence, foreigners are often unfairly labeled as criminals, or for being the main cause of crime in South Africa. A 2001 survey of municipal police officers in Johannesburg revealed that 30% of them believed that foreigners “cause crime”.¹⁶¹ Another survey of SAPS officers in the Johannesburg area found that 87% of them felt that “most undocumented immigrants in Johannesburg

¹⁵⁵ Ibid: 156.

¹⁵⁶ Ibid: 152–153.

¹⁵⁷ Ibid: 154.

¹⁵⁸ Ibid: 157.

¹⁵⁹ Irish: 160.

¹⁶⁰ Leggett, 2003: 52.

¹⁶¹ Palmary, 2001.

are involved in crime”.¹⁶² Negative attitudes on the part of some police members towards foreigners undermine the potential for cooperative relationships to be established between members of foreign communities and the police, in turn undermining the potential effectiveness of the police in dealing with the members of these communities who may be involved in crime.

Gender and violence

10.43 In South Africa and internationally, the perpetration of violence is overwhelmingly the domain of men.

10.43.1 An analysis of SAPS murder docket closed in 2001 found that, of known offenders, the majority of perpetrators (92,6%) were male and 7,3% female.¹⁶³

10.43.2 Figures for murder in the US in 2005 indicate that of 12 363 known offenders, 90% were male.

10.43.3 In England and Wales, 89% of all identified killers over the period 1995 to 1999 were male.¹⁶⁴ Women were suspects in 13,7% of homicides in England and Wales during 2000–01.¹⁶⁵

10.44 In relation to the gender identity of victims of violence the picture is less straightforward. Other than murder, all forms of violence are underreported. It is not clear whether violence against women is more underreported than violence against men, or where two (male) opponents inflict violence against each other.

10.44.1 In discussing data on assault (see 7.1.10 and following), we reported SAPS statistics to the effect that women report a higher proportion of less serious assaults, but that the proportion of male victims increases as assaults become more serious. Evidence is

¹⁶² Newham, Masuku and Dlamini, 2005.

¹⁶³ SAPS, 2004b: 13.

¹⁶⁴ Levi and Maguire, 2002: 819.

¹⁶⁵ Home Office statistics quoted in Stanko, 2002: 30.

that most murders are related to assaults¹⁶⁶ and the trend is also reflected in relation to statistics on murder.

10.44.2 The National Injury Mortality Surveillance System reports on data relating to non-natural deaths in 2000, 2001 and 2003, consistently recorded a figure of 87% for male and 13% female homicide victims (see Table 22).¹⁶⁷

TABLE 22: National Injury Mortality Surveillance System data on homicides by gender (selected years)

YEAR	NUMBER OF MORTUARIES	NUMBER		PERCENTAGE OF HOMICIDE VICTIMS		PERCENTAGE OF NON-NATURAL DEATHS	
		Men	Women	Men	Women	Men	Women
2000	15	7 268	1 073	87	13	49	29
2001	32	9 700	1 463	87	13	48	30
2003	36	9 014	1 371	87	13	50	34

Source: National Injury Mortality Surveillance System, 2000, 2001, 2004. The years selected are those years where the NIMSS reports provided detailed data on the gender profile of homicide victims. NIMSS coverage of non-natural deaths nationally was estimated to be between 24% and 40% during the 2000–04 period.

10.44.3 There are also significantly different patterns in terms of the weapons used or the manner in which men and women were killed (see Table 23). Firearm and sharp-force deaths account for a far higher proportion of male (combined 85%) than female (combined 68%) fatalities. Strangulation account for 7% of deaths of women while only accounting for less than 1% of deaths of men, and is in fact the only category of deaths where the total number of female fatalities exceeds that for male fatalities. The reason for this difference is probably related to the fact that strangulation is the one “external cause” that relies most on being able to physically overpower the victim. Where an attacker is armed with a weapon it is not essential that the attacker is physically stronger than his opponent. Men are on average stronger than women, and male attackers, at least, are probably slightly less likely to use weapons when attacking women than when attacking men.

¹⁶⁶ See 7.1.6 above and footnote 28.

¹⁶⁷ National Injury Mortality Surveillance System, 2001, 2002 and 2004. In the SAPS study of murder dockets closed in 2001, 83% of victims were male and 17% were female (SAPS, 2004b). However, there are doubts about whether this should be regarded as a representative sample.

TABLE 23: Gender differences in external cause of death

	FEMALE VICTIMS					MALE VICTIMS					TOTAL		MALE/ FEMALE RATIO
	2000	2001	2003	Total	%	2000	2001	2003	Total	%	Over- all total	%	
Number of mortuaries	15	32	36			15	32						
Firearms	460	627	559	1 646	42	3 912	5 477	4 776	14 165	55	15 811	53	9:1
Sharp force	279	350	373	1 002	26	2 268	2 818	2 826	7 912	30	8 914	30	8:1
Blunt force	205	276	255	736	19	930	1 138	1 186	3 254	13	3 990	13	4:1
Strangulation	56	110	111	277	7	30	74	83	187	0,7	464	2	0,6:1
Burn	27	21	26	74	2	36	34	41	111	0,4	185	0,6	1,5:1
Other	46	79	67	192	5	87	159	82	328	1	520	2	2:1
Total	1 073	1 463	1 391	3 927	100	7 263	9 700	8 994	25 957	100	29 884	100	7:1

Source: National Injury Mortality Surveillance System, 2001, 2002 and 2004. Percentages do not add up to 100 due to rounding. Note that this data is not differentiated by gender in the NIMSS 2002 and 2004 reports.

10.45 The pattern in South Africa, in terms of which the majority of homicide perpetrators and victims tend to be men, is the consistent pattern of homicides internationally (see Table 24).

10.45.1 However, there appear to be variations in the pattern internationally in terms of the relative number of male as opposed to female victims. The proportion of female victims (13%) recorded by the NIMSS, which may be regarded as the most reliable source of data on patterns in homicide, is substantially lower than that recorded in either the United Kingdom or the USA.

TABLE 24: Example of gender profiles of murder victims and suspects from other countries

	USA 2005			ENGLAND AND WALES, 1995–2000		
	Male victim	Female victim	Total	Male victim	Female victim	Total
Male suspect/offender	65%	25%	90%	60%	29%	89%
Female suspect/offender	7%	3%	10%	8%	3%	11%
Total	72%	28%	100%	68%	32%	100%

Source: US data are from the FBI Uniform Crime Reports, at <http://www.fbi.gov/ucr/05cius/offenses/expanded_information/data/shrtable_05.html>. The reports emphasise that the USA data exclude cases where the offender was recorded as “unknown”. England and Wales data are from Stanko, et al., 2002: 30.

10.45.2 Based on 2001–02 murder rates, a recent paper indicates that the divergence between the male and female murder rates in South Africa is quite exceptional in global terms. Compared to a global

homicide rate for women of four per 100 000, the South African rate for women at 12 per 100 000 was three times higher. By contrast, compared to the global homicide rate for men of 13,6 per 100 000, the South African rate of nearly 87 per 100 000 was more than six times higher. The implication is that men make up a far greater proportion of murder victims in South Africa than men do in most other countries.¹⁶⁸

10.46 Because women only account for a relatively small minority of perpetrators of violent incidents, the perpetration of violence by women is often almost entirely ignored.

10.46.1 As indicated previously (paragraph 10.43.1), the SAPS study of murder dockets closed in 2001 found that 7% of murders were perpetrated by women. In addition, this paper provides figures referring to 10% of murders in the US in 2005, and 11 of murders in England and Wales being perpetrated by women (see Table 24).

10.46.2 Figures on imprisonment are also not necessarily representative of figures on the overall pattern of offending. Nevertheless, the figures provided in Table 25 indicate that women make up roughly 2% of people currently incarcerated in South Africa. However, their representation is much greater (between 3% and 5%) among those imprisoned for non-violent (mostly property) offences. They constitute substantially less than 1% of prisoners awaiting trial and sentenced for sexual offences, and between 1% and 2% of those incarcerated in relation to other violent offences.

¹⁶⁸ Altbeker, forthcoming: 12.

TABLE 25: Gender of prisoners in South Africa

	NUMBER		%		TOTAL		MALE/FEMALE RATIO
	Male	Female	Male	Female	Number	%	
Unsentenced	47 377	944	30	0,6	48 321	30	50:1
- Of which alleged sexual offences	7 802	21	5	0,01	7 823	(5)	371:1
- Of which other alleged violence	22 348	364	14	0,2	22 712	(14)	61:1
- Other alleged offences	17 227	559	11	0,3	17 786	(11)	31:1
Sentenced	109 676	2 521	68	2	112 197	70	44:1
- Of which sexual offences	17 588	14	11	0,01	17 602	(11)	1 256:1
- Of which other violence	62 609	1 153	39	0,7	63 762	(40)	54:1
- Of which other	29 479	1 354	18	0,8	30 833	(19)	22:1
Total	157 053	3 465	98	2	160 518	100	45:1

Source: Department of Correctional Services, 4/05/07, e-mail communication. Percentages of more than 1 have been rounded to zero decimal places. Percentages of less than 1 have been rounded to 1 decimal place.

10.46.3 As emphasised by recent South African research, some women may also play a strong role in affirming “successful” violent criminals involved in some of the more profitable types of robbery, in effect endorsing violent crime. One interviewee, for instance, described how “streams of women hang round” the men involved in cash-in-transit heist networks. Some networks also use women as lookouts or drivers in criminal operations, or in other ways.¹⁶⁹

10.47 The fact that women play some role as perpetrators of violence has also been acknowledged in relation to domestic violence.

10.47.1 For instance, data on the implementation of the Domestic Violence Act¹⁷⁰ at the Alberton (in Gauteng) and Temba (in North West) magistrates’ courts indicates that 15% of the applicants in Alberton and 22% of the applicants in Temba were men. In 82% of cases applications by women were made against intimate partners, while 57% of applications by men were against intimate partners, with the balance in both cases being against other family members.

¹⁶⁹ Irish, 2007: 59–60. Also see 83, 104, 132 and 143.

¹⁷⁰ Act 116 of 1998.

