Incidence of Social Fabric Crime (SFC) in Limpopo and Strategy to Combat Social Fabric Crime (SFC)

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CHAPTER I   INTRODUCTION

"Safety and security is an important consideration for most people. An increase in the rate and incidence of crime in South Africa has made safety and security a major issue for most residents in the country" (CIAC 1998).

The CSIR Crime Prevention Centre was commissioned by the Limpopo Department of Safety, Security and Liaison to conduct a research study into the incidence of Social Fabric Crime (SFC) in the province.

This research aims to generate evidence about crime and violence, crime prevention practices, knowledge and tools that promote and support community safety and security. It also aims to bridge the gap between theory and practice, to make this research-based knowledge more relevant and available to those responsible for crime prevention, communities, the criminal justice system (CJS) and policy makers.

This report seeks to deliver not only an overview of research into aspects of SFC, including grievous bodily harm (GBH) but the key findings will inform the development of a strategy to reduce levels of violence in the Limpopo Province. It also aims to strengthen the crime prevention strategy of SAPS and those systems and processes aimed at strengthening prosecutor-led criminal investigations.

An information-based (research based) approach better informs key stakeholders and role players. The more enhanced their understanding, the more likely it is that a strategy will work. Research must thus provide a solid theoretical and objective basis for any strategy.

"An information and knowledge based approach is central, this approach should refer to effective strategy, legislation, policy, action and intervention. An effective strategy should be revisited on regular intervals so that it remains current" (uMhlathuze Crime Prevention Strategy, 2003).

Whilst the study was commissioned to deliver information on the Limpopo province it clearly emerged during the research process that what is held as true for the Limpopo province is also held as true for the most of the country. This chapter will aim to contextualize violence in Limpopo against what is happening internationally, in Africa and in South Africa.

As the Terms of Reference document specified the ideal is to (as far as possible) prevent the perpetuation of the cycle of violence and to explore preventative measures that will ensure the

removal of triggers that lead to violent behavior. The research report endeavors to discuss and explore these concerns as a common thread throughout the report.

An overview of violence

A baseline study on International and National Perceptions on Violent Crime (CSIR 2002:3) suggests that the term *'violent crime'* is not easy to define. It goes on to say that it is a social concept and therefore may differ from one country to another and between cultural groups. In simpler terms, it refers to:

> *"Crimes which involves violent acts when perpetrated such as assault, attempted murder, murder, robbery and hijacking"*

Therefore the individual's perceptions of the seriousness of crime often, whether accurate or not, informs responses, thinking and behavior at both the individual and societal level. Thus, reaction to these crimes more often than not is very emotional and subjective (it is understandably difficult to stay objective in the face of serious violence). Perceptions of the seriousness of crime not only provide a guideline for sentencing offenders but also help to understand and interpret the manifestation of different crime patterns in different types of areas. Crime is a leading major social problem. Recently the public response to crime has become a significant social phenomenon that affects the quality of life of everyone in the societal, political and financial sphere.

> *"Violence does damage – to individuals, to families, to communities and to the country"*
> (Home Office - http://www.homeoffice.gov.uk/docs/chap1.pdf)

Over the past decades violence in its many forms in South Africa has gained more and more national and international attention. It also receives great publicity in the media and it often creates the impression of an exceptionally high incidence of violent crime involving increased brutality and cruelty. This in itself creates a sense of insecurity among citizens. Violent crime creates a sense of fear and helplessness as well as the perception that such crime is out of control and that the state is unable to deal with the crime problem. According to Vogelman and Simpson (1990), many have come to refer to South Africa as living with *"a culture of violence"* - a society, which endorses and accepts violence as an acceptable and legitimate means to resolve problems and achieve goals.

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Conversely this is not just true for South Africa but it also seems to be a growing trend elsewhere in the world and in Africa,

> "..almost every country in Western Europe and North America has experienced an enormous increase in crime rates. Neighborhoods that once were safe at night have become dangerous during the day and random acts of violence, once almost unknown, have become common" (http://www.quebecoislibre.org/000610-9.htm).

Africa has a very violent and unstable history:

> "..from an historical perspective, political independence in Africa was achieved through violence in response to colonialism and imperialism"

> "Dating back to the time of the Mau Mau war in Kenya and the Algerian liberation struggles in the 1950s, liberation movements fought for and first achieved independence in the 1960s. Subsequent struggles against Portuguese colonialism in Guinea Bissau, Angola and Mozambique in the mid-1970s, and finally in Southern Africa, Namibia and South Africa closed the independence process. This violence was legitimised by the need to overthrow colonial domination in Africa" (http://www.wcc-coe.org).

Africa is at best an unstable continent and at almost any given point in time in its history, including most recently, an armed battle is raging somewhere. Whether it is about the possession of economic resources, *"The possession of oil resources, and the revenues that accrue to governments from the exploitation of this resource, have had a decisive impact on the security and stability of nearly every African country that has significant amounts of oil"* (Volman 2003:2) or about social injustice:

> "In 1998, 14 of the 53 African states were embroiled in armed conflict, accounting for more than half of war-related deaths world-wide. UNHCR's latest statistics estimate the numbers of displaced persons in Africa at approximately eight million, out of which 70-80% are women and children. With the rise of intrastate warfare, the civilian percentage of war related casualties in Africa, as in other continents, stands now at approximately 90%, a clear indication of the tragic dimensions of violent conflict on the continent and its great human cost" (http://www.unesco.org/cpp/english.htm).

> "Given the instability and lack of democracy in most African countries and the difficulty of solving political problems by peaceful means..." (Volman 2003:5).

A crippled society

A lot is known about violence and there is a vast amount of written knowledge on the subject yet violent crime, and the fear it creates, continues to cripple societies, threaten healthy communities and the personal freedom of its people. It seems no corner of our country is safe from increasing levels of violence and violent crimes. Innocent citizens of all ages find their lives changed by the fear of crime - parents are afraid to let their children walk to school alone. Children hesitate to play freely and the elderly lock themselves in their homes. Schools also reflect this picture of violence in society.

Affluent communities change their neighborhoods into gated communities in the hopes of keeping unwanted elements out. There is also a popular perception that the wealthy are more affected by crime than the poor are. The rich are twice as likely to be victimised (usually predatory property crimes) than the poor, but the poverty-stricken are nearly 80 times more likely to die or get hurt by crime than the well-off (Steinberg 1999). Furthermore, the annual incidence of violence experienced by African women is more than ten times that of their white counterparts (Trauma Review 1996). These figures are in line with the increasing international evidence that poor people bear most of the brunt of violence in society (cf. Mercy, Rosenberg, Powell, Broome & Roper, 1993; Louw & Shaw, undated; HSRC survey cited in Louw & Shaw, undated).

More and more experts on violence continue to hold the country's past responsible for the very high levels of interpersonal violence experienced in South Africa.

> "Many people in South Africa have been extremely brutalised by the political violence in our past, the disruption of families and communities, high levels of poverty and the very high level of violence of all forms" (Sunday Times, 2003. White suicides outnumber murders. By Nicki Padayachee. April 13).

Despite the high incidence of collective or political violence between 1960 and 1990 in South Africa, incidence involving individual and small groups account for the majority of violent acts. The consequences of these acts probably have the greatest impact on quality of life for the ordinary man on the street (Bornman et al 1998: Chapter 10). A recent study on violence against women by the Institute for Security Studies (ISS) describes South African society as ".. a society where crime is endemic" (ISS 2002:3).

Rape: an indicator

The World Competitiveness Report reports on rape rates as a measure of crime in all countries; this is also a reflection of the overall levels of violence in a country not at war.

> "It is generally established that the incidence of violence directed at women in particular tends to be reflective of the overall level of violence expressed in any society. South African society is an extremely violent one, and it is not surprising that in this context violence against women is prevalent" (Vogelman & Lewis 2000).

South Africa has one of the highest incidences of rape in the world, once referred to in the 1995 Human Rights Watch Report as the "rape capital of the world" (Jewkes & Abrahams 2000:5). Researchers estimate it to be somewhere in the region of 210 incidents per 100 000 women of the population (CIAC 2000). Completed rape is believed to be 'just the tip of the iceberg'. If attempted rape is taken into consideration the picture changes dramatically, researchers estimate that the problem of rape is nine times higher than that reported to the police since attempted rape is less likely to be reported.

> "Since the early 1990s, levels of violence in South Africa in all forms,....have spiraled. So, too, have the reported instances of rape" (Vetten 2000:84).

> "Rape, in its various forms is widespread in South Africa" (Vetten 2000:50).

Some of the increases of the crime of rape however, may be as a result of the inclusion of statistics for the former homelands for the first time since the late seventies, in the 1994 national figures.

> "The increase in rape must be attributable to both real as well as recorded increases in the crime. A greater awareness among women of the issue as well as some improvements at police station level, which facilitate reporting, have contributed to the increase. Despite the greater propensity to report, however, it is likely that a significant proportion of rape cases remain unrecorded in police statistics" (ISS Crime in South Africa Survey 1998).

Interestingly enough compared to the rest of the African continent, SAPS rape statistics are higher than the reported rates in neighboring African countries, for example, Botswana (68) cases and Swaziland (59) cases per 100 000 of the population in 1996 (Statistics South Africa 2000:3).

According to Riger & Gordon (1981:69), rape is also a problem that is reflected in our non-victimised population through fear of crime and restriction of life-styles, not just the direct victim suffers the consequences, and the ripple effect is wide and far-reaching.

Fear of crime

Violent crime gives rise to feelings of fear and insecurity in the community and hampers socio-economic development and productivity. Fear of crime interests originated in the United States in the 60s during a period of race riots and escalating urban violence. By providing information about the extent and the seriousness of such fear, the victim survey brought about a new area of research investigation. In general, the concept 'fear of crime' has been used to refer to perceived threats to personal safety rather than threats to property or more generalized perception of risk (Maxfield 1984:3).

> "When people express fear about crime, it is almost always the violent crimes—the murders, robberies, rapes, and assaults—that frighten them. Victims may be deeply angered and embittered when they are swindled or their house is burglarized, but these emotions pale in the face of the thought of death or serious injury from a crime of violence"(Brown et al 2001: p 445).

Garofalo defined fear of crime as an "emotional reaction characterized by a sense of danger and anxiety produced by the threat of physical harm... elicited by perceived clues in the environment that relate to some aspect of crime" (1981).

The fear of crime is a very common issue today and many people express anxiety and fear about crime and about being victimized.

> "The level of fear that a person holds depends on many factors including, age, gender, previous victimization, media exposure, income, ethnicity, all of these factors have an impact on the fear levels"(CPC 2002).

Whether at an interpersonal or inter-group level, fear is a normal and common reaction to violence. It hampers interpersonal and inter-group relations and disrupts social interaction in the community. It also has a serious impact on individuals and their quality of life. Strategies to reduce violent crime must therefore address the fear of crime and the most effective way of reducing fear of crime is through measures that are successful in addressing actual crime.

The impact of violence and violent crime on families

This refers to the consequences of violence and or violent crime. Crime has a multiple impact on surviving victims, their families, friends and the community and this is not always easy to measure. According to Glanz, (CPC 2002) the impact of violence may be measured in terms of the negative effect of violent crime on the victims themselves, their families, friends and the community. Aspects include the quality of life, financial loss because of the offence (loss or damage to property, medical costs) injuries sustained and the emotional and psychological consequences of victimization.

> "One strength is our institutions of affection - such as the family and the community - which represent a very positive and good side of Africa" (http://www.wcc-coe.org/wcc/what/jpc/echoes/echoes-18-03.html)

Contrary to this quote in an article by Kobia, from Kenya, in most communities worldwide, the greatest risk of attack is from family members (Gelles and Cornell, 1983; Hofff, 1992b; Motsei, 1993).

> "The most common location for abuse was in the home. Survivors of emotional and physical abuse tended to be in company (commonly children) when the abuse occurred" (ISS 2002:xv).

The causes of crime and identifying risk factors

Considerable energy is expended on the search for definitive causes of crime. In a society where the depth and breadth of vicitmisation is as significant as in ours, individual responses to crime are subjective, deeply emotional and fed by constant debate and anecdote (as discussed above). In broad terms, societal ills such as poverty with a massive disparity between the rich and poor, unemployment, a history of violence, deep rooted patriarchy, ready access to firearms, high levels of alcohol abuse and limited access to essential services all feed into creating a society that is particularly vulnerable to both victimization and a high incidence of offenders. Identifying causes that can be directly linked to crime prevention strategies is harder to achieve.

Researchers often attempt to answer questions such as: 'What are the main causes of crime' and 'Why do people commit crime at particular ages or times of life'. It has been found that it is easier to establish risk factors (factors that predict an increased probability of offending) than the causes of crime but it is also not a simple process to establish which risk factors have causal effects (UNISA 2001). A range of common assumptions about the prevalence of violent offenders offers broad insights into risk factors, rather than into causes per se.

As is the case with violence and violent offending a great deal is known about the risks factors of offending, for youth at risk these include among others (UNISA 2001):

- Poor parental supervision
- Low family income
- Truancy

Research has also identified early risk factors, so for instance Howard and Caslin (1999:34-36) in a study of sex offenders, identified early, immediate and ongoing risk factors. Early risk factors include alcoholism in the family and emotional and physical abuse as a child (cycle of violence).

Liese (Individual Interview, 2003 May), an international expert on youth violence distinguishes between what is described as 'troubled youth' and 'criminal thinking' (Yochelson and Samenow are the originators of the Criminal Thinking approach). Further to this, she also supports the belief that there should be clear differentiation between those factors that put an individual at risk and those factors deemed as causal factors.

It is thus clear that crime prevention can never be seen in terms of short term interventions alone – and it is perhaps this need for long term investment in dramatically changing social constructs and norms that makes crime prevention one of our most problematic focal points.

"It appears that if one wants to address the root causes of violence and aggression, one has to begin at the home and the family and address those factors that disrupt family life. Building healthy, warm and supportive families seems to be a prerequisite for building a violence-free society"(Bornman et al 1998:278).

"A poor self-image, low self-esteem and poor identity formation appear to be – in accordance with the findings of Hamilton et al. (1987) – other important factors underlying violent and aggressive behavior…. The conclusion can finally be drawn that a multiplicity of factors precipitate violent and aggressive acts. Apart from psychiatric illnesses, the most important determinant appears to be the home environment, but factors related to the wider society should also be considered"(Bornman et al 1998:278).