Intimate partners were mostly husbands or wives. Of women seeking protection, 95% sought this from a man. Of men seeking protection, 66% sought this from a woman. The report analyses applications against seven different types of abuse, including “emotional, verbal and psychological”, “physical abuse”, “economic/financial abuse”, “damage to property”, “stalking”, “sexual abuse” and “other”. Most applicants for protection orders under the Act allege various types of abuse, with between 80% and 90% of applications from both men and women alleging “emotional, verbal and psychological abuse”. Of female applicants, 82% in Alberton and 71% in Temba alleged physical abuse, and 11% in Alberton and 6% in Temba alleged sexual abuse. Of male applicants, 60% in Alberton and 43% Temba alleged physical abuse, while 5% in Alberton and 1% in Temba alleged sexual abuse.¹⁷¹

- 10.47.2 There is some evidence that male applicants for protection orders are often acting on a “tit-for-tat” basis in response to applications for protection orders by female partners.¹⁷²
- 10.47.3 One UK study of calls to the police relating to violence by intimate partners or former partners found that 86% are female victims attacked by male perpetrators, and 8% male victims attacked by female perpetrators, with 4% being male victims attacked by male perpetrators and 2% female victims attacked by female perpetrators.¹⁷³
- 10.47.4 However, there is also some evidence that men are less likely to admit to victimisation of this kind than are women, and that men are more likely to admit to victimisation of this kind when they do not have to answer questions face to face.¹⁷⁴

¹⁷¹ Vetten and Schneider, 2006.

¹⁷² Lillian Artz, telephone communication, May 2007.

¹⁷³ Stanko, 2001, quoted in Heidensohn, 2002: 494.

¹⁷⁴ Levi and Maguire, 2002: 807.

- 10.47.5 It is likely that male violence on average does more physical damage to women than violence by women to men, as men are on average physically stronger than women. Male violence against women in domestic relationships is also known to frequently take the form of repeated physical violence.
- 10.47.6 US homicide data for 2005 indicates that in terms of murders between family members, murders of wives by their husbands account for 33% (594 murders), while murders of husbands by their wives account for roughly 7% (135) of murders, a ratio of 4 to 1. Murders of girlfriends by boyfriends were in a ratio of 3 to 1 to those of boyfriends by girlfriends (461 as opposed to 152 murders).¹⁷⁵

10.48 In relation to violent victimisation, the South African situation, therefore, appears to be consistent with that elsewhere. While there is some evidence suggesting that women may more often be victims of less serious assaults, the overall pattern appears to be that men are more likely to be victims of violence and are clearly more often the victim of incidents of violence that lead to serious injury and death. However, the South African situation is also likely to be similar to that in other countries¹⁷⁶ in that, in so far as they are victimised, women are probably at greater risk of repeat victimisation, particularly within the context of intimate partner or domestic violence.

Intra- and intergender, class and race violence

10.49 Other than in relation to the overall levels of criminal violence, which are very high, patterns of criminal violence in South Africa in many ways resemble those in other countries.

- 10.49.1 Violence is concentrated in lower-income communities, although not necessarily among the poorest communities.

¹⁷⁵ <http://www.fbi.gov/ucr/05cius/offenses/expanded_information/murder_homicide.html>.

¹⁷⁶ Levi and Maguire: 806.

- 10.49.2 As appears to be the case in most other countries, most violence involves men, particularly young men, as perpetrators.
- 10.49.3 Young men also make up a high proportion of victims of violence, particularly of fatal violence.
- 10.49.4 Consistent with patterns recorded elsewhere, most violence, including most acquaintance violence and a lot of other violence, probably also takes place between people of the same race. Talking about a similar pattern of violence in the UK, Levi and Maguire state that, “Most violence has been found to be intraclass and intrarace, partly reflecting lifestyles in which males engage in honour contests or domestic oppression.”
- 10.49.5 Violent victimisation also seems to peak in the childhood years, while serious violence victimisation seems to peak in the early adult years, though this trend is not consistent among Whites, among whom the highest number of homicides appear to be concentrated in the later 35–54 age group.

Temporal characteristics of homicides

10.50 National Injury Mortality Surveillance System data and other data also demonstrate other consistent patterns of violence, including that:

- 10.50.1 Violence is to some extent distributed throughout the year. There is some tendency for violence-related deaths to increase at particular times of the year (possibly associated with holiday periods where there is an increased level of intoxication). In NIMSS data for 2001 it appears that the December increase is restricted to “sharp force” (generally knives and perhaps glass bottles), while in the 2000 data there seems to be a consistent December increase among firearm, sharp- and blunt-force injuries.¹⁷⁷ For 2003 and 2004 data there is a marked increase in December, with December

¹⁷⁷ National Injury Mortality Surveillance System, 2001: 17, and 2002: 23.

accounting for 10,6 of all deaths by violence in 2003 and 10% in 2004.

- 10.50.2 Homicides peak at the weekend, most notably on Saturday, and reach their lowest points on Tuesday, Wednesday and Thursday. The proportion of male deaths at the weekend (relative to male deaths during the rest of the week) was 48% for 2000 and 45% for 2001. If these trends continue this means that on average roughly 11% of male homicide victims die on each weekday, and 22% of victims die on each weekend day. For women the pattern is similar, with a slightly lower proportion of deaths at the weekend (43% in 2000 and 40% in 2001) and thus a slightly higher proportion of deaths on weekdays.
- 10.50.3 In relation to time of day, homicides are also distributed throughout the day and nighttime hours, but the rate of homicides during the nighttime hours is in generally higher than during the day. In both the 2000 and 2001 data homicides start escalating from about 6pm and reach their peak at about 9pm (roughly 6,5% of all homicides occur between the hours of 9 and 10), but remain at relatively high levels until 2pm or 3pm. It is likely, though, that there would be substantial differences in time distribution if homicides on weekdays were analysed separately from those at weekends, as well as if acquaintance violence was analysed separately from stranger violence.

11 THE INVOLVEMENT OF GROUPS AND GANGS IN VIOLENCE

11.1 While it may appear that acquaintance crimes tend to be carried out by individuals, or that “stranger” crimes tend to involve groups or gangs of one kind or another, neither of these perceptions is necessarily true.

11.1.1 In connection with assaults of which most, though not all, appear to be acquaintance crimes, the 2003 National Victims of Crime Survey notes that 53% of assault victims (including all but one of the small number of spousal-assault survivors) said that the assault involved only one assailant, 25% two, and 22% more than two attackers. Thus 47% of assaults were group attacks.¹⁷⁸

11.1.2 As pointed out above (paragraph 7.3.11), while acquaintance rapes in some areas tend to be carried out by individuals, in some areas of South Africa they also often involve groups, sometimes including the (former) boyfriend of the victim. On the other hand, in the Johannesburg inner-city, a study of gang rape found that in roughly 90% of rapes involving two or more perpetrators the perpetrators were unknown to the victim. But at the same time, the study implies, roughly 50% of rapes perpetrated by an individual were also perpetrated by strangers.¹⁷⁹

11.1.3 The 2003 National Victims of Crime Survey notes that “street armed robbers were more likely to work in groups (86%)” but that the majority (55%) of robberies at homes in fact involved individual perpetrators.¹⁸⁰

11.2 Thus it appears that street robberies, at least, tend to involve a group of two or more perpetrators acting together. Sometimes the role of one of the group will be to snatch or grab a bag or some other possession, and pass it to another member after running for a short distance, so that if the original “snatcher” is identified and apprehended, he will not have the stolen goods in

¹⁷⁸ Burton, et al., 2004: 130.

¹⁷⁹ Vetten and Haffejee, 2005.

¹⁸⁰ Burton, et al., 2004: 136.

his possession. Other groups will surround the victim, often encouraging him or her to cooperate through the direct threat of physical violence backed up by the force of numbers.

- 11.3 According to Irish-Qhobosheane, for instance, hijackers typically operate as part of a network involving the actual hijackers and a range of other roleplayers.¹⁸¹ The number of people who make up a group involved in the actual hijacking varies between two and five, with some groups having a leader whose “responsibility is to check the areas where the hijacking is to take place”.¹⁸² Some of the networks “are not much more than a loose association of criminals who act together to carry out particular deals within the illicit vehicle trade, while others are more permanent networks”.¹⁸³ Similarly, some of the networks involved in cash-in-transit heists are “quite fluid”, while others “have a more permanent organisational structure”.¹⁸⁴
- 11.4 On the other hand it has been argued that some of the street gangs of Western Cape have evolved into highly organised criminal networks following South Africa’s democratisation.¹⁸⁵ Recent official estimates have been that there are 130 gangs operating on the Cape Flats, although the reliability of these estimates is uncertain.¹⁸⁶ According to Standing, many gangs are small with a limited territory and some last only as long as their core members are active. However, there are several larger and longer-established gangs (or supergangs) that have more consolidated power bases, such as the Americans, Hard Livings, the Mongrels, Sexy Boys, Fancy Boys, Dixie Boys and Junior Mafia. These are gangs that can be considered as institutions that outlive their leaders. The Americans, for instance, are said to have between 5 000 and 10 000 members, although membership does not have a precise meaning. The smaller gangs may form alliances with the larger gangs, sometimes based on common affiliation to specific Numbers gangs. These

¹⁸¹ Irish-Qhobosheane, 2007: 120–124.

¹⁸² Ibid: 120.

¹⁸³ Ibid: 119.

¹⁸⁴ Ibid: 38.

¹⁸⁵ Kinnes, 2000: 48.

¹⁸⁶ Standing, 2006: 103.

alliances are important for supporting the criminal economy and, linked to this, may be drawn into gang fights on behalf of the larger gang.¹⁸⁷

11.5 The question of whether one or other group would be described as a gang or as involved in organised crime is obviously a matter of definition. The SAPS apparently categorises activities as “organised crime” if some of the following are present:¹⁸⁸

11.5.1 Three or more people are involved in a criminal activity.

11.5.2 They commit serious criminal offences.

11.5.3 They are involved in committing those offences for a prolonged period.

11.5.4 The motive for the crimes is the pursuit of profit or power.

11.5.5 The criminal group is structured like a business.

11.5.6 There is a division of labour in the group.

11.5.7 The leaders have disciplinary control over the members of the group.

11.5.8 The group uses violence, blackmail, extortion or intimidation and corruption in the course of its activities.

11.5.9 The group launders money earned by criminal deeds.

11.5.10 The group flouts national and international boundaries in pursuit of criminal activities.

11.6 When discussing the involvement of groups and gangs there are therefore a wide number of permutations and variations in relation to the types of groups, related to the number of people involved, the relative stability of the group, the degree to which they have a particular subcultural identity or make use of subcultural symbols, the type of criminality they are involved in, and so on.

¹⁸⁷ Standing, 2006: 103–108.

¹⁸⁸ Listed in Irish-Qhobosheane, 2007: 4.

- 11.7 Circumstances where crimes involve more than one perpetrator may therefore just as often involve people who are friends, or are part of a peer group, or even informal acquaintances. For instance, the group of four men who were contracted to kill a six-month-old child in one infamous recent case had no prior connection with each other, but had met up and been recruited at a bar.¹⁸⁹
- 11.8 The SAPS 2004–05 annual report indicated that the SAPS has identified 369 organised crime groups operating in South Africa.¹⁹⁰ The 2005–06 report identifies 273 organised crime groups as operating in South Africa, of which most are said to specialise in drug-related crime, motor vehicle theft, the hijacking of motor vehicles and trucks, fraud, corruption, and trafficking in non-ferrous metals and precious metals and stones.¹⁹¹
- 11.9 Whether or not their activities would be classified as organised crime, it is obvious that the wide variety of groups involved in robberies of one kind or another make a major contribution to overall levels of violence. Group or gang rape (see 7.3.9 and following) is also a particularly disturbing facet of the overall problem of violence in South Africa. In addition, there are various forms of group rivalry, potentially involving competition of one kind or another (see Category E in Table 4), which also involve the risk of violence. Among potential forms of rivalry of this kind, that between taxi associations and gangs continues to be prominent. Fortunately, violent rivalry between political groups no longer dominates the political landscape. Many of the other forms of violence listed in Table 4 also sometimes take the form of group violence.
- 11.10 As highlighted above (see paragraph 9.17 and following), in so far as groups may be linked with violence, issues to do with the leadership and identity of the group, and dynamics within the group, are likely to influence the degree and type of violence the group is associated with.

¹⁸⁹ *Sunday Times*, 13 May 2007.

¹⁹⁰ SAPS Annual Report 2004–05: 88.

¹⁹¹ SAPS Annual Report 2005–06: 89.

11.11 At the same time, it is apparent that there is a need for a slightly more nuanced understanding of groups involved in organised crime and their relationship to violence. Like the state, organised crime groups often depend on being able to put forward a convincing threat of violence in order to survive. But they may tend to prefer a climate of relative peace, particularly within areas over which they have influence or control.¹⁹²

11.12 Research on the ganglands of the Cape Flats, for instance, suggests that it may primarily be when “external” developments lead to a breakdown in the balance of power between different gangs that there is likely to be increased violence. Thus it appears that in the late 1990s, the campaign of assassinations by splinter groups linked to PAGAD against drug merchants and gang leaders contributed to a breakdown in the systems of control over drug-dealing territories, in turn leading to an escalation of both “intragang and intergang conflict”.¹⁹³ But while the normal state of affairs is often one based on the avoidance of intergang conflict, gang territories are not necessarily entirely violence-free as a result. A large quantity of the overall amount of violence that involves gang members involves rivalries and hostilities between members of the same gang,¹⁹⁴ although codes of social interaction and deference do in some ways inhibit the risk of such violence. Perpetrating one or more acts of violence, sometimes against opposing gangs, may also be imposed on new gang members as a type of initiation practice,¹⁹⁵ while a gang member may also become the targets of violence for trying to leave the gang¹⁹⁶ or if suspected of acting as an informer,¹⁹⁷ and it may also be seen as necessary to kill non-gang members who have perhaps witnessed another gang killing if there is a chance that they may serve as witnesses against members of the gang.¹⁹⁸ Certain seemingly random and irrational acts of violence may in fact serve the instrumental purpose of instilling in gang members the type of respect tinged with fear that is functional for gang

¹⁹² Standing, 2006: 207–211.

¹⁹³ Ibid: 209.

¹⁹⁴ Ibid: 129.

¹⁹⁵ Ibid: 124.

¹⁹⁶ Ibid: 133.

¹⁹⁷ Ibid: 142.

¹⁹⁸ Ibid: 155.

leadership.¹⁹⁹ Some gang members may also be disposed to violent behaviour against intimates,²⁰⁰ while offers of protection, if ignored or refused, may end up being sold to the “client” through violence.²⁰¹ The violence that characterises the gang world does not necessarily involve violence against members of other gangs, but may be more likely to be directed towards maintaining and reproducing the gang, or renegotiating power relations within it, ordinary predatory crime such as robbery, and sexual or other assaults against women or fellow gang members.

11.13 Related to this in so far as there may be violence associated with the drug trade (see, for instance, Table 13 and related discussion in paragraph 8.5), this may tend not to be related to competition for markets between established organised crime groups or gangs. Rather, violence within the drug trade may tend to involve the more “disorganised” participants in the drug market, such as “petty-criminal users and dealers, often caught within the criminal justice system”,²⁰² whose control over specific markets may be insecure or who may not have the kind of regular income that would enable them to sustain their drug consumption, resulting in conflicts of various kinds, many of them with violent outcomes (see also the discussion of Nigerian drug dealers in 10.40.1).

¹⁹⁹ Ibid: 202–203.

²⁰⁰ Ibid: 207.

²⁰¹ Ibid: 221.

²⁰² South, 2002: 935, citing Hobbs and Ruggiero and South.

12 THE IMPACT OF VIOLENT CRIME

12.1 The negative impact of violent crime may include death, physical injury or pain, psychological harm and possibly loss of property by the victim. Violent crime also has other impacts that extend beyond the impact on the victim him- or herself, contributing to fear of crime and distrust, and undermining the potential for investment.

Physical injury and death

12.2 Violent crime may result in physical injury to the victim, requiring medical attention. The nature of injury experienced may be affected by the type of crime committed, weapons used in the attack, the number of perpetrators involved, the degree of resistance offered by the victim, as well as the location of the attack.

12.3 An analysis of 532 closed dockets for cases of serious violent crime for Randburg (n=197) and Mamelodi (n=325)²⁰³ found that, overall, the most serious injury was a bullet wound in 6% of cases, a stab wound in 13% of case, burns in 4% of cases, and cuts and bruises in 27%. In roughly 46% of cases the victims had no injury. In Randburg the percentage of victims without injury was 71%. In Mamelodi the percentage of victims without injury was 33%.

12.3.1 The study, however, underrepresents the number of murder victims²⁰⁴ and it is therefore likely that the study underrepresents the number of gun injuries, as guns, when used, are more likely than other weapons to be fatal.²⁰⁵ The study should probably therefore best be seen as providing a rough injury profile for non-fatal (and non-sexual) incidents of serious violent crime. Guns were used in a very high proportion of incidents, including 58% of

²⁰³ South African Law Commission, 2001. See footnote 35.

²⁰⁴ See footnote 35 above. Murder dockets on average remain open for longer.

²⁰⁵ See Table 5 above on the contribution of different weapons to rates of violent death.

incidents in Randburg and 39% in Mamelodi.²⁰⁶ A large majority of cases (73%) where guns were used (though presumably not discharged) by the perpetrators were aggravated robberies (including hijackings),²⁰⁷ but only 1% of aggravated robberies led to firearm injuries, with 92% of aggravated robberies resulting in no injury and 6% resulting in cuts and bruises.²⁰⁸ A gun was the weapon used in one of the murders (the other was a stabbing), but there were roughly 30 other incidents where firearms were a cause of non-fatal injury.²⁰⁹

12.3.2 The overwhelming majority of injuries, including stabbing and burn injuries and “cuts and bruises”, were related to incidents of acquaintance violence. As opposed to the 30 incidents of non-fatal injury caused by firearms, there were roughly 78 that were linked to stabbing, of which a large number were “violence where assailant/victim knew each other” (51), as well as domestic violence (9). The vast majority of both of these categories of stab injuries (92%) were from Mamelodi. There were fewer burn injuries but otherwise these had a similar profile.

12.3.3 However, a large number (17 out of 30) of the incidents of gunshot injury were classified in the docket analysis as “attack by a stranger”. Combined with the small number of robbery incidents that led to non-fatal firearm injury, this meant roughly two-thirds of the incidents of non-fatal firearm injury were probably stranger crimes.²¹⁰

12.3.4 While women constituted a smaller proportion of victims (30%), a greater proportion of female victims than male victims had some form of injury. All of the (roughly eight) domestic violence cases in Randburg involved cuts and bruises. In Mamelodi, where there

²⁰⁶ South African Law Commission, 2001: 106. In one-third of cases in Mamelodi the weapon was not recorded.

²⁰⁷ There were 131 aggravated robbery dockets for Randburg and 84 for Mamelodi.

²⁰⁸ South African Law Commission: 107. Note that this is consistent with research in the US that also indicates that most robberies do not result in injuries (Gabor, et al., 1987, quoted in Davis 2005: 233).

²⁰⁹ Note that raw figures provided here and in the following discussion of the docket analysis are converted from percentages in the report and are rough estimates.

²¹⁰ Assuming that the robberies were stranger crimes.

were roughly 29 domestic-violence incidents, roughly one-third (9) suffered stab wounds, and close to half (13) of the victims suffered cuts and bruises, and there were also burns or bullet wounds (in one and two cases respectively).²¹¹ As discussed previously (for example, paragraph 10.46), victims of domestic violence were predominantly but not exclusively female. Women were also victims of other categories of violence. Most notably they constituted between 33% (in Randburg) and 42% (in Mamelodi) of victims of “other violence among acquaintances”.

12.3.5 The docket analysis found evidence that roughly 15% of injured victims had been hospitalised, although in 14% of cases there was no information on this. In 31 cases where injured victims were hospitalised, roughly 90% spent a day or more in hospital, with roughly 50% of these victims spending four or more days in hospital. The analysis estimated that in roughly 2% of the cases where the victim had sustained an injury, there was a possibility of permanent disability, although many of the dockets did not contain information on this.

12.4 In the 2003 NVCS, injuries were more common in home robberies (24%) than in robberies that occur in the street (17%). The survey found that no weapon except physical force had been used in 79% of domestic assaults reported, but that medical attention had been required in 43% of cases.²¹²

12.5 Another study points out that vehicle hijacking often does result in serious injury, varying from gunshot wounds, bruises and abrasions and cuts to the head, to permanent damage of the shoulders, back and head. Where victims are not killed it often happens that they are injured to such an extent that long-term medical treatment or hospitalisation is required.²¹³

²¹¹ South African Law Reform Commission, 2001: 108.

²¹² Burton, et al., 2004.

²¹³ Davis, 2005: 233.