Responses to crime

Perhaps the most concerning impact of the levels of crime in South Africa is that on the Criminal Justice System (CJS). While there are continuous calls for 'more visible policing', 'bobbies on the beat', a quicker and more efficient court system and more rehabilitation of offenders in prison,

the reality may be that what is really needed is less people committing crime, rather than more people fighting it.

> "We count our crimes in number of victims per 100 000 – perhaps we should also be counting the number of offenders per 100 000. What we seem to ignore in our calculations is that as long as we try to keep up with the pace of offending, we are directing our scarce resources at responding to crimes that have already happened – and on those who have already become offenders - instead of at reducing the number of would be offenders." (Holtmann, Individual Interview 2003, April 01).

Current demand on the CJS by far outweighs the ability of the system to respond. In the course of this study, dockets from 9 police stations were analysed. Whilst the research team was initially concerned that there was no scientific sampling of dockets and that they may have been chosen for the superior quality of their contents, concern shifted rapidly to focus on the poor information contained in them. Information regarded as essential to investigation and processing of cases was often missing or incomplete. There is nothing to indicate that this problem is restricted to Limpopo Province as this is confirmed by various other studies (referred to in the report); on the contrary it is believed that the quality of data collected and used in the CJS in South Africa as a whole is poor, other than in exceptional cases.

The Business Day (2003, May 07) reports that Mufamadi (safety and security minister at the time) had already appointed a ministerial committee of inquiry in 1997 to look into the gathering of crime statistics. The committee found the following problems:

- The recording of the exact crime location
- The recording of the exact crime classification (for example aggravated versus common robbery or serious assault versus attempted murder)
- Updating police data with the outcome of the case once it had been through the court system

The massive burden of crime on the CJS is rarely mentioned as a crippling factor in the ongoing attempt to improve service delivery. Service providers however often complain about lack of resources and lack of capacity, lack of experience and high levels of stress and low resilience as factors that impact their attempts. In the current circumstances, these must be seen as valid although it is equally clear why they garner little support from those who suffer secondary victimization and extended trauma and vulnerability because of these shortcomings.

Community based crime prevention is a much vaunted concept. Crime – aside from certain categories of organized crime – happens at local level and it is therefore appropriate that solutions too should emanate locally. Government policy intends that Local Government should have a much more significant role in community safety.

> "The Constitution of the Republic of South Africa (1996) mandates local government to:
> - Provide democratic and accountable government for local communities.
> - Ensure the provision of services to communities in a sustainable manner.
> - Promote social and economic development.
> - Promote a safe and healthy environment.
> - Encourage the involvement of communities and community organisations in the matters of local government"

(White Paper on Local Government 1998).

Local Government is however, a fiercely contested political battlefield and it is vital that crime should not be politicized.

The impact of crime is significantly compounded by the extent of poverty and by the overwhelmingly rural nature of the province. Access to services is limited and communities have no spare resources with which to cushion themselves – either in terms of reducing vulnerability through target hardening or in terms of cushioning the impact of crime on individuals or communities.

Further examination of police data recording in the province is needed (rather than the perusal of the actual incidence of crime) but it is impossible to do more than speculate about the extent of such inaccuracies. Regardless of the accuracy of statistics, the context for crime prevention in South Africa as a whole, and in Limpopo province specifically is a society significantly beleaguered by crime and violence. The fine ideals of our Constitution, our intentions to empower women and enact the rights of our children are all threatened and in many cases overwhelmed by our inability to offer freedom from fear and from personal harm, either physical, material or mental.

Despite the harshness of the picture painted in this study, there are (as always in South Africa) signs of astounding resilience and a collective will to overcome hardship. In December 2002, thousands of people came to the province to observe the eclipse of the sun. Images of Limpopo

Province were beamed worldwide as people gathered to celebrate this natural phenomenon. Not one incident of crime marred the event; all signs of violence and criminal activity were absent. Limpopo showed itself as a welcoming, well-ordered, hospitable province – a good place to visit or even to live.

This study aims to provide guidance towards strategies for a Limpopo safe from SFC. Perhaps the eclipse offers some lateral wisdom for how to achieve this: where there is a common vision of opportunity for all, well communicated and supported by government agencies and communities alike, strategies for safety are more likely to succeed.

- **CHAPTER II   THE STUDY**

The Limpopo Department of Safety, Security and Liaison has commissioned the CSIR Crime Prevention Centre (CPC) to conduct a research study on the incidence of social fabric crime (SFC) including grievous bodily harm (GBH).

These research findings will feed into the development of a strategy to reduce levels of violence in the Limpopo Province. The department's aim is to strengthen the crime prevention strategy of the SAPS and the systems and processes that inform the prosecutor-led criminal investigations. By undertaking this the department further aims to as far as possible prevent the cycle of violence and to introduce preventative measures that will ensure the removal of triggers that lead to violence and violent crime.

- **Research objectives**
- Research into the incidence of violence in order to understand assault and violence that impact negatively on society and family life
- A detailed profile of perpetrators who resort to violence/violent behaviour from the analysis of various reliable data sources, including prosecuting records of convicted persons and other related data
- Analysis of results from interviews with a sample of perpetrators of violence who are serving prison sentences or, are in diversion or in rehabilitation programmes
- A profile of victims of violence from the analysis of various data sources, including prosecution services, social services and caregiver organisations
- Docket analysis of a sample of SFC cases at identified police stations, i.e. Calcutta, Giyani, Louis Trichardt, Maake, Mankweng, Mokopane, Polokwane, Seshego and Thohoyandou
- Docket analysis providing information pertaining to the capacity of SAPS to handle investigations related to SFC and to determine the deficiency (if any), or strengths, in the way cases are processed
- Expert opinion on violence (from interviews with leading experts in the field) and selected literature studies
- A profile of community perceptions towards violence including SFC
- Strategic recommendations to the department on strategic measures to be taken for:
  - Effective prevention measures to combat violence
  - Effective intervention measures that could be utilized by the SAPS and the Prosecutorial Services

- **Research design**

The research was action-orientated, focussed on learning and included the following processes:
- The review of literature on violence and violent behaviour with the aim to conceptualise and understand the impact on society and family life, this included a review of international, African

and local literature. (The study attempted to as far as possible identify African theories on violence but this did not deliver as successful as was anticipated.)

- Facilitation of consultative/participative meetings with stakeholders and key role players. Presentations to the key role players in the province (SAPS Management, Justice and Social Clusters).

- Individual and group interviews – the aim was to gain a greater understanding of violence, the perpetrators of violence, the victims of violence, SAPS'.capacity to handle SFC investigations (strengths and weaknesses of case management), and the opinions of violence experts. The following semi-structured interviews were conducted with:
    o A sample of perpetrators of violence
    o The station commander and operative police officer/crime prevention officer from the 9 police stations
    o Experts on violence and violence related issues
    o Victim Support Services
    o Prosecutorial Services
    o Department of Social Development

- 6 Focus Group Sessions which aimed to include as far as possible representatives from: community-policing forums (CPF), school governing bodies, faith-based organizations and youth organizations in the province, representatives from community-based organizations (CBOs) and or Non-governmental Organizations (NGOs) actively involved in the community.

- Analysis of the data: the transcriptions of the interviews, docket analysis (10 dockets per police station – 90 dockets) and summaries of the responses captured during the focus group sessions formed the basis of the analysis. Two police stations were added to the list of 7 stations (as mentioned in terms of reference). The dockets were analyzed to assess the capacity of SAPS to handle investigations related to SFC. This included assessment of the strengths and weaknesses in the way cases are processed by the stations.

Research methodology

Explorative methodologies

Here the emphasis was on the interpretation of data with the intention to bring the qualitative research closer to interpretation. Exploration with any sort of data - qualitative or quantitative - has to be performed systematically. Exploratory techniques reduce the need for 'interpreting' quantitative results.

Interview as a research method

The type of interviews to be conducted was carefully considered because interviews yield rich insights into people's experiences, opinions, aspirations, attitudes and feelings (May 1997:109).

A disciplined approach was adopted in the use of interviewing and analysis techniques in order to achieve objective and valuable research.

The method of semi-structured interviews were applied, this allowed for comparisons between the views held by different role players – to achieve a balance between factual inputs and the capturing of the opinions of the interviewees. Interviewees were encouraged to present their views within their own milieus and experiences. When using semi-structured interviews the interviewer can also ensure that answers are clear and can ask for further clarification if there is any doubt as to the meaning or intention of the interviewee in response to a specific question. A semi-structured interview retains enough structure to allow for some comparability of answers and allows the interviewer more control than in a focused interview. To this end, questionnaires were used that would provide insight into violence and its prevalence and specifically SFC. The nature of the information gathered mostly necessitated qualitative data analysis, which will add to the aim of developing a greater understanding of violence and violent crime.

- **Focus groups**

Merton (1956) said that a *"focus group"* is applied in a situation in which the interviewer asks group members *very specific questions about a topic.* Kreuger (1988) defines a focus group as a *"carefully planned discussion designed to obtain perceptions in a defined area of interest in a permissive, non-threatening environment".*

Qualitative research concentrates on words and observations to express reality, and attempts to describe people in their natural situations. The key element here is the involvement of people where their disclosures are encouraged in a nurturing environment. The group interview is essentially a qualitative data gathering technique that for the purposes of this study will direct the interaction and inquiry in a very structured but unrestricted manner.

Most focus groups consisted of between 4 and 10 people. The aim was to include 1 or 2 of the representatives mentioned previously in this chapter.

Questions were ordered from the more general to the more specific and those of greater importance were placed early, while those of a lesser significance were placed near the end. Kreuger (1988) suggests that a focused interview should include less than ten questions and Stewart and Shamdasani (1990) propose that most interview guides consist of fewer than a dozen questions.

- **Content analysis**

Content analysis is a research tool used to determine the presence of certain commonalities or concepts within texts or sets of texts. During the research process, the objective is to quantify and analyze the presence, meanings and relationships of concepts, then to make conclusions about these

messages within the content. Texts can broadly be defined as literature, interviews, discussions, conversations or really any occurrence of forthcoming language. To conduct content analysis on any such text, the text is broken down into manageable categories on a variety of levels or themes and then examined using basic methods (conceptual analysis or relational analysis).

Conceptual analysis establishes the existence and frequency of concepts, whilst relational analysis goes one step further by examining the relationships between concepts in a text.

The literature review, transcriptions of the interviews, docket analysis and summaries of the responses captured during the focus group sessions formed the broad basis of the analysis. 10 SFC dockets per police station (the stations as mentioned in Terms of Reference document and the additional 2 stations identified during the consultative meetings with the key role players) were analyzed.

Research deliverables

- **A consultative workshop** based on the draft report will be facilitated with participants from the Limpopo Department of Safety and Liaison and invited stakeholders. This will provide an opportunity to engage with stakeholders regarding the key findings of the report in a workshop format. This format aims to provide an opportunity to contribute perspectives to the final report and to discuss and if necessary debate recommendations and the future strategy.
- **A framework** for developing a strategy to reduce levels of violence in the Limpopo Province which will be work-shopped with the Limpopo Department of Safety and Liaison and written up as the last chapter of the report
- **Research report**

Outcomes of the research

Contribution to the body of knowledge and/or the need for further research on the nature of:

- Violence and violent crime and specifically assault (GBH)
- SAPS docket management in Limpopo
- Basic violent offender assessment tools

Definitions of key concepts

Social fabric crime (SFC)

The SAPS crime category social fabric crime for all purposes and intents includes the following (list provided by the commissioning department):

- Common assault
- Assault with intent to do grievous bodily harm (herein after referred to as assault GBH)
- Rape

- Attempted rape
- Intercourse with a girl/boy under the prescribed age or with a female/male imbecile
- Child abuse (as a wider, more general category)
- Murder
- Attempted murder
- Robbery/theft (common)
- Robbery (with aggravating circumstances)

There is clear inconsistency regarding the term SFC. According to Snyman et al (2001), SFC comprises murder, rape, assault (GBH) and indecent assault. This is consistent with the Crime Intelligence Analysis Centre (CIAC) of the South African Police Services (SAPS), which classifies murder, rape, assault (GBH) and indecent assault as social fabric crimes (Snyman et al 2001).

During the docket analysis process some of the police stations included cases of housebreaking, malicious damage to property and armed robbery in the dockets sample. The following is an example of how this confusion could occur. In one particular case, the perpetrator broke into the home of his parents. He not only committed housebreaking but also assaulted his grandmother and was consequently charged on both offences (domestic relationships might influence categorization of cases). It appears that there is conceptual and operational confusion regarding the term social fabric crimes.

The Snyman et al (2001) study conducted in the Northern Cape on SFC also found during docket analysis that there is an incorrect registration of cases. Where theft accompanied the assault, some cases were registered as assault (GBH), instead of robbery. The difference between common assault and assault (GBH) also creates problems. The difference lies in the severity of the injury intended by the perpetrator, rather than the nature of the injury inflicted. Police have to use their discretion and this appears to be problematic.

- **Assault (GBH)**

Interpersonal relationships are complex as individuals have particular and unique personality styles that have been shaped by a lifetime of their own experiences. Conflict is part of every interpersonal relationship; however managing conflict is significant if the relationship is to be a 'healthy' relationship. If not managed appropriately conflict can result in physical assault.

Assault is defined as *"any act, which intentionally or recklessly causes another person to apprehend immediate and unlawful personal violence"*. There are obvious varying degrees of assault, which are determined by the seriousness or severity of the injuries, the harm done, and the underlying circumstances.

The Western Australia Criminal Code Extract provides a comprehensive definition of assault:

> "*A person who strikes, touches, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault*" (http://www.wn.com.au/vswalker/wa_criminal_code.pdf).

CHAPTER III OVERVIEW OF THE LIMPOPO PROVINCE

Introduction

Around the world, economic and political barriers are being lowered; the process of globalisation is accelerating this process. Although the process of globalisation is producing opportunities for governments in the world, it is also posing a major threat to both international and regional stability. Among those taking advantage of opening societies are international and regional crime organisations involved in different crime activities. Research shows that in our time crime organisations are becoming big business in Africa. In this continent, crime enterprises are not limited to a single country like Nigeria. Many governments in Africa are also faced with a challenge of combating these crime-related organisations, many of which are sophisticated and international in scope. Different studies show that currently Africa has emerged as a major intermediate transit point for drugs destined for market in Europe and North America. For example, Tanzania and Mozambique serve as transit point for heroin (Royce 1998). Conspicuously, crime attacks the foundations of government and further stunt economic development in Africa. Just like the rest of the world, Africa wants to establish political stability and economic development but organised crime makes these efforts a tougher task for governments in Africa.