Emotional/psychological damage

- 12.6 The emotional and psychological impacts of crime vary, not only according to the nature of the crime but also according to the personal circumstances and characteristics of the victim, including the victim's financial and social situation, factors such as mobility and age, and personal psychological characteristics.
- 12.7 Zedner cites various studies indicating that violent and sexual crimes may result in longer-term effects. In one study, 75% of victims of assault, robbery or rape interviewed two and a half years after the incident reported that they were affected at the time of the interview. Rape victims and victims of sexual abuse during childhood have been found to suffer persisting effects many years afterwards. Rape victims may experience profound distress for several months after the crime, and may "continue to experience problems with fear, anxiety, and interpersonal functioning for years after the event".²¹⁴ Victims of sexual crimes may also recover more slowly than other victims of crime, exhibiting emotional disturbance, sleeping or eating disorders, feelings of insecurity, low self-esteem or troubled relationships for months or years after the event.²¹⁵ Similarly, a study of sexual violence in men's prisons indicates that victims may suffer low self-esteem, isolation, shame and emotional pain, and other consequences, including a disposition to violence in retribution against former victimisers, or to silence others who know about their victimisation history.²¹⁶
- 12.8 Assaults may result in injury, shock, loss or damage to property, time off work and financial losses.²¹⁷ Robberies as well as burglaries in the home may result not only in financial loss or physical damage to property, but also in feelings of intrusion and insecurity. Victims of hijacking may experience

²¹⁴ Zedner, 2002: 429, citing Resisck.

²¹⁵ Zedner, 2002: 429.

²¹⁶ Gear and Ngubeni, 2002: 74–81.

²¹⁷ Ibid, citing Shapland.

feelings of shock, disbelief, confusion and helplessness, as well as powerlessness.²¹⁸

12.9 Most incidents of victimisation result in some form of psychological distress, which, in its more severe form, may manifest as post-traumatic stress disorder (PTSD), a clinical syndrome characterised by anxiety, depression, loss of control, guilt, sleep disturbance and obsessive dwelling on the crime.²¹⁹ Victims may also experience self-blame, flashbacks and re-experiencing of the incident, accompanied by shame for not noticing warning signals of the crime (in respect of hijacking). They may also experience social withdrawal and avoidance of places associated with the crime incident.²²⁰

12.10 Families of murder victims suffer “profound trauma and bereavement”²²¹ as well as shock and a challenge to their sense of meaning. This will be compounded if the person was also attacked, or was witness to the murder. Other crime may place particular stress on family and other relationships.

12.11 Multiple, or a series of, victimisations compound the experience and impact of crime. According to Zedner, “A minority of victims are so repeatedly victimised that it becomes impossible to distinguish separate crime incidents from the general impoverished quality of their lives.”²²²

Financial costs

12.12 The costs of crime for the victim may include money or goods that are lost, and the costs of replacing lost or damaged property that is not insured, medical care, counselling, funeral costs or increased security.²²³ Some victims may feel compelled to move house or leave the country as a result of traumatic incidents of violence. There may also be loss of earnings from

²¹⁸ Davis, 2005: 234.

²¹⁹ Zedner, 2002: 429.

²²⁰ Davis, 2005, 234–235.

²²¹ Zedner, 2002: 430.

²²² Zedner, 2002: 430.

²²³ Zedner, 2002: 430.

taking time off work to report the crime and see through the criminal justice process, receive counselling, or receive medical care.

Change of behaviour

12.13 Of robbery victims interviewed in the 2003 National Victims of Crime Survey, 73% indicated that they had changed their behaviour after an incident of crime to avoid further victimisation, including avoiding certain locations, becoming more vigilant, or making adaptations to their properties to make these more secure. A number (17%) reported that they had stopped going out altogether.²²⁴ Half of the victims of assaults indicated that they had altered their behaviour as a result of the incident.²²⁵

Broader societal impact

12.14 Violence has impacts that extend beyond the impact on the immediate victims and their families or people in their immediate social circle. Perceptions around crime and feelings of safety can affect the way individuals behave, socialise, interact with the world and go about their business. The 2003 National Victims of Crime Survey found that people felt less safe, particularly at night, when compared to the 1998 survey.²²⁶ Feelings of safety are affected by previous experience of victimisation, the place where the individual is living, and also appear to correlate with racial groups, such as Indians and Whites in South Africa, tending to feel less safe.²²⁷ Fear of crime may affect the way people conduct their day-to-day activities, including not letting their children play in the street, conducting daily business such as collecting water and firewood, or making use of public areas such as parks and using public transport.²²⁸

²²⁴ Burton, et al., 2004: 137.

²²⁵ Ibid: 130.

²²⁶ Burton, et al., 2004: 50.

²²⁷ Ibid: 54.

²²⁸ Ibid: 55–56.

12.15 Crime and fear of victimisation also turn certain areas into “no-go zones”,²²⁹ disrupts the functioning of institutions such as schools, and feeds into the fear and distrust of others, whether they be neighbours, other acquaintances or strangers, thereby reinforcing existing fissures in society and contributing to reduced social contact between people of different groups.

Impact on business

12.16 Given that South Africa has placed an emphasis on economic growth through the formal and informal economies, the impact of crime on business is particularly concerning. Small, medium and micro-sized enterprises are one avenue for creating employment, necessary for tackling the poverty and inequality associated with high crime levels in South Africa. Of respondents to the 2003 National Victims of Crime Survey, 26% reported that crime has stopped them from starting or investing in a home business.²³⁰

12.17 The burden of crime on household-based enterprises, particularly in poorer areas, is also very high, and the small margins gained through the business may not always be worth the risk of crime.²³¹ Business Against Crime has also reported that crime raise business costs, with fewer jobs being created and smaller businesses finding it difficult to enter the job market.²³²

12.18 A report released by Grant Thornton in 2007 revealed that 84% of medium to large privately held businesses in South Africa report that they, their staff or families of staff have been affected by personal contact crime over the past 12 months. They reported that staff of nearly every business of the 200 surveyed has been affected by crimes, such as housebreaking, hijacking, violent crime, road rage or similar. This statistic does not include the occurrence of white- and blue-collar crime within businesses. The report also indicated that it is not only the individual victim that is affected by such violent crime, but also the employer. Of those medium to large privately held

²²⁹ See, for instance, Standing, 2006: 27.

²³⁰ Burton, et al., 2004: 57.

²³¹ Stone, 2006: 13.

²³² Newmarch, 2007.

businesses affected by crime, 88% report having incurred increased costs for security, 65% report decreased productivity and motivation of staff and 41% report a decrease in creativity, ingenuity and resourcefulness of staff.²³³ The Grant Thornton report also noted lower levels of business confidence attributed to high crime levels. This could have serious implications for investment and development in the country.²³⁴

12.19 The World Bank's Investment Climate Survey of 2005 showed that crime was a significant concern for South African businesses, and that direct costs associated with crime and security (including white-collar crime and corruption) amounted to 1,1% of sales or 3% of net value added, and 5% of labour costs.²³⁵ This is similar to the costs of crime experienced by Brazil, Russia, Peru and the Philippines. However, South Africa bears more costs from losses from crime, whereas the other countries spend more on security. The costs related to crime are likely to grow higher if companies continue to spend on security.²³⁶

Impact on perpetrators

12.20 For some people violent crime is highly lucrative.²³⁷ But in so far as popular perceptions are that most criminals are able to pursue their activities with impunity and, therefore, that "crime pays", these are not necessarily correct. "Most criminals are ... obviously unsuccessful in conventional terms. Persistent offenders typically persist in spite of low incomes, insecurity, fragile relationships, physical injury, spells of imprisonment, and so on."²³⁸ People who readily resort to violence in ordinary interpersonal relationships are unlikely to be able to maintain satisfying or rewarding relationships with others. Low-level gang members at least are compelled to perpetually act out elaborate rituals of deference or face the risk of violence from their peers.

²³³ Grant Thornton, 2007.

²³⁴ Ibid.

²³⁵ Newmarch, 2007.

²³⁶ Stone, 2006: 11.

²³⁷ See the discussion of the lavish lifestyles lived by members of cash-in-transit heist networks, as well as some of the other repercussions they are exposed to as a result of their wealth, in Irish-Quobosheane, 2007: 52–60, and, in relation to hijackers, 133–135.

²³⁸ Smith, 2002: 721.

While some violent offenders may be immune to awareness of the consequences of their actions, others may be deeply traumatised by acts of victimisation that they suffered,²³⁹ or that they were responsible for. “Psychologists and psychiatrists who work with offenders who have been active members of gangs report high levels of trauma and mental illness, including depression and psychosis. According to [one...] it is common to find gang members suffering from debilitating recurring nightmares, which involve playing back acts of extreme violence.”²⁴⁰ Unless they are mature enough to accept some level of responsibility for their actions, they may become trapped in a persistent state of rationalisation or denial, or other “techniques of neutralisation”,²⁴¹ perpetuating and reinforcing unresolved internal anger directed against the victim or criminal justice officials as the subjects of blame for the unhappy state in which they find themselves.

²³⁹ Dissel, 2005: 308.

²⁴⁰ Standing, 2006: 130.

²⁴¹ Sykes and Matza, 1957, quoted in Rock, 2002: 57.

13 THE CAUSES OF VIOLENT CRIME IN SOUTH AFRICA

Introduction

- 13.1 In explaining violent crime, one of the basic questions relates to whether there are standard generic explanations for different incidents or types of crime, or whether the different types of crime or violence require different explanations. Such questions could be asked in relation to:
- 13.1.1 Whether violent crime has different causes from other crime such as property crime not involving violence, which, as indicated (paragraphs 4.1 and 4.7) makes up the bulk of reported crime.
 - 13.1.2 Whether violent crimes such as robbery should be explained in different terms from other violent crimes such as assault, or sexual assaults against women or men, or sexual assaults against children.
- 13.2 In South Africa and elsewhere, violence can to some degree be seen as having causes that are different from other crime. But violent crime in South Africa flourishes partly because the social environment more generally is conducive to the proliferation of crime. Some of the factors relevant to understanding the prevalence of violent crime are factors that support the proliferation of crime generally. Both types of factors are considered in this section.
- 13.3 There is no single factor or explanation that can be used to explain violence. Incidents of violence can be seen as emerging from the interaction between different factors. Physical harm to the victim is not the primary objective of most robbers, although a preparedness to inflict such harm is implicit in the act of robbery. Similarly, inflicting physical injury on the victim is not the primary objective of most rapists. Once an assault is in progress, the objective may be to hurt, injure, overpower or kill, but this objective is one that emerges relatively spontaneously in most arguments that become violent. As in other countries there are predatory criminals who go out in search of people to

attack and hurt or even kill, “but however dangerous they are, these are the minority of assailants, rapists and even killers”.²⁴² The dynamics of most incidents of violence, perhaps apart from violence that is institutionalised as part of the pattern of some domestic relationships, and the violence of “serial” killers or compulsive sadistic rapists, unfolds according to the circumstances of the incident. Such violence is difficult to predict but, at least retrospectively, it can be helpful to analyse incidents of violence in terms of a combination of predisposing, precipitating and perpetuating factors where:

- 13.3.1 Predisposing factors are factors to do with family histories, social context, substance use, gang membership or the psychological profile of the individual perpetrator that contribute to the risk of violence.
 - 13.3.2 Precipitating factors are factors specific to the situation that accentuated the likelihood of a violent outcome, including “opportunity factors”, and may include factors such as the level of fear and anxiety on the part of the perpetrator, as well as actions on the part of the victim that may contribute to increasing the degree of violence involved in the incident.
 - 13.3.3 Perpetuating factors are those relating to the outcomes or reaction to violent incidents, in so far as these enhance, or at least do not diminish, the chances of further violence.
- 13.4 Explaining the causes of crime and violence is not a straightforward business. There is a wide range of explanatory approaches that have some value, although some are more relevant to some manifestations of crime and violence than to others. The key question here is what types of explanations should be regarded as of greatest relevance to the South African situation.
- 13.5 In many ways the causes of crime and violence in South Africa are also the causes of violence in other societies. Rather than providing an overall framework for explaining violent crime, the explanatory framework here is

²⁴² Levi and Maguire, 2002: 834.

largely concerned with explaining why it is that levels of violence are accentuated in South Africa.