However, there are various reasons serving as the root cause for crime in Africa. These causes include poverty, government disorganisation, low-paid and unpaid civil servants, lax banking laws, non-existent customs services, and insufficient and often corrupt law enforcement establishments (Royce 1998). These factors have made Africa an ideal location for the operation of international crime and drug syndicates. Therefore, it is undeniable that the situation in Africa as whole is grave thus further creating a continent that is volatile and fragile.

In addition, it is worth mentioning that South Africa is not immune to these crime organisations operating both internationally and regionally. South Africa is also faced with a major challenge of combating crime as it trickles down to all the nine provinces in the country, including the Limpopo Province. Studies show that South Africa is also struggling with the growth of international crime syndicates thriving on the country's geographical locations. For instance as Royce (1998) asserted, the South African Police Service estimates that South Africa is home to more than 190 criminal organisations, many of which are very sophisticated and again international in scope. However, the prime purpose of this chapter is specifically to present a picture of the Limpopo Province. Statistics on recorded cases of SFC in the Limpopo Province will be presented herein which covers the period from 1994 to 2001.

According to Statistics SA (1998) the Province has an estimated population of 4,9 million people (approximately 12% of the total population in South Africa) with 89% staying in rural and 11% staying in the urban areas. According to the mid-year estimates published by Statistics South Africa (2002) there has been an increase from 4,9 million people to almost 5,7 million people in 2001 in the Limpopo province without taking HIV/AIDS deaths into account.

The Limpopo Province is divided into five major regions, namely the Northern region, the Central region, Southern -, Western - and Bushveld regions. The Northern part of the Province has a major trading, tourism, game, farming and agro-processing character. The Central region of the Province is considered as the main economic hub of the Province, while the Southern part of the Province is the most marginal region economically. On the other hand, the Western and Bushveld regions of the Province show considerable potential to develop the agricultural, mining and tourism sectors of the economy.

The population of the Limpopo Province consists of several ethnic groupings with different cultures, languages and races ensuring a rich and complex diversity. Most of the people in the province speak Northern Sotho (Sepedi) (nearly 52,7%), followed by the Tsonga (Shangane) (22,6%) and Venda (Tshivenda) 15,5%. Only 2.2% of the people speak Afrikaans, while even less (0.4%) are English speaking according to Statistics South Africa (1996 www.limpopo.gov.za/aboutprov/population.htm1).

The main population group is Africans (96,7%), followed by whites (2,4%), while only 0.1% and 0,2% of the population groups are Indians and Coloureds respectively (Statistic South Africa, 1996). Although the adult literacy rate is quite low (estimated at 77.7%) in comparison to some of the other provinces, the life expectancy in the Limpopo is the third highest in the country, due to the fact that the province has not yet felt the effects of HIV/AIDS.

A relatively high proportion of the population (42%) in the Province is younger than 15 years of age, both as a result of relatively high fertility levels and migration of the economically active age groups. Maria Mabeota (1999) reports that 85% of the children in South Africa do not live with either of their parents, but that grandparents, sisters, or brothers and, aunts take care of the children. This phenomenon is also evident in the Limpopo where a large number of people remain unemployed and are then forced to leave for more favourable destinations such as Gauteng where employment are more readily available. The households remaining in the Limpopo rely on remittances, which are sent regularly (usually monthly), but it could be argued that the absence of parents would leave the children more vulnerable to lack of proper care and guidance. Due to the rural characteristics and subsequently the absence of extramural activities the youth are also usually more exposed to leisure times where a lack of proper care and guidance could result in misbehaviour or aberrant behaviour.

Figure 2: Map showing the trends for international migration per province, Unpublished DBSA estimates
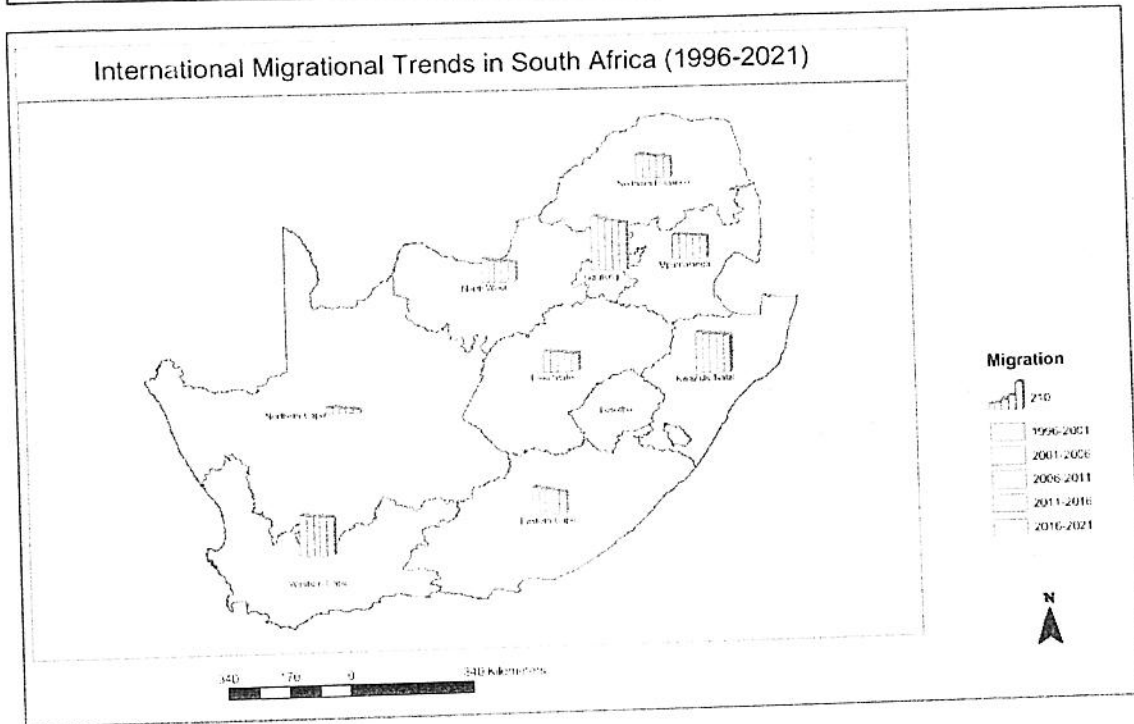
Drawing from the intuitive work of Caroline Moser (1993 & 1996), the concept of *vulnerability* needs to be examined within the context of migration and urban development. The basic tenet is that development policy and urban strategy has hardly met the needs of vulnerable strata of the population, such as migrant, especially women migrants. Migrants are confronted with difficult conditions as it is linked to economic fluctuations, job scarcity, housing shortages and social and cultural factors that have historically marginalised them in society. Rather than migrating back to their area of origin, migrants adopt strategies to cope with the day-to day problems caused by high consumer prices, inadequate social and economic infrastructure.

Borrowing from Moser's (1996) analysis on vulnerability, there is a need to investigate the linkages between household coping strategies and the dynamics in terms of decision-making and gender power relations, and the notion of vulnerability of migrants. Vulnerability is understood to be the insecurity of the well being of individuals, households or communities in the face of changing environments. To resist and recover from the effects of ecological, social and political change, migrant individuals, households or communities mobilise their tangible and intangible assets to overcome hardships. The mobilisation of these assets is dependent on their access to resources, their rights and the level of their social exclusion. Furthermore, household livelihood or coping strategies has dire implications for household dynamics, decision-making and power relations between men and women and across generations within migrant communities.

Given the commitment of the *World Summit on Social Development* (2000) to target social integration as one of its social development objectives, there is a dire need (as the Summit argues) for the

During 2000 employment in the formal sectors increased with 0.9% and indications are that unemployment would continue to decline because of new platinum mines that are opening in the Limpopo. According to the Premier of the Limpopo Province (advocate Ngoako Ramatlhodi, 2002) the unemployment figures in the province suggest an unemployment rate between 33% and 40%. However, the provincial unemployment growth rate has been reduced from an average of 16,3% in the period between 1980 to 1996 to 6.2% on average currently. It is also encouraging that the economy of the Limpopo Province has been reported to be growing at an average of 5,5 percent in real terms in the trade and services sectors, between the period 1996 and 2000.

Mufamadi in his Budget Speech (5 March 2002) indicated that the Province experienced an additional investment flow of approximately R 4,5 billion in the financial year 2001/2002. The latter investments allowed the creation of 4 870 permanent jobs for people of the Limpopo of which most have been in the mining industry (2900 jobs) and agriculture (1615 jobs).

Despite the aforementioned signs of economic growth, it is worth mentioning that the highest poverty rates are reported in the Limpopo Province (71,76%), indicating that these households received a monthly income below R800 a month in 1996. According to UNDP's South African Human Resource Development Report (2002), 61% of Africans are poor compared with 1% of whites. In addition, three out of five female-headed households are poor, compared to one of out of three male-headed households confirming the gender inequality.

It should be noted that the income figures reported in the census are probably less reliable than the Income and Expenditure Survey (IES), where, in comparison, only 36,42% of households reported expenses below R 800 a month in the Limpopo (Statistics SA 2000). Pieterse and Van Donk (ibid.) argues that poverty is generally concentrated in rural areas stating that over 50-70 percent of the population in South Africa living in rural areas are living in absolute poverty as compared to about 30 percent of people in urban areas. This statement also holds truth for the Limpopo, which is predominantly rural.

It can therefore be argued that post-apartheid South Africa still continues to show a persistent correlation between poverty and race and poverty and gender. According to the Census results, 44,5% of households (Statistics South Africa 1996) in the province had no apparent cash income and huge income inequality between families is evident. The provincial government of the Limpopo Province is therefore faced with mammoth challenges as far as social security programmes are concerned. Peace in the youthful society without adequate labour absorptive capacity remains unguaranteed and would arguably not be sustainable in the long run.

community).   Many poor households are split over many sites as a survival strategy, which in turn (with the migrant labours system) leads to fragmentation of the family.

Statistics SA indicates that 37% of the population in the province has received no education at all, resulting in circumstances where the inequalities are even more pronounced due to globalisation. This, in turn leads to a situation where the already poor and uneducated becomes even more vulnerable because of difficulties to obtain work in the formal sector against this background. Unemployment and social inequality are therefore increasing and certain categories of the population such as the rural, African women and younger persons are becoming even more vulnerable to social exclusion than other groups. This, in turn, could result in vulnerability to crime.

The contribution of HIV/AIDS to crime incidence

The single most important source of information to estimate HIV prevalence rates is the antenatal HIV seroprevalence surveillance survey conducted annually by the Department of Health, since 1990.   Unlinked, anonymous blood tests are taken from women attending antenatal clinics of the Public Health Services during a certain time each year (usually October) to determine the proportion of women who have the Human Immune deficiency Virus (HIV).

The annual antenatal surveillance data provide comparative information regarding the epidemic.   The level of HIV infection is generally measured in terms of the prevalence indicator.   In lay terms, if two hundred women among a 1 000 women that attend antenatal care during a specific period are found to be HIV positive, the HIV prevalence rate is 1 in 5 or 20%.   The prevalence rate is therefore an indication of the proportion of the population infected at a given point in time.   The incidence rate on the other hand reflects the rate of occurrence (or new cases) and is usually measured over a calendar year period.

For instance, many women are still not expected to discuss or make decisions about sexual matters; they are not expected to request the use of a condom or any other form of protection. If a condom is requested, they often risk abuse, due to suspicion of infidelity. It is also not acceptable for a woman to have relations with other men than her husband or partner. Women, who are staying behind in the rural areas while their husbands work elsewhere in urban areas, are very dependent on the remittances that their husbands return to their rural families. Due to this situation, these women are expected to allow their husbands to engage in multiple sexual relationships elsewhere while the wives are not allowed to use contraception while fulfilling their roles as mothers and housekeepers in the absence of their husbands. Although HIV/AIDS is still not a large problem in the Limpopo, these factors may contribute to an increase in the future and prevention measures should be implemented before it becomes a bigger problem.

The SADHS of 1998 results indicate that partner abuse was higher in the non-urban areas (15%) than the urban areas (9%). Furthermore, the prevalence of abuse reported in a special study in the Limpopo using a randomly selected subset of enumeration areas from the South African Demographic and Health Surveys (SADHS) was substantially higher (18%) that that reported in the SADHS (9%) for Limpopo. The under-reporting of gender violence is a well-recognised problem in surveys and the likelihood of under-reporting should be taken into account generally. The usual explanations for underreporting are the following:

- Concern with recrimination
- Fear of identifying oneself as an abused woman due to socialisation that encourages women to accept chastisement as a male prerogative
- Feelings of shame about the assault and having provoked it
- Perceptions that it is a private matter and loyalty to the abuser (SADHS 1999)

The reasons for this abuse range from the impact of 'apartheid', poverty to high unemployment rates. The destruction of community and family life and values due to the long-term impact of migrant labour is another significant factor. These factors, however, do not explain why women, having experienced the same deprivations, are the targets of violence. Reports on femicide and rape within the family reinforce the fact that there is a pervasive gender inequality in our society – the low valuation of women's needs, dignity and lives, while men's power over women is viewed as normative (National Population Unit, Department of Social Development, 2000).

However, the provincial government of the Limpopo Province's budget often reflects the commitment to the provision of primary health care services to the poor population of the Province. For example, 16 new clinics have been activated raising the provincial total of clinics from 461 in 2000 to 477 in 2001 and interestingly enough is that most of these clinics offer 24-hour services to the people. In

Figure 5 represents residential burglary cases

Limpopo
Residential burglary, January-September 1994-2001

Year	Number of recorded crimes
1994	6,541
1995	7,630
1996	8,772
1997	8,566
1998	9,247
1999	10,040
2000	12,090
2001	12,144
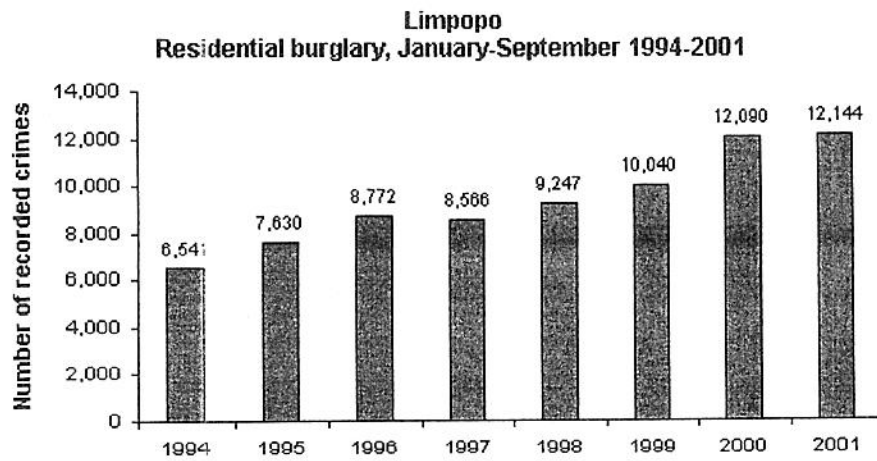
Figure 6 represents Murder cases

Limpopo
Murder, January-September 1994-2001

Year	Number of recorded crimes
1994	801
1995	650
1996	723
1997	710
1998	705
1999	703
2000	585
2001	629

Figure 7 represents Assault cases

Limpopo
Serious assault, January-September 1994-2001

Year	Number of recorded crimes
1994	11,875
1995	12,888
1996	13,674
1997	14,000
1998	14,482
1999	15,818
2000	16,799
2001	17,523

31
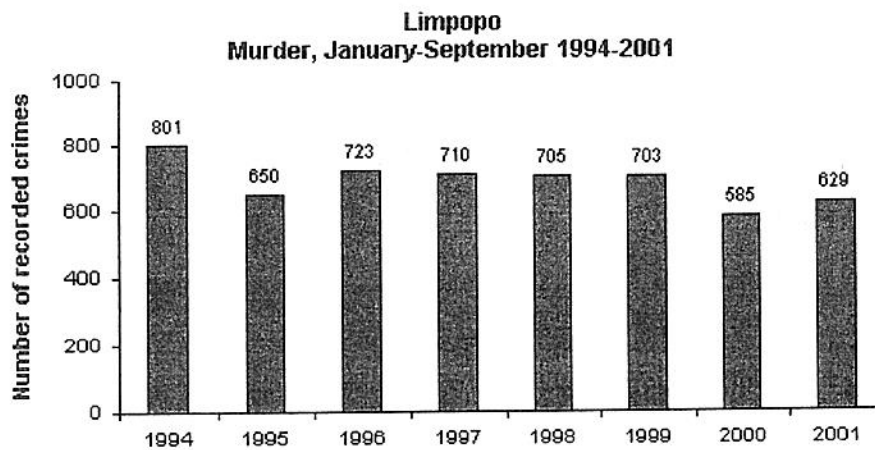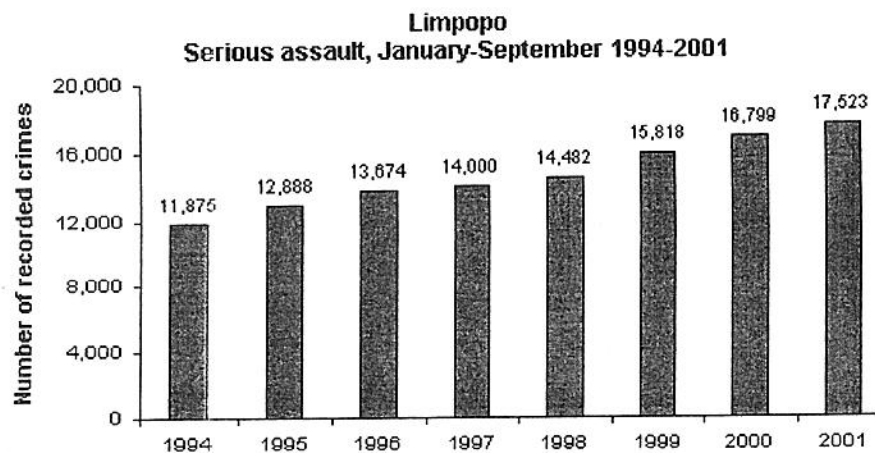
Currently there is very little quantitative data on alcohol consumption in South Africa. Parry C, 2001 report that the highest current drinking levels were reported in the Free State and Gauteng (50% or more) and the lowest levels were reported in the Limpopo (28%) for males. With regard to females, the lowest levels were also recorded in the Limpopo (9%), with the highest levels being in the Free State, Western Cape and Northern Cape (23-25%). Given the method used (a few questions in an omnibus survey) the reported levels of drinking are likely to underestimate actual levels.

Table 2 shows alcohol consumption levels per province and indicates some of the highest consumption levels during weekends 41.1% and 45.2% in the Limpopo province for males and females, respectively. Risky drinking was defined as drinking five or more standard drinks per day for men and three or more drinks per day for women. Parry (2001) reports that the analysis of data on use of drugs and crime in other studies show that race, monthly income and patterns of drug use were highly correlated. The provincial differences may partly reflect inequities in terms of the distribution of treatment and rehabilitation services as well as prevention/health promotion activities. The results from the non-fatal injury surveillance study conducted during 1999 showed that 74% of violence cases were alcohol positive, 54% of traffic collisions and 42% of trauma from other 'accidents'. From these results it can be deduced that there could be an expected correlation between the incidences of assault (GBH) and alcohol consumption and that incidences would probably occur more over weekends rather than during the week. Anecdotal evidence from the police and community members confirm the latter.

Table 2: Alcohol consumption levels per province

Background characteristics	Total sample (5 574 males and 7 962 females)	Current drinkers (2 478 males and 1 321 females)	
	Drink now (Current drinking)	Risky drinking – weekdays[a]	Risky drinking – weekends[a]

Province						
	Males	Females	Males	Females	Males	Females
Eastern Cape	47.5	16.2	6.5	9.8	31.4	33.6
Free State	56.2	24.5	5.6	5.6	27.3	30.0
Gauteng	49.7	20.6	6.1	4.7	24.0	22.1
KwaZulu-Natal	39.8	11.5	8.5	14.2	31.7	37.8

A relatively high proportion of the population (42%) in the Province is younger than 15 years of age who do not live with either of their parents, because their parents had to migrate due to economic reasons. These remaining households rely on remittances, which are sent regularly (usually monthly), but it could be argued that the absence of parents would leave the children more vulnerable to lack of proper care and guidance and the lack of a father model. In addition to these factors, the rural characteristics of the province make it difficult to establish recreational facilities where children could be guided and kept busy in a constructive manner. Furthermore, it could be argued that the lack of recreational activities and the general circumstances in the families could contribute to alcohol abuse over weekends, which in turn could partly contribute to the relatively high prevalence of SFC, and in particular violent crimes in the province.

According to D J Smith, a British criminologist, 'Probably the most important single fact about crime is that it is committed mainly by teenagers and young adults.'(14) According to the 1996 census, a third of the South African population was under the age of 15 years, and 44% was under the age of 20. The numerically largest population segments were those aged five to nine and ten to 14, each of which made up almost 12% of the total population. (15) Over the last five years many children in the 1996 population 'bubble' of five to 14-year-olds will have moved into the crime-prone ages of 12 to 19 years (See *Employment and industrial relations*: p224.).

Research on violence against women estimates that between one out of four and one out of six women in South Africa are in abusive relationships, (23) and that approximately 80% of rural women are victims of domestic violence in their lifetimes (24).

A survey of a random selection of arrestees in police holding cells in three large South African cities in 2000 revealed that 44% were under the influence of a drug when committing the alleged offence for which they had been arrested. (26) By contrast, 8% of individuals living in households with annual incomes below R3 000 were victims of violent crime, while only 6% were victims of property crime. (30)

South Africa's rural population is largely poor, lacking education, and underemployed. Whereas 30% of people living in urban areas experienced at least one crime during the five-year period from 1993 to 1997, 26% of people living in rural areas experienced a crime during the same period. However, while rural inhabitants experience slightly less crime than their urban counterparts, poorer roads, greater distances, and less frequent transport compound the effects of crime. A 1998 study on crime and policing in rural areas in three provinces found that a third of the respondents 'never saw a police officer', while another third saw a police officer 'less than once a month'. (34)
Rural areas tend to lack facilities such as street lighting, which facilitate personal crime prevention. Women in rural areas of the Northern Province rated electrification as a high priority in improving their life circumstances, because it reduced their vulnerability to physical attack and sexual assault. (35)

protection plan, ISS, 2000. See also, Mistry D, Dhlamini J, *Perpetrators of farm attacks: An offender profile*, Institute for Human Rights and Criminal Justice Studies, March 2001; *Attacks on farms and smallholdings*, report by the SAPS, Crime Information Analysis Centre, May 1999

39. Schönteich M, Louw A, 'Crime in South Africa: A country and cities profile', *ISS Paper 49*, April 2001

40. Interview with Mr John Contsoulis, National Operational Co-ordinating Committee, 5 July 2001

41. See Pelser E, Rauch J, Henkeman S, *DFID review: Safety, security and access to justice (discussion document)*, ISS, 30 March 2001

42. South African Law Commission, *Review of security legislation (terrorism: section 54 of the Internal Security Act, 1982 (Act no. 74 of 1982))*, discussion paper 92, July 2000

43. Amnesty International, *Preserving the gains for human rights in the 'war against crime': memorandum to the South African government and the South African Law Commission on the draft anti-terrorism bill 2000*, November 2000

44. Maduna P, press release, 8 July 1999

45. Interview with Ms Antoinette Louw, head: crime and justice programme, ISS, 4 April 2001

46. Tshwete S, written reply to National Assembly, 2 March 2001

47. Stack L, *Pivot of the new order: The South African judiciary and the political consequences of judicial malfunctioning*, Centre for Policy Studies, August 1997

48. *The Citizen* 18 April 2001

49. *Natal Mercury* 24 September 1999

50. Tshwete S, written reply

Adult women (ages 20 - 65)	17.5%	19.7%	21.5%	22.8%	23.9%	24.6%	24.9%	24.9%	24.6%	24.2%	23.6%
Adult men (ages 20 - 65)	18.8%	21.4%	23.4%	25.0%	26.2%	26.9%	27.1%	27.2%	27.0%	26.6%	26.1%
Adults (ages 20 - 65)	18.1%	20.5%	22.4%	23.8%	24.9%	25.6%	25.9%	26.0%	25.8%	25.3%	24.8%
Total population	8.7%	9.9%	11.0%	11.9%	12.6%	13.1%	13.4%	13.6%	13.6%	13.5%	13.4%
Incidence rates											
Total new infections	95,769	92,992	89,758	86,777	84,179	81,902	79,908	78,169	76,680	75,508	74,588
Mortality statistics											
Life expectancy at birth	58	56	54	52	50	48	46	45	44	43	42
Maternal orphan statistics											
Total orphans (in middle of year)	63,497	67,449	73,084	80,886	91,251	104,396	120,190	137,907	156,952	176,526	195,292
Total AIDS orphans (in middle of year)	8,806	13,927	21,086	30,654	42,894	57,898	75,487	95,056	115,879	137,015	157,259

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CHAPTER IV   LOCAL AND INTERNATIONAL EXPERTS ON VIOLENCE

In-depth interviews were conducted with various experts on violence to gain their perspectives on certain aspects of crime and violence research as well as the way in which it should inform strategies. This chapter discusses their response in a collective way under the following subheadings.

Research and literature that should be reviewed when conducting a study of this nature

According to van Niekerk (Telephonic interview, 2003), all local information including research and literature pertaining to the particular crime or violence situation should be integrated in local crime prevention strategies. This is strongly supported by most of the respondents interviewed. Van Niekerk believes the point of departure should be the South African context of violence and violent behaviour and the effectiveness of existing interventions, projects and programmes. She further elaborates that the effectiveness of strategies should not be measured in terms of its short-term effects but rather the comparative long-term impact. She elaborates by saying that it should for instance be acknowledged that child abuse interventions are based on adult belief systems and strategies and most of these currently focus only on the short-term impact. Thus in order to effectively measure the impact of an intervention, long-term outcomes should be reviewed (van Niekerk, Telephonic Interview 2003, March 14).

Another local expert Holtmann, (Individual Interview 2003, April 01) supports this view, she believes that the better-informed key role players are, the more likely it is that a crime prevention strategy will be effective. According to her crime and violence issues all too often generate an emotional and subjective response. Vetten (Telephonic Interview 2003, March 18) supports this she says often people react to violence by withdrawing into gated communities or simply by leaving the country. An effective strategy must have a solid theoretical and objective grounding adapted to local needs.

> "An information and knowledge based approach is central, this approach should refer to effective strategy, legislation, policy, research, action and intervention. (uMhalthuze Crime Prevention Strategy, 2003).

According to Reeler information that should be included in such a study should include historical literature, which captures changing political and social situations and research, for example the changed political situation in South Africa. The 'normalisation' of violence in a country should be reviewed and the influence of political violence on violence as we see it today, in particular SFC (Telephonic Interview 2003, March 20).

The 'normalisation' of violence has a very negative impact on family life and there is erosion of the family structure, for instance, "parents did not have any control or influence over youth that were part of the 'apartheid struggle'" (Van Niekerk, Telephonic Interview 2003, March 14).

According to Bower (Telephonic Interview 2003, March 17), the issue of the underreporting of SFC and rape particularly is a major issue as many of these incidents happen between people who know each other. Strategies should thus reflect and acknowledge the relationship between the victim and the perpetrator.

According to Madu (2003), who has been conducting research pertaining to child sexual abuse and related fields since the 90s, studies that review the relationship between the victim and the perpetrator is an important component in developing strategies that will prevent such abuse (Telephonic Interview 2003, May 29).