Factors supporting the proliferation of crime and violence

Continuing ambivalence towards crime and the law

- 13.6 Under apartheid the criminal justice system served as a machinery for enforcing discriminatory and oppressive laws orientated to the subjection of Black people. Combined with official criminalisation of resistance to apartheid, this contributed to a blurring of the divide between resistance to oppression and anti-social criminality.
- 13.7 The proliferation of crime is partly sustained as a result of the fact that practices that sustain crime, and people who are involved in crime, are socially accepted in many communities. Reports have documented a phenomenon in terms of which known criminals are widely tolerated, or even admired, particularly if they are perceived as preying on people from other communities.²⁴³ This forms part of a culture that also condones other illegal practices, such as the purchase of stolen goods, illegal reconnections and corruption.
- 13.8 While these attitudes may be traced back to the apartheid era, their continuation reflects an ambivalence on the part of many people with regard to the law, and a hesitancy about taking on the full responsibilities of citizenship.
- 13.9 Despite the political transition, Black South Africans have been structurally disadvantaged by apartheid. While there are mechanisms for ensuring redress, such as employment equity, many people are still afflicted by an uncertainty about whether they are able to survive and prosper if they conduct themselves according to standards of legality. The availability of stolen goods is one way of “making do” in this environment of uncertainty. As a result,

²⁴³ See, for instance, Irish-Quobosheane, 2007: 60–63, 86–88, 135–137. Also Standing, 2006: Chapter 4, especially 194–231.

people develop reciprocal relationships with those involved in crime. This detracts from the willingness to take steps against criminals and undermines the moral basis for condemning them.²⁴⁴

Social change and its impact on child rearing and youth socialisation

13.10 South Africa's recent political transition needs to be situated within the context of broader more long-term processes of upheaval and change. The current epoch is one of major transformation on a global level. This partly involves the institutionalisation of the market economy as the dominant mode for economic relations throughout the world. Accompanying the institutionalisation of the market economy has been a global process of social upheaval associated with a complex range of cultural shifts that have weakened older concepts and systems of authority, and brought to the fore a concept of the individual as free and autonomous.

13.11 The impact of these shifts varies from country to country, depending on specific factors in these countries, but nevertheless have substantial impacts, among others on the types of circumstances in which young people grow up. For example:

13.11.1 Delius and Glaser indicate that, prior to conquest, African communities were relatively open in relation to intergenerational communication on sexual issues. The power of adolescent sexuality was recognised and techniques and controls existed to help minimise its socially destructive dimensions, while peer groups also played a part in monitoring and managing adolescent sexuality. "In the twentieth century these forms of sexual socialisation crumbled under the combined onslaught of Christianity, conquest, migrant labour, urbanisation and western education... The peer group pressures that had previously restrained adolescent sexuality now urged youth on to greater levels of sexual experimentation, and helped to entrench models of

²⁴⁴ See Standing, 2006: 212.

masculinity which celebrated the commodification, conquest and control of women.”²⁴⁵

13.11.2 Writing in a British context, Smith states that “in the second half of the twentieth century, as full time education lengthened, so the time when young people started work was postponed for longer and longer. This created a lengthy period during which young people had an ambiguous status, which became thought of as a separate phase of the life cycle for the first time in history. During this adolescent phase, teenagers spent most of their time with other teenagers, and had weak ties to adults or adult institutions in conventional society.”²⁴⁶ Though it does not account for all adolescent offending, peer influence is decisive in explaining why some individuals start offending in adolescence.²⁴⁷

13.12 The way in which global cultural shifts have played themselves out in South Africa has been shaped by the specific history of apartheid and institutionalised racism. In South Africa the character of urbanisation was shaped by the migrant-labour system, influx control and the pass laws. The implementation of these laws accentuated the strain families were subject to, contributing to a historical legacy of a relatively large number of dysfunctional families. While many South African families are nevertheless successful in nurturing emotionally well-rounded children, others are characterised by domestic violence or alcoholism, and these in turn have a negative impact on children and tend to be associated with other problems such as inconsistent or uncaring parenting, neglect or other abuse. Girls who become pregnant in their teenage years, and single mothers, may be ill-equipped to provide the type of care and nurturing that supports healthy emotional, mental and physical development. It is not true that all perpetrators of violence necessarily come from families of this kind. But the prevalence of these types of problems is definitely linked to the degree to which young people in a society grow up with anti-social or violent tendencies, often linked to certain

²⁴⁵ Delius and Glaser, 2002: 20.

²⁴⁶ Smith, 2002: 738.

²⁴⁷ Ibid: 739.

types of mental or emotional dispositions or pathologies that are often a product of, or reinforced by, the parenting and family environments from which they emerged.

Broad socioeconomic and socio-psychological factors

- 13.13 The current South African situation is one of high levels of unemployment and poverty alongside high levels of inequality, with high levels of wealth among the more affluent classes. South African society in many ways still reproduces the “two-tier” structure and relationships of apartheid, although in a slightly deracialised form, and in many ways still operates in such a way as to serve the interests of the (non-racial but primarily White) elite, contributing to a sense that the elite are valued but that the mass of people are not valued as citizens.
- 13.14 The degree of inequality creates a high degree of “relational distance” between people in South Africa that reinforces perceptions partly derived from the apartheid period, in terms of which (poorer) people find it difficult to see themselves as being worthy of respect from others, and in which people more generally find it difficult to see themselves as part of a common citizenry. These perceptions feed into attitudes and dispositions, such as the disposition to see people poorer or richer than themselves, or from another race, as “other”, feeding, on the one hand, into the ability to rationalise criminal victimisation and, on the other, strengthening fear of crime.
- 13.15 The dynamics of situations where people injure or kill others for items of property, whether big or small, are also reflected in other situations in our society where people use their own material interests as a justification for treating others with indifference, and seem unconcerned about the consequences of their actions for others. In some situations, for instance, people allow their employees to be exposed to situations that are dangerous or unhealthy, but are happy to reap the material benefits of this relationship. Callousness or indifference of this kind, which often also reflects the

“relational distance” between people, in turn also feeds into the types of attitudes that contribute to the perpetration of violence.

13.16 The legacy of racism, combined with conspicuous consumption in an environment of high unemployment and inequality, has pervasive negative effects in terms of feelings of self-worth. The net impact is one where South Africans are in many ways vulnerable to acquisitive behaviour that is motivated by the need to assuage feelings of low self-worth. Many people live in a world where it seems to them that their ability to obtain acceptance and respect from others will depend on whether they are able to display, or provide as gifts, the right type of consumer goods. These factors promote acquisitive crimes such as robbery and theft,²⁴⁸ as well as contributing to the strength of the market for stolen goods.

13.17 Alongside these factors the global economic environment is one that is dominated by a highly sophisticated styling and marketing of consumer goods orientated to servicing affluent consumer markets. The current South African economic-development path is premised on the idea of South Africa playing a role within this global economy, with a major emphasis on economic growth as a means of tackling problems of unemployment and poverty. This has involved expansion of an economy in South Africa that is built around the consumer needs of the more well off. Personal worth has come to be equated with the display of wealth and markers of social status produced for this market. Advertising and, in turn, conspicuous consumption feed on and into deep-seated feelings of lack of worth that are the legacy of apartheid.

13.18 As noted (paragraphs 4.1, 4.7 and 13.1.1), most reported crime, and some violent crime, is property crime that is essentially acquisitive in nature. Property crime may be motivated by a need on the part of those who are unable to find work and who, for instance, have families who are living in poverty. Individuals may also choose a criminal career in preference to the other opportunities available to them on the grounds that the returns from crime are obtained more quickly and are likely to be better; because the work

²⁴⁸ See, for instance, Irish-Quobosheane, 2007: 134.

opportunities open to them are regarded as unattractive; because of the excitement, camaraderie or sense of power to be had in doing crime and being known as a criminal; and because they do not think seriously about the long-term consequences of this choice.

13.19 Factors that undermine self-confidence and self-respect, and feed into feelings of doubt about personal worth, also feed into crime and violence in other ways, such as in removing motivations for self-control, or in increasing the disposition to take offence at perceived slights or insults. Feelings of low self-worth feed into the motivation to own guns as a way of guaranteeing respect from other people. Difficulty in coping with negative emotions associated with low self-worth also contributes to the motivation towards alcohol and other substance use.

13.20 Issues of self-worth play themselves out in interpersonal relationships between people, and are also articulated on the terrain of sexuality, where negative feelings about being Black are reinforced by a media environment that tends to associate beauty and desirability with being White.

Insecurity and beliefs about masculinity

13.21 In contrast to the apartheid period, where mutual oppression fed into forms of social and political solidarity against oppression and economic vulnerability, in current-day South Africa economic insecurity is accentuated rather than tempered by the social environment. Conspicuous consumption, limited economic opportunities and the rapid upward mobility of some individuals, themselves enhance the insecurity of those left in their wake, contributing to rivalry and competition within communities. The threat of crime and violence also enhances insecurity, so that people are forced to think of themselves as potential victims.²⁴⁹ Fear of violence and crime also becomes a concrete vehicle for broader but less tangible feelings of vulnerability and fear, reinforcing the demand for guns and the overall disposition to see a preparedness to use violence as necessary for survival. In the case of men,

²⁴⁹ See Inter Departmental Strategy Team, 1996.

these insecurities are also reinforced by challenges to traditional male roles in the workplace and the family as a result of the impact of gender equality, contributing to a type of insecure and threatened masculinity.