Bower flagged a survey conducted in Cape Town by the Institute for Security Studies (1998) that supported this notion and captured other key issues regarding the reporting or non-reporting of cases:

- Reporting to the police varied according to crime type. Most property crimes are well reported, while only about half of violent and interpersonal crimes (such as assault) ever come to the police's attention
- The main reason cited by citizens for not reporting incidents to the police was that it was unnecessary to do so given the seriousness of the offence (38%). This was followed by respondents' perceptions that the police were not around or were not to be trusted (32%)
- Of those victims who reported crimes to the police, the majority were not satisfied with the way in which the police dealt with their reports.
- In the case of violent crime, a large proportion of victims knew their offenders either by name or by sight

Bower expressed concern regarding young people's attitudes and referred to research conducted by CIET Africa (2000). The study explored young peoples' attitudes towards sexuality and sexual violence, it delivered disturbing findings, which included amongst others the following:

- A high proportion of youth said that forcing sex with someone you know was never sexual violence (27% of females and 32% males), it become more prominent with increasing ages
- There was a clear difference in the responses to the question do women mean 'yes' when they say 'no', between male and female. Some 25% of male youth and only 10% of female youth said women always meant 'yes' when they said 'no'.

During a focus group discussion conducted by the CIET Africa research team male youths explained their violence as 'love', 'my culture' and feelings of inadequacy. One young man said:

> "When I want it, I do it. I might be harsh but she knows I love her. I feel good when I force her because I want her to know I want only her. My culture says that a wife must do what a man says".

that involves more than one generation in violence, where children who are exposed to violence grow up to perpetuate violence" (Holtmann 2001: 26).

"Research has shown that the cycle of abuse can be perpetuated from one generation to the next in a single family. Child victims of abuse can grow up to become abusers themselves, further perpetuating the cycle of abuse in their own families" (Fraser-Moleketi 1998: 7).

Vetten (Telephonic Interview 2003, March 18), states that inter generational violence is prevalent in our country, often people who are brutalised as children go on to brutalise others and this has an impact on the broader society and quality of life.

Madu (2003) also supports this by arguing that violence and violent crime is widespread in South Africa and it seems to be on the increase. Holtmann's (2003) viewpoint is that we are caught in *"a terrible spiral of violence"* (violence generates violence). Particularly amongst boys and men who experience violence that are unresolved and victims go on to become the perpetrators of violence.

Reeler (2003) believes that it is difficult to identify the root causes of violence. However, he identifies two sets of associations and the interaction between these. Firstly, social factors such as poverty and the lack of acceptable life way paths (i.e. proper education and good job opportunities) this leads to exposure to gangs and criminal activities for instance. Secondly, there is the personal or individual aspect, (psychological focus) this is the personal experience of violence and exposure can either be as the victim of violence (cycle of violence) or can manifest as socialised violence (conduct disorders). According to Reeler (2003), violent behaviour elicited during wartime for instance constitutes socialised violence.

According to Holtmann (2003) violence perpetuates and entrenches women as victims and makes them more incapable of breaking free from violence. Violence also stands in the way of improving the status of women because the fear of violence and crime and the experience of violence make it very difficult for women to participate in the economy, and to set and achieve the kind of goals that all people deserve.

"Violence more than any other aspects of crime impacts massively on the collective resilience of South Africans and is possibly the greatest obstacle in achieving prosperity for all" (Holtmann, Individual Interview 2003, April 01).

Studies have shown that violence against women is endemic and widely tolerated in South Africa (Holtmann 2001). Vogelman claims it is an *"almost normative"* part of gender relations. This notion is widely supported in the South African context. There has been considerable effort over the last years

According to Madu (2003), violence has an effect on all people in a varying ways; for example, it affects economic development and international investment in the country. He also believes many factors contribute to crimes such as social factors e.g. unemployment. He describes low moral standards amongst the youth, violence and violent crimes and the misuse of power as the aftermath of 'apartheid'. Further to this people have unresolved anger and aggression (Madu, Telephonic Interview 2003, May 29).

Profile of offenders

An expert (Reeler, Telephonic Interview 2003, March 20) on violence in Zimbabwe and other African countries postulates that it is important to approach the offender in an integrated way. This would include the criminal justice system (CJS) as well as all members of communities. Further to this a detailed offender study needs more information on potential offenders in the general population instead of convicted offenders. It is also important to review case studies (if available) that describe the criminal population. This includes the review of the victim and offender cycle (violence cycle) and the personal experience of these offenders.

According to Bower (2003) research into offender profiles with the particular focus on recidivism (review of crime records) is a key component of literature that should inform such strategies.

> *"Research currently focuses too much of its attention on the profiles of offenders"* Van Niekerk (2003).

Further to this, only profiles of convicted offenders are developed and none of potential offenders. She emphasises that society has to accept that people who commit violent offences come from all lifestyles and that the only commonality is that they can and/or have committed such an offence.

There is a need to review both the internal and external factors that contribute to SFC. Situational crime prevention[1] is an important issue as well as those factors/characteristics within the individual, such as the lack of impulse control and lack of understanding of the impact of their behaviour on others.

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[1] *"Situational crime prevention comprises opportunity-reducing measures that (1) are directed at highly specific forms of crime, (2) involve the management, design or manipulation of the immediate environment in as systematic and permanent a way as possible, and (3) make crime more difficult and risky, or less rewarding and less excusable to a wide range of offenders"* (Clarke 1997).

Reintegration programmes (if available), do not have adequate resources to address the issues that surround the offender's behaviour. Van Niekerk believes offender management needs a rethink as their rights are being violated in institutions and this impacts negatively on their behaviour (Telephonic Interview 2003, March 14).

In other African countries, the capturing, charging, prosecuting and reintegration process is also very poor. There is nothing available for these perpetrators, no programmes to reintegrate them back into the communities. The CJS should evoke confidence and lead to successful reintegration of offenders (Reeler, Telephonic Interview 2003, March 20).

Vetten gave the following response when asked about the effectiveness of the CJS:

> "It is clear that the CJS is not effective, look at conviction and recidivism (re-offending) rates and the reintegration of offenders into the communities".

She also said that often people with limited education are employed in the CJS and they are not clear on what their roles and responsibilities are. "These people try with very limited resources, inadequate training and support to deliver effective services".

"The CJS has a long way to go", says Holtmann (2003), she ascribes to what is held in a tender proposal (CSIR and partners, 2001 Oct) for the development of a right-sizing, costing and zero-based budgeting tool for the Department of Justice (DoJ):

> "The DoJ inherited a legal system designed to implement colonial and later apartheid based policies. It was a fragmented system unfit to meet the demands of the new Constitution and the new South Africa. The DoJ required widespread transformation to reflect basic constitutional ideals and government goals and policies. Key issues of transformation included those dealing with new priorities and the need to deliver user-friendly service via a workforce representative of the society it serves. Previously the majority received marginal, segregated and low standard services – and were often victims of the system itself. There was urgent need for demarcation for judicial areas".

> "Under the Constitution, the judicial authority of the Republic is vested in the courts with a requirement that they be accessible to all. Changes and new demands on the DoJ occurred simultaneously with an overwhelmingly broadened client base (as a result of the demise of apartheid) and a significant increase in reported crime. In view of the fact that there was no related expansion or upgrading of infrastructure, the ability of the DoJ to respond is inadequate, particularly as neither budget, nor training of personnel, jurisdictional boundaries, location of courts kept pace with demands" (CSIR Department of Justice Tender Proposal 2001).

Alternatives for young children such as diversion programmes should be utilised. However the challenge remains in that these diversion programmes[2] should be seen against the broader picture of rehabilitation of the young person.

Victims of violent crime and the support services available to victims

> *"Children are generally most at risk of becoming victimised, but all South Africans are vulnerable because we live in such violent times"* (Van Niekerk, Telephonic Interview 2003, March 14).

Victim Services (VS)[3] are appalling; *"we are in a situation where there is poor support, resources, networking and coordination of key role players. It is important to work together in partnerships"* (Van Niekerk, Telephonic Interview 2003, March 14).

Reeler asserts that in comparison with other African countries, VS in South Africa are actually well supported by the key role players (Telephonic Interview 2003, March 20).

Holtmann (2003) deems that young men (boys to men) who begin to engage in risky behaviour are most at risk of being victimised. In terms of sexual violence young girls and women are more at risk of victimisation. *"One of the tragedies of violence in SA is that it oppresses those who are already oppressed, poor, struggling and who have poor access to services and resources".*

She further believes that there are different benchmarks for safety at local level, and she often poses the question *"when will you know that things are getting better".* Invariably the answers from a white middle class perspective is generally *"when I can take my wife to dinner without the fear of being hijacked"* and for poor people it is *"when my child can walk to school and back without the fear of being attacked".*

Holtmann again stresses that being vulnerable is closely linked to an individual's social-economic circumstances.

> *"President Mbeki has highlighted the relationship between crime and poverty in his State of the Nation address in June 1999. Oppression by crime is often linked to oppression by poverty, with the poor disproportionately victimised, particularly by violent crimes. Victims of*

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[2] "Diversion is an option intended to refer a child away from formal court procedures, while acknowledging and promoting the need for a child to be accountable for his or her criminal actions. It can be done at any stage of the criminal justice process and is closely aligned to restorative justice. Diversion is often mistakenly considered a soft option, but it is rather an involved process intended to determine the appropriate intervention in order to bring about behavioural change in the child. Diversion also provides communities with a bigger stake in justice" (CSIR Crime Prevention Centre, Youth @ hope - unpublished 2003)

[3] *"VS offers emotional and practical support, "a shoulder to cry on", identification of symptoms of post-traumatic stress, trauma management and referral to professional services where necessary"* (Holtmann 2001)

case and there is neither support nor protection for these victims from these services and the CJS (this includes the police). Due to traumatisation the victim can sometime not communicate or remember the flow of events and that results in the case being dismissed (Madu, Telephonic Interview 2003, May 29).

Prevention of violence and violent crimes (SAPS)

Policing in SA according to Van Niekerk (2003) is poorly resourced, poorly trained and there is an inadequate selection process for police officers. Police officers are not appropriately debriefed and managed, as a result, violence becomes the norm to them, and sadly, they cannot respond appropriately to this type of crime. People also do not understand the complexities of the causes of violence and prevention strategies are misguided.

> *"Policing and prevention are two very important issues in African countries, as violence increases there is a greater demand for effective policing"* (Reeler, Telephonic Interview 2003, March 20).

In Denmark for instance, the police have to undergo 4 years of training (basic training and in-service training). In South Africa, there is insufficient basic training and in-service training, and an inadequately educated police force. *"We need better-trained and professional police officers, being a police officer should be seen as a good job opportunity, a vocation"* and *"effective policing means proper monitoring of the police by an independent monitor and community participation. The community can assist in monitoring the police and the station, these stations should be transparent - a station made of glass"* (Reeler, Telephonic Interview 2003, March 20).

> *"If we can say that the police are combating and managing crime in an effective and efficient manner, then we can re-examine how they participate in crime prevention. However, as things stand the police do not have the capacity and skills required to prevent crime and violence, and they do not necessarily have to prevent crime and violence. Our demands are to varying and it is the rest of us who should be preventing violence"* (Holtmann, Individual Interview 2003, April 01).

She elaborates and states that since 1994 there have been massive efforts by the police to give substance to their transformation from delivery of law and order to safety and security. This process has highlighted some exceptional police members with a real understanding of these complex issues, but it has unfortunately also highlighted the enormity of the task of delivering a service that is acceptable to all South Africa.

Bower (2003) believes that more visible policing is needed. There should be more cooperation between the police and the community and the culture of taking responsibility for what happens in

Madu (2003) said:

> "Generally I am happy to know that this type of research is being conducted that will inform this strategy. I just hope that in future there will be collaboration among academic role players and the crime and violence prevention researchers and policy makers to inform the research study and the process".

CHAPTER V   COMMUNITY PERCEPTIONS

This chapter discusses community perspectives on violence and violent crime in the Limpopo Province.

The CSIR research team facilitated six focus group sessions with representatives from the community. These sessions included representatives from the Community Policing Forums (CPFs), youth, traditional leaders, NGOs and SAPS. The focus groups were conducted in the following areas:

- Calcutta
- Maake
- Mahwelereng
- Polokwane
- Seshego
- Thohoyandou

Social fabric crimes are endemic and represent a tear in the social fabric, a disruption of human community, and therefore appear to be unmanageable. A greater understanding of these crimes with a new approach, (such as restorative justice) could suggest imaginative strategies for crime prevention. According to De Kock (Head of the Crime Information Analysis Centre (CIAC) policing SFC is virtually impossible without community support.

> "Without the active participation of the community, the police are not likely to make significant inroads in preventing crime" (http://www.crisa.org.za/volume1/crimesit.htm).

Addressing these crimes requires a through understanding of the many contexts of SFC: social, personal, political, cultural, economic as well as the legal context in which the effect of crime is felt. (Centre for Advanced study in the social science, repairing the social fabric, University of Oxford, autumn, 2002). Gaining insight into the community's perception of violent crimes (especially SFC) adds further depth to this understanding.

During the focus group sessions the CSIR research team posed questions to the participants and responses were recorded. The following questions were put to the groups to gather information during the sessions:

- How safe is your community?
- What do you understand under violent crime?
- Who are the victims?
- Who are the offenders of these crimes?
- What do you consider to be the contributing factors to violence and violent crime?
- How does your community respond to these crimes?
- What in your view is the impact of violence on your community?
- What are your views on the Criminal Justice System (CJS)?

they are sometimes re-victimised on their way to and from the station. The other issue was the fact that in the rural areas there is no or very limited visible policing and if an incident is reported the response time of SAPS is very poor.

In Thohoyandou participants felt that the area was not safe because of the illegal immigrants that reside in their communities. They are seen as 'strangers' because they do not know from which African country they hail and it is very difficult to trace their origin if they become involved in criminal activities.

In Thohoyandou, Indian communities are seen as easy targets because it is believed that they do not deposit their money in the bank. They either carry a lot of cash on their person or keep it in their houses and this is a known fact.

In most of the focus group sessions it was mentioned that the most vulnerable groups are women, children and the elderly. However, some participants felt that the whole community including men are at risk but men are ashamed to report cases to the police (this notion is supported by research and is discussed in Chapter VII).

In all the focus groups, participants reported the same types of crime (they consider these crimes as priority crimes). These crimes include:

> "Rape, child abuse, domestic violence, housebreaking, assault (GBH), robbery and armed robbery, murder, stock theft and theft out and from motor vehicles".

Premier Ramatlhodi (2003) said in his speech:

> "Though crime is in the general decline, they are deeply concerned about the increase of social fabric crimes in the province (Limpopo), particularly violence committed against women and children. Child abuse, spousal abuse and sexual molestation, which are often difficult to police because they mostly occur behind closed doors in the privacy of homes" (Fifth Session of the 2nd Legislature of Limpopo, February 20 (http://www.limpopo.gov.za/docs/sp/2003/200203.htm).