13.22 Beliefs and attitudes about what it means to be a man, about male sexuality, and about women and male rights of authority over women, also contribute to the motivations for and legitimisation of violence in various ways. For instance, in one survey conducted in the late 1990s roughly one in five men (19%) and one in 10 women (9%) agreed that it was sometimes acceptable for a man to hit his wife or partner. Compared to the 14% of respondents overall who agreed with this statement, a higher proportion of people in rural areas (20%), and particularly rural men (28%), agreed with these ideas. There were also high levels of support for these ideas among men who were unemployed (27%).²⁵⁰

13.23 These beliefs and attitudes, and their interaction with feelings of insecurity and low self-worth, are not only relevant to understanding violence against women but contribute to violence more broadly, so that beliefs legitimate violence. But violence is also a defence against internal pain and doubt, a means of trying to retain control, and pursuing acquisitive and other avenues that, it is hoped, will help to restore dignity.

The normalisation of violence

13.24 The high levels of acquaintance and other violence reflect a situation where violence is regarded as a viable and legitimate way of resolving problems and asserting or protecting one's interests. The idea that "violence breeds violence" is something of a cliché and is often used to explain violence that is perceived as defensive or retaliatory. But the first level at which "violence breeds violence" is at the level where people, often in their early years, internalise the idea that violence is a viable and legitimate way of asserting or protecting one's interests, along with the emotional habits, such as a ready disposition to anger and aggression, that are associated with these ideas.

²⁵⁰ Pigou, et al., 1998: 35.

- 13.25 Violence between parents in the home, and violence against children by parents or siblings, are factors that contribute to the normalisation of violence. The tolerance of violence among children in the school environment, and among young men in the community more generally, are also facets of the normalisation of violence. Violence has come to be regarded as a valid means of self-assertion, and obtaining cooperation, respect and compliance from others, particularly among young men.
- 13.26 In communities that are widely affected by poverty and unemployment there are likely to be numerous causes of friction between people at an interpersonal level. While many may prefer to resolve differences non-violently, normative ambivalence (see 13.6 and following) means that many social transactions do not take place on the basis of trust, contributing to the likelihood that threats and physical coercion will come into play in many social interactions.
- 13.27 Analysts who have sought to explain the process in terms of which violence has become normalised in South Africa have debated whether this should be linked to the era of political violence, particularly in the 1980s. However, it seems that South African townships were already afflicted by fairly high levels of criminal violence in the middle of the last century, and explanations probably need to take a longer historical view, which possibly incorporates reference to the overall process of social dislocation, dispossession, institutionalised violence, and informal racialised violence, which was directed against Black people during much of the 20th century in South Africa.²⁵¹
- 13.28 In relation to torture by criminals it seems reasonable to take note of the fact that the use of torture was institutionalised in South Africa by members of the security forces during the apartheid period. In current-day South Africa there continue to be reports of torture by the police, although torture is clearly not practised on the same scale as during the apartheid years. It would perhaps not be a mistake to identify a relationship between the legitimisation and popularisation of torture during the apartheid period and the continuing use of

²⁵¹ Kynoch, 2006.

torture by some members of the police, and the occurrence of incidents where torture is used during robberies and other crimes.

13.29 The high levels of violence may also be said to contribute to a type of collective cumulative trauma. Many people have been exposed to violence in their domestic or community environments, have been victims of violence, or themselves have been involved in perpetrating acts of violence. The overall impact of this is that people feel overwhelmed by violence, and resigned to its inevitability, and find it difficult to remember or imagine a state of being that is not characterised by fear and violence.

The broad impact of the criminal justice system

13.30 The introduction of a human rights-based dispensation has been associated with a strong emphasis on due process within the process of crime investigation and prosecution. In due process-based systems it is not necessarily reasonable to expect very high rates of convictions related to the overall rate of crime, partly because there is a strong emphasis on avoiding the conviction of innocent people.

13.31 Due process-based systems rely substantially on the consistent application of basic investigation procedures and techniques, and on the skills of police and prosecutors, in order to successfully investigate and prosecute cases. However, for reasons partly to do with uneven management and shortcomings of capacity and skill, the relevant police and prosecutorial personnel do not consistently apply these techniques, detracting from the overall effectiveness of the criminal justice system in dealing with crime, and limiting its capacity to fulfil a deterrent or incapacitating function.

13.31.1 It should nevertheless be noted that efforts to improve the effectiveness of the criminal justice system are likely to be associated with relatively marginal increases in effectiveness. Certain categories of crime, such as robbery and many other property crimes, are inherently difficult to investigate and prosecute, and it is unreasonable to expect high rates of

convictions in relation to these. However, a single conviction may also result in the imprisonment of someone who is responsible for, although not convicted of, several acts of criminality.

13.31.2 Simultaneously, cases of acquaintance violence, other than murder, are also affected by very high rates of case withdrawals, a reflection of the fact that this violence takes place within the context of social relationships between people, and that criminal justice responses that are primarily punitively orientated are in some ways a “blunt weapon” for responding to violence that takes place on this terrain.²⁵² Even where cases are not withdrawn, complainants may lose their enthusiasm for pursuing the case, resulting in the prosecution having to carry on with the case without the full cooperation of the main witness. In terms of violence within private space there are often no independent witnesses present. Even where acquaintance violence takes place in public space and there are witnesses present, the fact that victim and perpetrator roles are often ambiguous, and that violence can partly be justified as self-defence, add complexity to the task of criminally prosecuting perpetrators of such violence.

13.32 Notwithstanding the above, a large number of people are actually apprehended and prosecuted every year, and many thousands are imprisoned. While imprisonment serves a temporary incapacitating function, most of those who are imprisoned spend relatively short periods in prison. Whether they are merely arrested or are imprisoned, the interactions offenders have with the criminal justice system often have little impact on discouraging reoffending, and often seem to increase the risk of such behaviour. Sophisticated types of programmes orientated towards working with young offenders have been developed in South Africa, but these are not provided at a scale that would enable them to impact on the volume of the problem.

²⁵² See, for instance, Mistry, 2001: 40.

- 13.33 Shortcomings in the criminal justice system are also associated with a lack of overall responsiveness in recognising and responding to specific crime problems, so that criminals in one or other area are sometimes able to continue with their criminal activities or lifestyles without police responding to the problem.
- 13.34 The attitudes of ambivalence towards the law are also fed by a lack of confidence in the criminal justice system, partly in relation to the inability of the criminal justice system to protect community members who report crime and assist the police. This, in turn, detracts from people's willingness to cooperate with the criminal justice system and further perpetuates impunity.
- 13.35 Criminal justice officials themselves may reinforce the culture of violence. Police brutality is not as endemic as it was under apartheid, but there is still a substantial problem of police violence, spurred on in part by more generalised anger about crime. Police violence is part of, and reinforces, the normalisation of violence, and undermines respect for the law. Correctional officials also reflect societal attitudes that are hostile towards offenders in allowing an environment of violence to flourish within prisons, as they do not regard prison inmates as being worthy of protection against violence.

Alcohol and other substance use

- 13.36 Widespread alcohol and drug use is also clearly a facet of the problem. While there are other countries with similar or higher levels of use of alcohol that are not so severely affected by violence, in South Africa alcohol and drugs interact with other internal dispositions and pathologies, such as feelings of low self-worth, the incidence of which is heightened as a result of other factors mentioned, such as weaknesses in the family, the legacy of racism, and the context of inequality.²⁵³ There is also evidence that foetal alcohol syndrome may contribute towards individual predisposition towards offending.

²⁵³ In this regard see, for instance, Parry and Dewing, 2006; SAPS, 2004; National Injury Mortality Surveillance System reports; as well as, for instance, Mistry, et al., 2001: 35.

The role of firearms

13.37 The proliferation of legal and illegal firearms in South Africa not only contributes to the level of destructiveness caused by violence, but also contribute to the overall level of violence. As noted above (paragraph 6.4.3), guns in the hands of those who are criminally minded dramatically increase their coercive power and dangerousness and, therefore, their confidence about being able to dominate others through the use or threat of violence. The presence of guns in the hands of both parties in many situations, whether these are robberies or arguments between two people, often contributes to the speed with which incidents escalate, and thus the likelihood that they will come to a violent resolution.

The legacy of war in South Africa and the region

13.38 One of the questions raised by violent crime is about the role of “former combatants” in contributing to the overall crime problem. The concept of “former combatants” in South Africa can be applied variously to people who were involved in formal and informal military or defence structures, as well as people who were involved in an irregular capacity in violent conflict, such as people who were involved in street battles with the police but were not permanent members of any structure. The high levels of violent crime are not primarily driven by people from combatant backgrounds, although people with such backgrounds have played a role, notably in groups involved in cash-in-transit heists.²⁵⁴

13.39 South Africa’s relatively prosperous economy and liberal political dispensation turn South Africa into a magnet for people from other countries where levels of poverty are high and the economies are less productive. This applies particularly in Gauteng where much of the economic activity and wealth of the country is concentrated. This has included people interested in exploiting opportunities for crime, who have among them some people with military

²⁵⁴ Irish-Qhobosheane, 2007: 36.

training, of whom there are many in the southern African region.²⁵⁵ However, again this is an aggravating factor in the overall problem of violent crime, rather than one of the primary drivers.

13.40 The history of war in South Africa and the region also compounds the problem of violent crime by contributing to the availability of weapons, including some of the heavier weaponry used in cash-in-transit heists.²⁵⁶

The domestic, regional and global criminal economy

13.41 Ambivalent attitudes towards the law in South Africa help to sustain a market for goods that have been acquired through theft and robbery. But this economy is, in turn, sustained by its interaction with criminal economies in the region and more broadly. The market for stolen goods in South Africa and elsewhere means that crime is a major employment opportunity. The transition to democracy has also been associated with greater fluidity of movement between South Africa and other countries, as well as creating something of a vacuum of control, which has been exploited by criminal groups that have now institutionalised themselves.

²⁵⁵ Ibid: 156.

²⁵⁶ Irish-Qhobosheane, 2007:32-33.

14 MEASURES TO ADDRESS VIOLENT CRIME

Introduction

- 14.1 These recommendations are made within the framework of existing policy that places strong emphasis on strengthening the functioning of the criminal justice system, and are intended to complement existing policy. The recommendations incorporate measures that are orientated towards addressing the overall problem of crime, but are focused mainly on measures directly targeted at the problem of violence.
- 14.2 With some notable exceptions, the recommendations below are largely addressed at government. However, it is also important to ask about steps that organisations in civil society, and members of the public more generally, can take to address crime and prevent violence. The recommendations made here may also inform initiatives of this kind.
- 14.3 The recommendations are intended to provide an overall framework for addressing violence, which would both complement and directly strengthen existing initiatives within the criminal justice system. An action plan will need to be developed to turn the recommendations into actionable interventions.