Participants report that in most cases, the victims (especially in cases of rape and murder) know the perpetrators of these crimes. Literature supports this view and it is often repeated that social fabric related crimes are to a large extent domestic in nature. The majority of these crimes occur within the family and friendship circle.

> "Internationally, victims find it extremely difficult to report these crimes to the police - precisely because they often involve spouses, parents, children, boyfriends or girlfriends etc" (Assistance Commissioner Dr de Kock, Head of Crime Information Analysis Centre).

Various studies show that many children who grow up with violence at home use violence to solve their problems outside the home, and it is also well known that children who are maltreated or exposed to violence are likely to show aggressive and antisocial behaviour throughout the rest of their lives (www.ncpc.org/2schvio.htm).

Current research studies and data have indicated:

"For single parents and those with little or no external support systems, parenting can be particularly difficult. Without extended family members such as aunts, uncles, grandparents, and other adults to provide guidance in raising a child, as well as relief from its constant burdens, child rearing can be lonely and frustrating" (ISS, 2002 May) http://www.iss.co.za/PUBS/MONOGRAPHS/No73/Chap3.html

- **Moral degeneration**

Participants felt that children are losing their respect for their elders and their moral values. The concept of 'your child is my child' does no longer apply to the communities. People should treat all children as their own and this attitude should be reflected in their daily activities.

This is also supported by the findings of a study done on sexual victimisation in the rural area of Mpumalanga (Driefontein) where it was emphasised by communities that "should a neighbor recognize that a child has been sexually abused, he or she should assist the victim in terms of reporting the crime, preventing further abuse and assisting in recovery from the effects of the crime" (CSIR 2002).

- **Peer pressure**

According to participants youth get involved in crime because their friends are involved in crime. They find it reassuring to turn to friends for advice who understand and sympathize (friends who are in the same position as themselves). Teens are faced with peer pressure daily in all aspects of their lives at parties, school etc.

Recent studies concluded that peer group pressure is perhaps the fastest growing and most disturbing cause of acts of violence among youth, whether in school or out of school.

- **Substance abuse**

According to participants minors have easy access to alcohol from unregulated retailers such as shebeens and taverns. There are shebeens and taverns on every street corner. They see drugs and alcohol as a cause of violence and a passport to failure.

Other factors raised by the participants were lost sense of neighbourhood/community, lack of role models, Constitution that protects the criminals and the withdrawal of cases. The withdrawal rate of cases in SA is high, especially in respect of SFC such as rape, assault and sexual assault.

> " *A recent study on social fabric crime in the Northern Cape found that 62% of all these crimes reported were withdrawn"* (van Rensburg et al 1997: Chapter 2).

Lerman (1999) agrees with the assertions made by the participants regarding the causes of SFC:

> *"The causes of SFC can be found in the lack of social development (high levels of unemployment and extreme poverty), the self-perpetuating culture of violence, the easy access to alcohol, drugs and knives, and the limited extent to which the formal criminal justice system can effectively prevent this category of crime".*

Members of the communities often find ways to be compensated for the crimes committed against them such as rape, injuries etc, for instance a rape victim will go and report a case so that she can use a case number to threaten the perpetrator. The perpetrator is then asked for monetary compensation, if he does not comply the victim continues with the case. If he gives the money to the victim she will withdraw the case. SAPS respondents interviewed at most of the stations support this and studies by CSVR and the Snyman et al (2001) reported similar findings.

Participants mentioned that there is a market for stolen goods in their areas; children who have stolen these goods sell it back to the community. The participants emphasised that the community should stop buying stolen goods as this encourages and supports crime.

Participants felt that crime leads to a generalized fear that they are going to be hurt or 'ripped off' and that they have to protect themselves against 'the other' whoever that might turn out to be. The community members live in constant fear and crime breaks the spirit of togetherness among community members. People no longer visit each other because they are afraid to leave their houses and they become isolated. The deeper they go into that fear, the more they see themselves as an isolated 'I,' vulnerable to assault from every possible direction. They lose the capacity to see themselves as part of a 'we', because they suspect that trusting in others is naive. This feeling contributes to the weakening of the social community bonds, which weave a community together, and leads to a vicious circle of increased crime, because, without strong communities, there is less of the informal social control, which is an effective crime prevention measure. These findings are supported by literature and research.

According to participant's crime impacts negatively on the community as it creates hatred and violence in the community. They say people are dying or killed, especially the youth because they are mostly involved in criminal activities. Youth end up abusing drugs and alcohol and leave school because they cannot cope with the educational demands. Learners frequently act out their hostility by being disruptive.

Lerman (1999) again agrees with these assertions:

> *It is recognised that serious crimes, like social fabric crimes, need to be punished severely by the courts, but that less serious crimes that lead to this category of crime, should be addressed in a restorative manner[1]. First offenders, youth-at-risk, families-at-risk, women and children need to be the focus of extensive and varied programmes to reduce the possibility that they will become involved in crime - either as victims or offenders"*

They further suggest that more prosecutors and magistrates should be employed and that there should be more specialised courts in the areas to minimize the workload. The SAPS, courts and the correctional services should be restructured. Resources should be provided to improve services and should be allocated according to the area's needs. This includes more training for the investigating officers

Projects initiated by the community includes the following:
- Youth against crime
- Sports through crime prevention
- Neighbourhood watch
- Victim empowerment
- Rural safety network
- Drug programmes in school
- Crime awareness campaign
- Blow a the whistle
- Break the silence campaign
- The establishment of the CPF
- Women's league against crime
- Shebeen owners against crime
- Local government and youth police forum

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[1] *"Restorative Justice aims to change the direction of criminal law by refocusing it on the needs of victims and on repairing communities rather than simply jailing individuals. Where current criminal law focuses on determining which law was broken, by whom it was broken, and how to punish that person, Restorative Justice asks: who has been harmed; how they have been harmed; and how the offender, community, and criminal justice system can help repair the harm. This focus helps the major stakeholders in the event - the victim, offender, and community - focus on moving forward, using the event as a sort of "fuel" from which to re-engage and empower victims and community members towards building stronger connections. Restorative Justice is not any particular program, but a framework for viewing crime and its aftermath"* (D Lerman 1999).

CHAPTER VI   DOCKET ANALYSIS

This chapter describes the findings from the analysis of a sample of SFC cases at each of the identified police stations with the aim to provide information pertaining to the capacity of SAPS to handle investigations related to SFC. The research will also attempt to determine the deficiencies (if any), or strengths, in cases processed by the SAPS in the Limpopo province.

A docket is defined as: *"the case file kept by the police and which contains statements, reports and other documents relating to a criminal investigation"* Tecknikon SA (2001:19).

A sample of 10 SFC dockets was analysed from each of the pre-selected police stations in Limpopo. Police stations were included in the study; seven of these stations were identified in the commissioning department's Terms of Reference document and later two (2) more police stations were added to this list by the commissioning department in an effort to be more representative of the police station population in the province.

The following police stations were included in the docket analysis process:
- Calcutta
- Giyane
- Louis Trichardt
- Maake
- Makopane
- Mankweng
- Polokwane
- Seshego
- Thohoyandou

According to a study conducted by Technikon SA (2001:19) docket analysis is intended to give insight into a particular crime, how that crime was investigated, and how the case was closed by providing the following information:
- The nature and circumstances of the crime
- Profile of the perpetrator
- Profile of the victim
- Relationship between victim and perpetrator
- Substance usage by the perpetrator and victim
- Previous criminal record of the offender
- Whether or not the case proceeded to trial

- **Undetected:** When the investigator fails to disclose the offender, the case is closed as undetected and or if the complainant who reported the case could later not be traced, the case can be closed as undetected (SAPS Consolidation notice 2001).

- **Warrant:** An official order authorizing a specific act, such as an arrest or the search of someone's home. A written order directing the arrest of a party. A search warrant orders that a specific location be searched for items, which if found, can be used in court as evidence or   written letter issued by a justice of peace or other authorized officer, directed to a constable or other proper person, requiring him to arrest a person therein named, charged with committing some offence, and to bring him before that or some other justice of the peace (http:// www.lectlaw.com/def2/w008.htm).

- **Contents of a docket** - According to the SAPS Consolidation notice (2001) the contents of a docket should be divided into three sections, which are as follows:

Clip A

"This section must contain all the statements made by complainants and witnesses; similar written requests by complainants; reports of analysts, the district surgeon and the evidence of other expect witness; application for a warrant, warrant of arrest, copies of telegraphic warrants, search warrants; documentary exhibits, sketch plan, photographs of the crime scene or exhibits and the fingerprint record. Generally, this clip should contain all documents that could be of value to the prosecutor".

Clip B

"This section must contain all the correspondence in connection with the case, copies of dog report, negative fingerprints report, report from the prison board of visitors and replies from other police stations".

Clip C: The investigation diary

"The investigation diary must contain a complete record of all work put into the case and must serve as an index of all the documents contained in the case docket. The first entry in the diary should be made by the first member who was initially responsible for the case.

"The name, address and telephone numbers of witnesses or of persons who have supplied information to the complainant, should be recorded so that they may be interviewed by the investigator. When the house or location is visited/searched/enquiries is made in connection with the committed crime, the name, address and telephone numbers of the location or person should be stated and the progress of the court should be noted in brief. Generally, the

study that the withdrawal of cases is related to false charges being laid for ulterior motives (CSVR 2002:14).

Furthermore, 86% of murder cases were successfully solved; this is because the violence took place between acquaintances. It is clear that murder cases were better investigated than other social fabric crimes. Crimes scenes were visited, experts utilised, statements completed, and investigation diaries were present. Real effort was made in tracing suspects.

Half of all rape cases were withdrawn, with a further 8% closed as undetected and only 32% of rape cases resulted in a trial. Thirty percent of rape cases resulted in conviction. Reasons given by victims for withdrawal of rape cases were:
- The perpetrator had received therapy or asked for forgiveness
- The perpetrator was a family member
- The complainant had been drunk
- Difficulties with court attendance (old age or work responsibilities)

The state prosecutor withdrew a further 38% of rape cases because of insufficient evidence. 'Insufficient evidence' implies that the prosecutor could not find enough evidence in the case docket for a successful prosecution. It was also found that the docket analysis revealed shortcomings in the investigation of rape cases, such as incomplete statements and crime scenes not visited, this corresponds to what was found by researchers in this study.

The Snyman et al (2001) study found that the most common outcome of a reported assault (GBH) case was 'withdrawn' (65%). The reasons for withdrawal were not always clearly recorded; this illustrates that SAPS does not appear to investigate the reasons for a withdrawal of charges by complainants. From the information gathered by the study, it appears that complainants (victims) withdrew 240 cases (68%) at their own request. These are the reasons commonly given by complainants:
- Medical costs were paid by the perpetrator
- The perpetrator had asked for forgiveness
- The incident occurred between relatives or friends
- Drunkenness of one or both parties involved
- The victim was reluctant to attend court

Many limitations regarding assault (GBH) case management were revealed:
- Elements of the crime were not fully reflected in statements
- Illegible handwriting
- Witness statements were not taken

- Some of the statements have open lines between paragraphs and this can give an unauthorised person the opportunity to make false additions to the statement.

- Follow up interviews are not conducted with victims/witnesses in order to compare and verify the facts captured in the statement. Follow-up interviews will verify consistency, reliability of statements and missing gaps.

- In some cases, the witness statement is taken long after the incident, which might be problematic because the witness might not remember all the facts or get confused. The date and time should be filled in correctly as it is of importance in that it proofs that enquiries were not unnecessarily delayed.

- Often the medico-legal report does not describe the nature and full extent of the injuries sustained by the victim. For instance in every case of a sexual offence, the nature, position and extend of abrasions, wounds or other injuries must be described and noted together with its probable date and manner of causation. However, in most medico-legal examinations the information is not fully described. These reports serve as substantial evidence in court and can influence the decision of the court.

- Further inconsistencies exist in terms of rape case management i.e. at one particular station the forensic fieldworker and photographer are sent out to some rape cases (photograph album - pictures go to court and tell the story) but not in other cases.

- In many cases, the victims know the perpetrators yet the cases are closed as undetected or the perpetrators are not arrested, this appears to occur when the perpetrator is a breadwinner or the parties concerned settle the matter out of court.

- In most of the dockets, the full outcome of the case is not recorded; often the SAPS 69 form that reflects the length of sentences was not attached.

- In some of the dockets where the suspect was arrested the certificate of detention, that informs the suspect about his/her constitutional right, was not attached to the docket. This contradicts the SAPS Act of 1996 section 35 Act no 108, which stipulates that every person who is admitted into a police cell must be issued with a notice of his/her Constitutional Rights (SAPD 14). The original notice must be handed to him or her and the first copy must be given to the investigator. This could result in an unlawful arrest or seizure/confiscation of evidence.

- In most of the dockets, where fingerprints were taken, the AFIS reports and the set of fingerprints were not attached. Fingerprints can identify previous convictions or unresolved criminal cases where the perpetrator is wanted by the authorities. Furthermore, it can influence the sentencing in that the court is able to judge whether the accused is a repeat offender (recidivism).

- In most of the cases withdrawn, motivations are not given.

- There is a general lack of feedback to the complainant. SAPS policy specifies that the complainant must be kept abreast of the progress and outcome of the police investigation. (This was found in a few instances only). The fact that the police do not keep complainants informed may increase the rate of case withdrawals.

CHAPTER VII PROFILE OF THE VICTIM OF VIOLENCE AND VIOLENT CRIME IN THE LIMPOPO PROVINCE

This section of the report will aim to deliver a profile of victims of violence from the analysis of the broad basis of data that was captured during the research process.

Background

It is commonly held that many offenders first experience violence as victims.[4] The concept of our society as trapped in a cycle of violence is also widely acknowledged

The NCPS proposes that (1996:4) our violent history has left us with a 'culture of violence', which adds to the high level of violence associated with crime in the country. It further warns that an inferior level of service provision to victims of crime contributes to both repeat victimisation and may lead to further violence, or crimes displaced into the social or domestic spheres of the offender's life.