Principal findings and recommendations

- 14.4 A large body of international research²⁵⁷ indicates that the interventions that have the greatest potential to address violent and other offending in the medium to long-term, and which, in addition to being more cost-effective, have broad social benefits that extend beyond preventing crime, are measures such as:

- 14.4.1 Sending public health nurses or equivalent professionals to visit the homes of high-risk families, such as low-income families and those involving teenage or unmarried first-time mothers, to help

²⁵⁷ This section quotes extensively from Waller, 2006, which is an accessible synthesis of the research literature. But see also, for instance, Sherman, et al., 1998a or 1998b, as well as, in a local context, Emmett and Butchart, 2000.

them with parenting practices, mental health problems and to address the use of tobacco and alcohol.²⁵⁸

- 14.4.2 Providing professional child-care workers or using preschool and other programmes to increase the cognitive and social abilities of children in underprivileged socioeconomic surroundings,²⁵⁹ and to help them develop without the disadvantages of inconsistent and uncaring parenting.²⁶⁰
- 14.4.3 Comprehensive education and family-support services that reach out to families in high-poverty neighbourhoods to help disadvantaged children get ready for primary school in order to promote children's academic success, to facilitate parents' involvement in their children's education,²⁶¹ and to enhance family functioning by strengthening the parent–child relationship.²⁶²
- 14.4.4 Increasing support and respite for parents so that they are able to provide more consistent and caring parenting.²⁶³
- 14.4.5 Developing emotional skills for primary school children so they can understand, express and regulate their emotions.²⁶⁴
- 14.4.6 Providing adult mentors to provide a sustained caring relationship and role models to youths aged 6–18 who live in single-parent families below the poverty line.²⁶⁵
- 14.4.7 Residential programmes that provide social and educational support to youths preparing to enter the job market.²⁶⁶

14.5 **Recommendation 1:** It appears reasonable to assume that sustained investment in measures of the kind discussed in paragraph 14.4, targeted at violence-prone communities, would be likely to be beneficial in reducing

²⁵⁸ Waller, 2006: 26.

²⁵⁹ Ibid: 28.

²⁶⁰ Ibid: 24.

²⁶¹ Ibid: 25.

²⁶² Ibid: 30.

²⁶³ Ibid: 28.

²⁶⁴ Ibid: 28.

²⁶⁵ Ibid: 28.

²⁶⁶ Ibid: 31–32.

overall risk and disposition towards violence and overall levels of violence in many such communities. Government should strengthen the provision of these types of support to high-risk families. Preferably the provision of such support should be financed out of supplementary funds provided to the relevant government departments on a sustained basis rather than undermining existing initiatives.

14.6 **Recommendation 2:** In addition, the large number of child-headed households should be regarded as deserving of similar types of interventions.

14.7 While there are government programmes focused on these problem areas, developing a programme to support more focused implementation of measures of this kind requires sustained political will, as well as financing and demarcating line responsibilities for management and implementation. It also requires investment in developing the human resources capacity to support and implement these kinds of interventions, which may include outsourcing components to agencies outside government.

14.8 **Recommendation 3:** While some of these initiatives, such as those addressed at primary school children, fall within the ambit of the existing government departments, and departments may be able to accommodate initiatives of this kind, government should consider establishing a dedicated agency along the lines of the British Youth Justice Board²⁶⁷ to strengthen interventions in this area.

Broad framework for addressing violent crime

14.9 **Recommendation 4:** Policies, programmes and initiatives at various levels in society should be strengthened in such a way as to better promote social

²⁶⁷ The Youth Justice Board was established under the Crime and Disorder Act of 1998. In addition to initiatives focused on improving the efficiency of juvenile courts, and orientated to reducing repeat offending among young offenders, it also funds the Youth Inclusion Programme that focused on small groups of “most at risk” youth — the 8–17-year-old age bracket in 110 of the most deprived/high-crime neighbourhoods in England and Wales. Youth are provided with 10 hours a week of activities, including “sports, training in information technology, mentoring, and help with literacy and numeracy issues” as well as “assistance in dealing with violence, drugs, gangs, and personal health”. Waller, 2006: 35, as well as <<http://www.yjb.gov.uk/en-gb/yjs/Prevention/YIP/>>.

cohesion and inclusion, to motivate poorer and marginalised constituencies to feel that they have a greater stake in society, to engender among these constituencies a greater sense of their value and importance to society, irrespective of their social status and circumstances, thereby promoting awareness of personal worth, and to engage more directly with the problem of inequality.²⁶⁸

14.10 **Recommendation 5:** Roleplayers in the media and advertising industry should engage with how the images they present impact on perceptions of personal worth.

14.11 **Recommendation 6:** Measures to promote a non-violent and law-abiding society and respect for justice and the law should be strengthened by:

14.11.1 Strengthening the condemnation of violence against women and extending this to a general condemnation of violence in social relationships and in society more broadly.

14.11.2 Articulating the values embodied in the Constitution in a manner that clarifies their meaning in relation to personal conduct, notably in emphasising the issue of dignity and by implication the importance of acting in accordance with standards of respect and civility towards others.

14.11.3 Motivating members of the public at all levels of society to report criminal activities, and to refrain from conduct that supports crime, including the buying of stolen goods.²⁶⁹

14.11.4 Emphasise the need for public officials to conduct themselves in terms of standards of integrity.

14.12 **Recommendation 7:** Within public space, recreational facilities, schools, correctional institutions and in society more broadly there should be a stronger emphasis on discouraging violence including:

²⁶⁸ Compare first bullet point in recommendations section of Irish-Qhobosheane, 2007: 214.

²⁶⁹ Compare fourth bullet point in recommendations section of Irish-Qhobosheane, 2007: 214.

- 14.12.1 Discouraging and preventing the carrying of guns and other weapons.
- 14.12.2 Taking measures to ensure that there is safety in specific areas, and, at times, where there is a heightened risk of violence.
- 14.12.3 Empowering appropriate people to intervene to discourage and prevent violence.

14.13 **Recommendation 8:** Overall there should be a strengthening of the focus on emotional and interpersonal awareness and development, and positive peer-group relationships, with notable emphasis given to the quality of interventions of this kind in violence-prone communities. Skills of this kind can be promoted among people in troubled families, in schools, in prisons and in the police.

14.14 **Recommendation 9:** Along with measures of the kind referred to in Recommendation 8, efforts at discouraging violence at schools should include measures to ensure that violence and bullying are reported within the school,²⁷⁰ and working in a focused way with bullies and their victims to stop bullying.²⁷¹

14.15 **Recommendation 10:** In relation to the policing system:

14.15.1 CSVR has recently issued a report that provides an overall framework and approach for stabilising and consolidating the South African Police Service, and the full set of recommendations made in that report are relevant to an overall framework for strengthening the criminal justice system.²⁷²

14.15.2 Among the recommendations made in the report are recommendations to strengthen support to SAPS members in their interactions with suspects and in dealing with conflict situations.²⁷³

²⁷⁰ See the Centre for Justice and Crime Prevention, undated: 5, regarding informal pressures in the school environment not to report violence and other bullying.

²⁷¹ See Waller, 2006: 30–31.

²⁷² Bruce, Newham and Masuku, 2007.

²⁷³ Ibid. See p. 178, recommendation 26.

The context in which the police are working is characterised by high levels of violence and conflict. Empowering police to deal with armed suspects, as well as to intervene in an effective manner in interpersonal confrontations that are violent or potentially violent, is necessary if they are to have the confidence to work in this environment.

- 14.15.3 In addition to strengthening initiatives to deal with gender violence, police should be trained and motivated to recognise other categories of victims, including victims of male-male peer violence, as deserving of sympathetic service. This should apply notwithstanding the fact that they may be intoxicated, and despite the fact that this may add to the difficulty of providing assistance to them.
- 14.15.4 In line with this recommendation, and recognition that there is a strong overlap between victim and offender constituencies, police members should be motivated to ensure that suspects and offenders are also treated in a respectful way. In this regard the SAPS should reinvigorate and renew its commitment to the Prevention of Torture Policy.
- 14.15.5 In terms of broad analysis the police should differentiate between poorer violence-prone communities, and middle-class high-crime communities, and tailor their strategies accordingly.
- 14.15.6 Vehicle stops by municipal police should consistently be used to check for illegal firearms.
- 14.15.7 Recommendations below that are also directly relevant to the police include:
 - 14.15.7.1 Recommendation 11 on firearms.
 - 14.15.7.2 Recommendation 12 on the need for strengthening interventions in relation to domestic violence to support violence prevention.
 - 14.15.7.3 Recommendation 13 on responses to “youth at risk”.

14.16 **Recommendation 11:** The implementation of the Firearms Control Act by the police and by courts should be strengthened, notably in ensuring that firearms are not legally available to persons who are unfit to possess them, and in reducing the number of illegal firearms.

14.17 **Recommendation 12:** Domestic violence is in some ways the core of the problem of acquaintance violence. Children who grow up in an environment where there is domestic violence are particularly at risk of engaging in violence, or of other social practices that may feed into violence. Dealing with domestic-violence situations can be taxing for police, but support provided to police relating to interventions (see Recommendation 10 and particularly 14.15.2 above) should engage with difficulties in dealing with these types of situations and help police to reflect on the types of outcomes they can achieve through these interventions. In addition, some children in families affected by domestic violence may be at risk, particularly if the domestic conflict is also associated with neglect, inconsistent or inappropriate discipline, or other abuse.

14.18 **Recommendation 13:** In addition to factors associated with the home environment (addressed in 14.4 and recommendations 1, 2 and 12 above), violent or other conduct, and *violent victimisation*,²⁷⁴ can be seen as warning signs for future violent or other criminal behaviour, particularly among young boys. The types of support and interventions most appropriate for such youth will depend on their age and broader circumstances, but such interventions need to start with identifying those who have the greatest need for these interventions.

14.18.1 Many of the types of measures highlighted in 14.4 above would be appropriate for interventions targeted at these “youth at risk”.

14.18.2 Where such youth have been involved in perpetrating acts of violence, diversion measures, possibly modelled on the framework in the Child Justice Bill, may be helpful in addressing their violent

²⁷⁴ See, for instance, Shaffer and Ruback, 2002, as well as Dissel, 2005 and Langa, 2005.

behaviour, but should also include a component of the kind outlined in Recommendation 8 above.

14.18.3 Restorative justice approaches should be strengthened generally in addressing acquaintance violence, although in some instances this should be in addition to imprisonment.

14.18.4 Probation services would also need to be aligned with interventions targeted at this constituency.

14.18.5 As indicated (see paragraph 14.7), strengthening interventions in these types of areas requires developing specific types of human resources capacity. In particular, it would require much greater investment in the social work profession.