According to Holmann (Chapter IV) crime has spiralled in South Africa since 1994. Levels of interpersonal violence are high, with consistently high levels recorded in such categories as attempted murder and violent or aggravated robbery, including rape[5]. There are also disproportionately high levels of assault (GBH) recorded for instance in the Northern Cape and the Limpopo province. Where there is stabilisation, such as in the category murder, this stabilisation has occurred at very high levels.

The incidence of less serious violent crime, such as common assault, is difficult to assess, as it is less likely to be reported to the police. Reported figures are also known to be inaccurate, in the instance of rape – it is generally agreed that rape is under-reported.

> "South Africa has one of the highest rape statistics in the world, once referred to in the 1995 Human Rights Watch Report as the "rape capital of the world" (Jewkes & Abrahams 2000:5).

> In 1996, 50 481 cases of rape were reported to the SAPS, 44 222 cases of completed rape which is equivalent to 210 incidents per 100 000 women of the population (CIAC, 2000).

> The figure for 1998 was very similar to the 1996 figures that was (43 021). This is just the tip of the iceberg, if attempted rape is taken into consideration the picture changes considerably, researchers from the MRC estimate that the problem of rape is nine times higher than that reported to the police since attempted rape is less likely to be reported" (CSIR CPC 2001).

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[4] See for example, Friedman, 1998,p.25; Fraser-Moleketi, 1998, p.7; Nel, 1999, p.11; Holtmann, 1999, p.29.

[5] See SA Survey 1999/2000, p. 50: Victims of murder 1998, 24 875 Victims of Serious Assault 1998, 234 056. Victims of robbery 1998, 88 319.

crime has a more negative effect on women, the elderly and young children, although the extent to which people are affected depends directly on their individual capacity for recovery and the seriousness of the offence.

Holtmann (2003) strongly believes young men have to be prioritised as beneficiaries of Victim Empowerment (VE) as *"it is men who commit violent crimes against each other and sexual and violent crimes against women and children"*. She supports Friedman who says:

> *"it is only when there has been a successful intervention at the point of victimisation that a young man is able to escape the cycle of violence that otherwise spirals him towards offending".*

Other factors such as socio-economic factors can cause a variance in the impact of victimisation and the more obvious of these are age and poverty. For instance, when an old person is victimised and physically hurt the injury is likely to take longer to heal than that of a younger person. Similarly, a very young child is less likely than an adult to know how to ask for help or to resist a sexual attack and may take much longer to recover (Holtmann 2003).

Snyman et al (2001) elaborates on this perspective:

> *"The national victim survey confirmed that individuals in the lowest income category were most susceptible to violent crime in 1997. A similar pattern of employment also emerged from the CIMC study on rape, which found that only 21.7% of victims were economically active, and the rest were economically inactive or unemployed. To understand the link between victims' poverty and violent crime, gender violence concepts have to be considered. Being unemployed often implies a strong dependency on someone else, who either works or receives a welfare grant. This leads to a power imbalance. The victim is on the receiving end of violence due to her dependency on the other person".*

According to Skogan & Zedner (1994:1223) people's vulnerability in respect of violent crime is determined by factors such as isolation, available resources, personal and psychological vulnerability and previous experience. In practice, bystanders, witnesses, family members, service providers and even communities are regarded as victims in certain circumstances (Hobdell, workshop, 23rd November, 1998).

A victim is, as defined by the United Nations (1985): *"persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws"*

- If the offender is convicted, the victim will need to be informed of his release so as to be protected from potential repeat victimisation or revenge (Holtmann 2003).

The impact of victimisation is compounded by the inadequacy of victim support services and access to services on offer to many poor communities, particularly in rural areas. In the Limpopo province there is a limited number of victim support services available to the victims of crime.

The Department of Social Development is the lead department in the delivery of services to victims of crime. The Department was allocated this role by the NCPS (1996), in terms of direct service provision and in terms of the subsidisation of community-based initiatives and the training of service providers.

According to the Department of Social Development in Limpopo they deliver counselling and debriefing services for victims, these services are integrated with the existing VEP centres in the province. A social worker is on duty in the sub–district offices. Victims can access their services by visiting these offices or by telephoning. Mostly victims include women from childhood years to middle age. Men do not access their services because *"they do not want to come forward and talk about their victimisation"* (this speaks to what Holmann (2003) alludes to previously) Khaba also reports that the offenders are mainly young black males from 17 to 25 years of age (Khaba, Telephonic Interview 2003, June 03).

The department also conducts workshops and awareness campaigns and partakes in the 16 days of activism against the abuse of women and children.

The Department reports that they have a very good working relationship with the SAPS but Khaba believes that the SAPS are *"overstretched"* and that they do not have enough resources nor the capacity to police and investigate SFC (Telephonic Interview 2003, June 03).

According to Khaba, the victims of crime are re-victimised by the CJS, in her words *"it is just a waste of time, victims get secondary victimisation[6] and the time of reporting and finalisation of cases is way too long"*.

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[6] *"Secondary victimisation is caused by the combined effects of legal illiteracy, ... lack of representation in a trial, their misunderstanding of the impact of certain information or impressions on the court, gender biases on the part of presiding officers, ... fear of the unknown, her lack of control over the process, her subjection to harsh and sometimes humiliating cross examination, and having her assailant acquitted due to insufficient evidence being put before the court"* (Fedler et al 2000: 127).

care and social workers contribute to a continued undermining of the significance of the victim in South Africa" (Holtmann 2003).

Victim support services in the Limpopo Province
NICRO (Limpopo)

> *"The depth and breadth of victimisation as a result of crime in South Africa today is extensive. The impact of this victimisation can be limited through effective interventions in the form of focused service delivery to victims of crime"* (Holtmann 2003).

The National Victims of Crime Survey found that only 17% of victims turned to relatives and friends for help and 12% went to neighbours, while 60% went to no one (Snyman et 2001).

NICRO (Limpopo) delivers a service (Seshego VEP) to victims at the Seshego police station. The service includes overnight accommodation for five victims. Victims of crime also access their services at courts (the witness support leg of the Community victim support programme). Helping them prepare for court appearances especially the victims of sexual abuse and domestic violence assists victims. This includes lending a hand with protection orders and maintenance issues. These services are offered at the sexual offences court in Mankweng and (periodical courts) elsewhere in the province.

NICRO (Limpopo) runs three programmes:
- Diversion and youth development
- Community victim support
- Economic opportunities project

Ndlovu believes there is a need to also implement the fourth NICRO programme "offender integration". NICRO often receives letters from inmates requesting their assistance in this regard (Ndlovu, Individual Interview 2003, April 23). Volunteers are actively involved in all NICRO's services and they have five permanent members on staff and 27 volunteers.

Typically NICRO (Limpopo) delivers services to women and children, (men are few and far between), the crimes committed against them are mostly domestic violence and sexual offences (45% of these victims are children) (Ndlovu, Individual Interview 2003, April 23). The race profile includes mostly black and coloureds and occasionally they encounter a few white victims in the witness support programme.

According to Ndlovu (Individual Interview, 2003) most perpetrators of rape are under the age of 18. In most of the sexual offences and domestic violence cases the perpetrators are known to the victims

"Victims report a case and then is excluded from the process, the CJS deals with the perpetrator. For instance the CJS does not protect the victim because often perpetrators will threaten the victim and his or her family" (Joyce Mashanba, Individual Interview 2003 May 03).

Literature supports this and resources are and have been focused on the apprehension and conviction of criminals, with little regard being paid to the victims of crime. In criminal prosecutions, the victim is no more than a witness, as the state becomes the complainant (Holtmann 2003).

Thohoyandou VEP

The service was initiated in 1997. It was previously the VE Committee. It initially comprised of the police and the CPF. In 2002 the VEP Thohoyandou trust was formed and the services available include:

- An emotional cluster for counselling
- A campaign cluster for workshops to educate the community
- A case management cluster for case progress

There is a trauma centre at the hospital. Most of the victims that access these services are the victims of sexual offences and domestic violence. The services include a pre-test counselling service to HIV victims.

Most of the victims are women and children. Generally they receive approximately 40 cases per month of which more than 50% of children are under the age of 16. They mostly come from the rural areas and are very poor. A relatively high proportion of the population (42%) in the Limpopo Province is younger than 15 years of age, partly due to high fertility levels but also because of migrant labor (see chapter III).

There is a good relationship between the SAPS and the centre. The respondent supports the opinion held by other respondents that the SAPS need better and more extensive training. They had a case where a police officer was related to the perpetrator and he obstructed the progress of the case. She also stresses that there should be continuous training for prosecutors (Cynthia Gobran, Telephonic Interview 2003, May 03).

Offenders are mostly black males and their ages range from children as young as 10 to 14 years of age to between 30 and 40 years of age. The close proximity to the boarder means that they also have contact with illegal and legal immigrant offenders from Zimbabwe and Mozambique (Cynthia Gobran, Telephonic Interview 2003, May 03).

- More than half the 11 254 murders recorded were committed with guns (54% of homicide victims died from gunshot wounds, 28% were killed with sharp objects, 13% with blunt objects and 3% were strangled or burnt)
- For both men and women, murder rates rose at weekends, with the peak murder times for women being 8pm and, for men, 9pm

Schönteich, a researcher at the ISS believes that the weekend murder peaks are due to the fact that many South Africans *"binge drink"* at those times and many murders were alcohol-related (confirmed by findings and discussed in chapter III and chapter V). SAPS respondents interviewed during the research process also confirmed this assertion. One respondent indicated that her police station are tasked to arrest people as a form of crime prevention:

> *"We arrest those found loitering and drinking on the streets, this keeps them off the streets out of harms way (becoming a victim) and prevents them from committing serious crimes such as rape and murder".*

A profile of victims from the docket analysis

The docket analysis had its limitations in that specific information was not available, this include:
- Reasons/motives for attack or crimes (in some of the cases the statements of the witness alluded to the motive)
- What injuries were sustained (in some cases the medico-legal report had very limited information and the information was not clear)
- Time, day of the week and properly described location of the criminal event (local crime prevention strategies cannot profile and protect potential victims if this information is not available)
- How victims responded to the attack
- Whether or not victims had access to support services

The victim's experience of the crime, how they dealt with the crimes committed against them, further to this their perceptions and experiences of the criminal justice system were likewise excluded.

Age of victims

A relatively high proportion of the population (42%) in the Limpopo Province is younger than 15 years of age, partly due to high fertility levels but also because of migrant labor.

Annexure H provides the age of victims encountered in the docket analysis process, age ranged from 8 to 80 years of age. More than half of the victims were adults (age group 25 - 59). Fewer than 25% were in the age group 30 to 39 years. Just under a third of the victims were in the age group 12 to 24. Small children (0 to 11) and the elderly (60+ years old) comprised a proportionally small group of

CHAPTER VIII   CRIMINOLOGICAL EVALUATION AND ANALYSIS: OFFENDERS OF VIOLENT CRIME

This section of the research report will address and discuss the following aspects:

- A detailed profile of perpetrators who resort to violence/violent behaviour from the analysis of various reliable data sources, including prosecuting records of convicted persons and other related records

- An analysis of results from interviews with a sample of perpetrators of violence who are serving prison sentences or, are in diversion or in rehabilitation programmes

The concept profiling

According to Vetten (2003), profiles are questionable and the emphasis should rather be on crime patterns and trends. Comparative analysis of the patterns of crime should be conducted and similarly occurring elements should be clustered. Police expertise should be included in the process because:

> "there is no substitute for good old-fashioned police work, prosecution led investigations and support for victims through the CJS".

In and interview with an expert on the CJS (Nel, Individual Interview 2003, May 29), Nel was specifically asked regarding the value of conviction records in terms of profiling offenders:

> "No, you cannot use a conviction record to develop a profile of offenders. That is because no socio-economic circumstances of the accused are captured in the docket and record. The information is simply not displayed in the record".

Profiling is defined as a logical and rational process that is founded in sociology and psychology (Geberth 1996). Profiling is as an investigative tool that is subject to scientific scrutiny and can be taught as subject matter.

One of the first scientists involved in criminal profiling at the Federal Bureau of Investigation's (FBI) Behavioural Science Unit, Roy Hazelwood said the following:

> "... criminals are so varied that almost any encompassing statement about them will be inaccurate or misleading. With killers, for example, about the only safe generalization is that an inexplicably large percentage of them are named" (Michaud & Hazelwood 1998).

One of the investigative tools often employed to aid in the capture of serious criminals is generally known as criminal profiling. This method has received a large amount of attention in recent times. A broad overview of literature on criminal profiling might suggest that it has had impressive results and that it has assisted in the capture of many offenders since its adoption in the early 70's, the reality is much less spectacular. More often than not offenders are caught on minor offences, such as routine traffic stops, or by shrewd police officers that deem the person to warrant further investigation.

There is also distinction between criminological profiling (developed by criminologists) and criminal profiling (developed by criminalists) (UNISA 2001:23).

> "The process of doing a criminal profile is the process of inferring distinctive personality characteristics of individuals responsible for committing criminal acts and is also known as criminal investigative analysis. Criminal profiling is a multidisciplinary forensic practice. It requires applied knowledge in criminalistics, medico-legal death investigation and psychology" (Turvey 1999:1).

There are various criminal profiling techniques and these have been developed by people from a multitude of professional backgrounds including Turvey, a forensic scientist who has developed a method known as Behavioral Evidence Analysis (BEA). This method relies heavily on the physical evidence relating to a specific crime, conclusions about the offender are derived from an examination of the crime scene and offender behavior. This method developed directly from the forensic science origins of the developer.

Another method is Investigative Psychology, developed by a British psychologist Canter, a method that arose directly from his work with environmental psychology.

In order to develop a criminological profile the scientist must have a sound knowledge of criminology (the study of criminal behavior) supported by a knowledge of psychology, specifically on issues of personality traits and temperament as well as a knowledge of sociology, with the emphasis on relevant social issues such as poverty, unemployment and literacy.