14.19 **Recommendation 14:** In line with Recommendation 7, the Department of Correctional Services should take stronger measures to ensure that prisons are managed in such a manner as to minimise violence and promote a non-violent environment in prisons. Programmes around emotional and interpersonal awareness and development should also be provided to prisoners, along with other life skills or occupational training.

14.20 **Recommendation 15:** In line with paragraph 14.15.3 of Recommendation 10 above, victim support programmes should also be motivated to recognise victims of violence broadly, including victims of male-male peer violence, as deserving support, and should inform themselves about the type of empowerment measures that are likely to be most beneficial to different victim groups.

14.21 **Recommendation 16:** The advertising of alcohol should be prohibited. Revenues from taxes on alcohol should be directed to public education around violence, including public education which specifically addresses “hazardous drinking” such as drinking to intoxication,²⁷⁵ as well as the vulnerability to violence associated with alcohol consumption.

²⁷⁵ See Parry and Dewing, 2006.

14.22 **Recommendation 17:** Public education around sexuality should be strengthened and should seek to speak to young men in a way that is meaningful in terms of their experience of their own sexuality, and address issues of responsible sexual behaviour.

14.23 **Recommendation 18:** Government should fund further research focused at understanding and addressing violence, as well as scientific evaluations of violence-prevention initiatives. In particular, research should be carried out on recidivism among violent offenders in order to inform the debate about the usefulness of minimum-sentencing legislation.

Short-term measures

14.24 **Recommendation 19:** Government should consider this framework of recommendations and adopt an action plan for implementing these recommendations. This should also address questions to do with financing, line responsibility and institutional arrangements.

14.25 **Recommendation 20:** Government should initiate a programme of action focused on strengthening non-violence in South Africa and involving civil-society groups. Such a programme could draw on the lessons and symbolism of the National Peace Accord of the early 1990s, and also address the issues raised in Recommendation 6.

14.26 **Recommendation 21:** Public-education measures should be produced, focusing on the problem of acquaintance violence, highlighting its destructive consequences, and assisting members of the public with steps they can take to prevent such violence.

14.27 **Recommendation 22:** Government should launch an initiative in violence-prone communities aimed at mobilising local-level capacities, such as those located in Community Police Forums, towards strengthening family and community life in these communities and the ability of community members to resolve conflict and prevent violence. Such initiatives may draw on models

such as those of the Peace Committee structures, as promoted by the Community Peace programme.²⁷⁶ These initiatives should be based on models of community empowerment but should be supported with capacity and resources from outside the community.

14.28 **Recommendation 23:** There should be a rapid audit of government policy in relation to the above recommendations, specifically in relation to the impact of policy on violence-prone communities.

14.29 **Recommendation 24:** This report should be made available for general public comment and discussion.

²⁷⁶ See Cartwright and Jenneker, 2005.

15 CONCLUSION

Acquaintance violence — why is there so much violence between people who are known to each other?

- 15.1 This concept paper aims to provide an overall framework for understanding violence in South Africa, but focuses on acquaintance violence. In this report “acquaintance violence” refers to violence that takes place within a wide spectrum of relationships in which people are known to each other. These relationships include intimate and family relationships, relationships with friends, employers or neighbours, or “other” acquaintances. At the outer edges of this spectrum of relationships, the concept of acquaintance becomes blurred in relation to questions such as whether someone who is “known” by sight should be seen as an acquaintance, or at what point someone with whom one has spoken, or travelled with for a short time, switches from being a stranger to an acquaintance.
- 15.2 The problem of acquaintance violence has been highlighted extensively over the years by the SAPS as well as by others. In these discussions in South Africa it has often been referred to as a “social crime” or “social fabric crime”. Acquaintance violence accounts for the bulk of assaults and sexual assaults and is the primary contributor to offence categories such as assault with intent to inflict grievous bodily harm (assault GBH), attempted murder, and murder. Linked to the fact that it makes a large contribution to murder rates, it also appears that there is a higher incidence of serious injury associated with these crimes than with crimes that are more likely to be stranger crimes, such as robbery. As a result, acquaintance violence probably makes a major contribution to the load violence places on hospital services.
- 15.3 While some acquaintance violence characteristically takes place within intimate relationships and within the family, violence takes place across a spectrum of relationships. Much violence between people who are known to each other takes place in the context of “intermediate” relationships, which do not involve the “inner circle” of relationships. The relative distribution of

“intermediate” as opposed to “inner circle” perpetrators probably varies relative to factors such as the gender and age of victims.

15.4 Most violence against women is acquaintance violence, but apart from gender violence, acquaintance violence has been largely neglected on a policy level related to factors such as:

15.4.1 Belief on the part of the police that there is little they can do to prevent it.

15.4.2 The fact that it primarily impacts on poorer communities.

15.4.3 Related to this, many of its victims are marginal in terms of social status. Along with Black women, one of the dominant victim constituencies is that of young Black men. But young Black men tend to be perceived as responsible for the problem of violence, and many people have difficulty in perceiving them as a victim constituency. Much acquaintance violence between young men takes place between people who can perhaps better be described as opponents rather than victim and perpetrator, further detracting from their ability to be recognised as victims of crime.

15.4.4 Apart from groups mobilising around violence against women and violence against children, there are no groups mobilising for acquaintance violence to be addressed.

15.5 Alongside violence against women, much acquaintance violence appears to be related to arguments between men. While violence against women has deeply destructive consequences of various kinds, in so far as acquaintance violence is linked to serious injury and death, this appears to be primarily related to these male-male arguments. Daly, Wilson and Vasdev²⁷⁷ argue that this acquaintance violence, in the form of male-male “status competition”, which other analysts have referred to as “honour contests”,²⁷⁸ is accentuated

²⁷⁷ Daly, Wilson and Vasdev, 2001.

²⁷⁸ Levi and Magure, 2002: 819.

by inequality. This, in turn, would account for the tendency of rates of homicide to correlate with levels of inequality.²⁷⁹

15.6 In addition to the possibility that levels of acquaintance violence are accentuated by male-male rivalry in a society that is accentuated by inequality, acquaintance violence more generally is a product of, and itself reinforces, the normalisation of violence in specific communities. Acquaintance violence is also a product of:

15.6.1 “Fragile self concepts”²⁸⁰ associated with feelings of low self-worth. In addition to being reinforced by inequality, these types of feelings may also be part of the legacy of institutionalised racism in South Africa, and may also be associated with a type of threatened and insecure masculinity.

15.6.2 A social environment characterised by high levels of interpersonal friction and a lack of trust.

15.6.3 “Patriarchal” ideas in terms of which women are expected to subject themselves to men.

15.6.4 Heavy alcohol use.

15.6.5 The widespread availability of firearms.

The level of violence — why there is so much violent crime

15.7 Acquaintance violence can be seen as a driver of violence in society in so far as it plays a major role in the normalisation of violence. For instance, children who grow up in families characterised by violence not only internalise the acceptability of violence, but are likely to internalise the verbal and emotional style of interaction that characterises these families.

15.8 While middle-class concerns motivate for government to give priority to predatory violent crimes such as robbery, violence can probably be

²⁷⁹ Possibly this may tend more to be the case in social environments where the criminal justice system makes a strong contribution to deterrence, and to discouraging crimes such as robbery.

²⁸⁰ Levi and Maguire, 2002: 818.

addressed more productively if greater attention is paid to the problem of acquaintance violence — although this is not to argue that crimes such as robbery should not also be regarded as an important concern.

15.9 Other factors contributing to the high levels of criminal violence in South Africa include:

15.9.1 Many people have ambivalent attitudes towards the law.

15.9.2 The inadequacies of practices relating to child-rearing and youth socialisation.

15.9.3 The weaknesses of the criminal justice system in dealing with crime and the absence of investment in crime-prevention measures that are not based in the criminal justice system.

15.9.4 The legacy of war in South Africa and the region.

15.9.5 The institutionalisation of criminal economies at national, regional and international levels.

The degree of violence

15.10 Members of the public expressing disapproval about violence often label such violence as “gratuitous”, especially where the violence is particularly horrific. However, the paper highlights a wide range of manifestations of violence that potentially cause particular concern. While, analytically, some violence can be described as “gratuitous”, much of the violence of exceptional concern is not necessarily gratuitous as acts of violence, but may serve a practical or emotional purpose for the perpetrator. Rather than focusing specifically on gratuitous violence, the paper therefore highlights a more general problem of the high degree of violence in many incidents of victimisation. While this will vary from case to case, factors that may contribute to increasing the degree of violence in particular incidents may include:

15.10.1 The broad normalisation of violence.

15.10.2 The presence of firearms or other weapons.

- 15.10.3 Group dynamics and peer pressure and susceptibility to this on the part of individuals among a group of perpetrators.
- 15.10.4 Prior hostility towards the victims.
- 15.10.5 Low self-esteem, or other specific types of psychological pathologies or dispositions, the prevalence of which may be linked to factors such as family dysfunctionality and the level of previous exposure to violence.
- 15.10.6 A lack of confidence or poor communication skills on the part of the perpetrator.
- 15.10.7 Dynamics relating to the specific incident, including whether perpetrators believe they are being obstructed or lied to, language that provokes them, acts of resistance or defiance by the victim, and the mental state of the perpetrators possibly linked to their use of drugs or alcohol.
- 15.10.8 A desire on the part of the perpetrator for notoriety.

Framework for tackling violent crime

- 15.11 The main findings and recommendations of this report emphasise a body of research that highlights a range of interventions, targeted at children and families, that have demonstrated the strongest impacts on levels of crime. The potential for expanding initiatives at this level also raises a question about the need for a dedicated agency intended to guide crime-prevention initiatives of this kind, which are primarily concentrated outside the criminal justice system.
- 15.12 In addition to this, the report also makes suggestions on a wide range of other possible measures, including measures at the level of macro-socioeconomic policy; social values; creating violence-free public institutions; promoting skills relating to emotional and interpersonal awareness; specific interventions at schools; measures in the policing and correctional system; and measures targeted at domestic violence, firearms and youth at risk, among others.

15.13 In terms of immediate measures, the report also makes a number of recommendations including, among others, motivating for mobilisation of local-level capacities to strengthen conflict and violence prevention at the local level, and an audit of government policy in relation to the full range of recommendations put forward in this report.

15.14 Overall, it seems that criminal violence is itself a manifestation of South Africa's historical traumas as well as contemporary social ills. Many of the contemporary problems deserve to be addressed in their own right. But there will also be considerable benefit to South African society if measures targeted specifically at the problem of violence are brought more directly and explicitly onto the priority public agenda.

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