Literature supports that there are a variety of theoretical criminological and criminal profiles, including the following:

- Profile of a male batterer (Van der Hoven, 1994)
- Various profiles of rapists
- "The criminal mind", Yochelson and Samenow (1976) identified 52 errors of criminal thinking believed to form the criminal's personality these include chronic lying, intense anger and frustration etc.
- Conklin (1995:145) describes Walters and White's model of the cognition of lifestyle criminals which they developed after studying convicted offenders
- "Self-control and crime", several research findings link low self-control to criminal behavior (Conklin 1995:146)
- Yablonsky (1990:135) identifies four types of criminals in terms of the manner in which their personalities affect their criminal behavior

However, research (UNISA 2001:14) has failed to demonstrate clear dissimilarity between the personality of the criminal and that of the noncriminal and the focus should rather be on the person

- Tended to feel sexually inadequate coupled with aggression
- Tended to be materialist as substitute for love and affection
- Poor self-image, submissive and introverted
- Poor impulse control and fluctuating emotions and high levels of anxiety
- Little insight into their problems
- Tended to become extremely volatile emotionally when frustrated
- Behaviour is unpredictable

An expert (Schoeman, Individual Interview 2003, May 14) that interacts on various levels on a daily basis with imprisoned offenders subscribes to the notion that a profile of an offender can only be developed through the multi-layering of various data sources, information pertaining to the offender and in-depth interviews, dialogue and consultation. In her estimation, the emphasis should be on offender assessment rather than profiling. She recommends that the following practices be applied as part of a process:

- Analysis of information sources such as the conviction record (this record cannot be scrutinized on its own as at best it can only allude to a possible motive for the crime or provide information on the presentation of the crime scene)
- Analysis of the criminal event to establish a possible motive
- Personal assessment that includes the following:
  o Psychometric testing
  o Eco-metric testing
  o Assessment (including in-depth interviews)
  o Interviews with care-givers (those that cared for the individual)
  o Interviews with a partner or meaningful other
  o Interviews with previous employers
  o If the crime happened in a community setting, establish or investigate the dynamics of the crime

The purpose of assessment is to:

- Advise members of the community and organizations on crime intervention measures
- Provide an expert opinion on suitable sentencing in a formal court of law
- Develop the necessary skills to contribute to offender and victim rehabilitation and empowerment (UNISA 2001:15).

The interviewee points out that a lot of research has been done on crime causation and explanation and there are several theories and theoretical profiles available on serious or violent offenders. Schoeman emphasizes the 'Social Bond Theory', this is the leading social control explanation of crime, it rests upon the assumption that a person is free to commit criminal acts because his ties to the conventional order has somehow been severed. Rather than pointing at offenders and asking 'why do

approved and expected concomitant of certain stimuli...." (Brown et al 2001:338). The originators of the theory conceded that social structure might be responsible for the emergence of a subculture of violence.

According to the General Theory of Crime for instance the lack of self-control found in criminals is traceable to certain personality traits and poor parenting. According to Gottfredson and Hirschi, as quoted in *Criminology* by Siegel, *"People with limited self control tend to be impulsive, insensitive, physical (rather than mental), risk taking, short-sighted and non-verbal"* (Criminology 2001: 261). Accompanied by this impulsive personality they are further disadvantaged by poor parenting. Children that are poorly supervised, lack attachments to their parents and possibly witness acts of deviance by their elders are the least likely to develop self-control (see chapter III and chapter V).

Method of profiling

For the purposes of this study criminological profiling will be applied. There is differentiation in criminological profiling in terms of its application e.g. the criminologist can identify certain crime patterns that assist the researcher to compile a criminological profile of a specific type of crime and/or its typical offender.

In order to compile a criminological report (UNISA 2001) three main steps have to be followed:

1. **Gather as much information as possible on the particular case;** this includes reports from social workers and psychologist on the case, interviews with investigating officer (not just docket analysis), interviews with the family and particularly the offender. During the research process the research team conducted in-depth interviews with a small sample of offenders imprisoned in the Limpopo Province for various violent offences. The interview was structured in three relevant themes:

   o Individual context (including biological and psychological aspects, the investigation of biological and psychological factors is even more important when it is kept in mind that longitudinal research suggests that the aggressive behavior in childhood is a risk for adult violent behavior (Reiss & Roth, 1993).

   o Social context (the surrounding social influences such as socioeconomic status, social problems i.e. alcoholism, unemployment etc. and interpersonal relationships including conflict and patterns of violent behavior)

   o Criminal event (including preceding factors, the crime particulars and the impact of the crime)

2. **Highlight factual information** such as age and criminal record, and identify facts from the various sources that overlap or contradict each other.

Table 1 – contains information on the age of the offender, gender as well as the offence.

in today's world and effective literacy programs deserve support at all levels of government (http://www.freedommag.org/english/vol29I4/page42b.htm).

A further one of the interviewees has a standard two or grade 4; two have a standard five/grade 7; and two have a standard eight/grade 10 education. One of the ten offenders has a university entry-level education.

Employment - Six out of the ten offenders were employed before they were arrested. Their occupations included farm workers, domestic workers, truck drivers and a pastor. (Unemployment is discussed in chapter III).

3. **Make deductions based on the available information, apply knowledge and learning and finally draw the necessary conclusions and make recommendations.**
   Due to the small sample size (10) the findings from the interviews cannot be extrapolated and generalized to the rest of the Limpopo population. The questionnaire was developed in consultation with the UNISA department of Criminology (Conradie & Morodi 2003). A method of content analysis was applied and commonalities identified and drawn from the interview results and where possible applied to the broad basis of data. Content analysis is a research tool used to determine the presence of certain commonalities or concepts within texts or sets of texts. Researchers quantify and analyze the presence, meanings and relationships of concepts, then make inferences about the messages within the texts. Texts can be defined broadly as chapters, essays, interviews, discussions, articles, conversations or really any occurrence of communicative language.

Key findings

- As illustrated in table 1 above, the ages of the sentenced offenders ranged from 21 to 74. Two out of the ten offenders interviewed were arrested for housebreaking and their ages at the time of the criminal event was respectively 17 and 19. It seems and this is supported by research that housebreaking is more likely to be committed by younger males.

- Three offenders interviewed were convicted of murder and/or culpable homicide, their ages ranged from 31-71. All three these crimes occurred in a domestic setting and involved a family member (victim was known to the perpetrator) they either murdered their wives or husbands. Two out of the three interviewees were female and both claimed that they killed their husbands after a history of serious abuse. *"At its most severe domestic violence may result in death, with either the woman striking back and killing her abuser or the abuser killing his partner".* (Vetten 2000:51). Bower (2003), believes that male and female profiles in our society (patriarchy) and deep-seated traditions and beliefs lead to interpersonal and community violence in this country.

(2002:3) it is hypothesized (and results of the study confirm this) that violence against women is most likely to happen in the home, *"a supposed safe place for women"*.

"The most common location for abuse was in the home". The study goes on and poses the question:

"What then are the implications for women's vulnerability in a crime-ridden society where the common response is to build high wall and encourage people, particularly women, to stay indoors?"

- The ISS survey highlights that most women know the perpetrator - another finding that confirms what researchers and practitioners have been saying for years. *"Over half of the women who experienced economic, emotional and physical abuse said the perpetrator was a spouse or partner. Survivors of sexual abuse were as likely to be abused by a stranger as by a partner or spouse. Most perpetrators were married at the time of the abuse"*. These findings illustrate the extent to which the problem has become normalized within domestic relationships. The study provides significant insights into the nature of violence against women and more importantly, how South African individuals and society respond to it. A thousand women were interviewed across 9 provinces including the Limpopo province and the sample was stratified according to metropolitan, urban and rural areas, age and race including domestic and non-domestic abuse. Profiles of the perpetrators of abuse are given by abuse type and by settlement type (metropolitan, urban and rural). The report also discusses marital status; age as well the employment status including the treatment of these perpetrators.

- Female offenders interviewed claimed they had no friends because their husbands were abusive and they restricted their social contact. Domestic violence takes many forms; it is any form of physical, sexual or emotional abuse that occurs within the context of a close relationship. In most cases, the relationships will be between partners (married, co-habiting or otherwise) or ex-partners. This definition is not limited to physical and sexual assault but also includes other forms of domestic violence such as harassment, mental violence, restriction of freedom, isolation, threats of violence, deprivation and damage to or loss of property. A general definition of 'abuse' is - the intentional mistreatment or harm of another person (CSIR CPC 2001). Further to this it includes the following:
  - o SEXUAL: rapes and other forms of sexual assault and sexually coercive behavior
  - o EMOTIONAL: playing mind games, humiliation, threatening suicide, making someone feel inadequate, criticisms (e.g. of cooking, cleaning, housework, parenting, work related etc)
  - o INTIMIDATION: destroying property, abusing pets, making someone afraid by using looks, actions, gestures, threats

spontaneous reaction). Research supports the theory that violent offenders have low impulse-control as well as low self-control.

- Except for two offenders a housebreaking case and an assault case all the offenders are first time offenders and have no prior criminal convictions. Most received short sentences (even the murder cases).

- The offenders claimed that they were not under the influence of any substance during the criminal event.

- Offenders blamed their transgressions on the following factors:
  - Unemployment and poverty (no money to support their family, promised money to the children)
  - Peer pressure
  - Lack of parenting and support at home, no parental guidance
  - Poor family background
  - Parents have no control over their children because of their children's Constitutional rights
  - The media was seen as playing a vital role in contributing to these crimes. People and/or children like to experience or imitate what they see on the television and or the movies.

Annexure C and D (Reflects information captured from dockets on both the offenders and victims)

CHAPTER IX STRATEGIC FRAMEWORK, DISCUSSIONS AND RECOMMENDATIONS

Background

South Africans view crime as a grave risk to the well being of the country. Confidence in government's control over crime is waning and feelings of personal safety are diminishing. Public perception of the severity of the crime problem and government's incapability to solve it augment the likelihood of the non- or underreporting of crime, which can contribute to further decline in confidence in government.

The research findings of this study will feed into the development of a strategy to reduce levels of violence in the Limpopo Province. This report also captures information and recommendations on strengthening the crime prevention strategy of SAPS and prosecutor-led criminal investigations.

This section of the report aims to provide a strategic framework regarding measures to be taken for (a) effective prevention measures to combat violence and (b) effective intervention measures that could be utilized by the SAPS and the Prosecutorial Services. It includes general recommendations captured throughout the research process as well as the discussion and recommendations captured during the consultative feedback session on the research conducted on 10 June 2003, to the Department of Safety, Security and Liaison and other stakeholders and role players.

Because SFC is so widespread it is often portrayed as a problem that is insurmountable. Many believe including most of the experts and other respondents interviewed during the research process, that a greater understanding of these crimes (whilst integrating an approach, such as restorative justice for instance) could bring forth inventive strategies for crime management.

If the aim is to gain a better understanding of SFC and to develop any kind of intervention strategy, the many contexts (the social, personal, political, cultural, economic and legal context in which the effect of these crimes are felt) of SFC has to be tacit and clearly understood by those aiming to develop these strategies. The report aimed to encapsulate most of these contexts, such as the social, personal, cultural and economic contexts. Examples from this and other research studies that aim to describe the policy and political contexts against which SFC manifest in SA follow:

Policy context

In 1996 the NCPS (National Crime Prevention Strategy) identified national priorities for addressing crime and violence, and crime was disaggregated according to its underlying causes. Crime prevention focused on interpersonal and violent crimes in an integrated manner within the CJS. The White Paper on Safety and Security's (drafted in 1998) aim was to balance effective law enforcement and social crime prevention strategies. The focus was on vulnerable groups at risk of either offending or becoming victims — women, children and the youth were defined as vulnerable groups. Prosecution led investigations driven by the National Directorate of Public Prosecutions (NDPP) saw the light in

so on. The emphasis of the social prevention approach is on targeting these underlying causes of crime, rather than focusing on the punishment of offenders. The causes of crime are seen to be social and situational in nature, rather than a result of individual deviance. The social prevention approach therefore rests heavily on a sound knowledge of the causes of crime, adequate research skills for the monitoring of crime trends, and the evaluation of intervention programmes (http://www.csvr.org.za/papers/papalm2.htm).

The NCPS (1996) is notable for the importance it places on integration and transformation of the CJS as a requirement for the effective combating of crime. The emphasis is clearly on preventative, as opposed to reactive, strategies. Prevention, as outlined in the NCPS, should involve *"co-ordinated long-term strategies that involve a range of participants beyond the traditional criminal justice system "* (Shaw 1998:2). As such it is a significant attempt to provide an inclusive policy framework addressing all policy areas that impact on crime (Van Aswegen 2000:141).

The NCPS centres on 4 pillars (each of which incorporates specific national programmes):
- Transformation of the CJS
- Reduction of opportunities for crime by altering the physical environment (Crime Prevention Through Environmental Design – CPTED)
- Creating values and attitudes that discourage crime through education programmes
- Limiting the influence of international and regional crime syndicates (Van Aswegen 2000:141 – 2).

International debate has redefined the link between central state mechanisms and local authorities in terms of crime prevention responsibilities. The end result has been the allotment of an increasing degree of responsibility for crime prevention to local government level. This thinking is clearly reflected in South African legislation and policy, from the Constitution to policy papers of specific state departments. The Constitution provides a framework for understanding the relationship between key government institutions in carrying out safety and security issues at local level. Most importantly it provides an indication that local authorities have now been allocated safety and security responsibilities (Bruce 1997:30).

The NCPS sketches a specific role for local government:
> *"To co-ordinate and promote interagency crime prevention work within local boundaries."* (Shaw 1998: 2).

Whilst suggesting local government involvement in crime prevention, the NCPS is not specific about the details of such responsibilities. The White Paper on Local Government (1998) directs local

Social crime prevention strategies and 'good practice' recommendations (national and international)

Social crime prevention strategies are only effective in addressing particular factors that influence crime. A successful local crime prevention plan will employ both environmental and social crime prevention strategies.

Perhaps the hardest strategy to implement is the one that requires integration across Government Departments – both in terms of Provincial Departments working with National or Local, and in terms of various Provincial Departments working together. Each Department has its own objectives and vision and whilst in theory linkages are easily made, it is often difficult to align specific actions and requirements in practice (Holtmann, Individual Interview 2003, April 01).

A strategy should thus aim to on the one hand formalise integration through e.g. the application of simple templates (see Annexure H) and procedures and on the other hand expand the opportunities for integration through broadening the way in which connections are made. Member departments should be encouraged to retain leadership of the issues that most appropriately fall into their domain; yet each member should be encouraged to search out and identify the ways in which those issues relate to others.

Monitoring and evaluation (M&E) should be seen as a key management tool in the achievement of the goals and objectives of a crime prevention strategy.

An information and knowledge-based approach is central to any strategy. Member departments should for instance be kept abreast of key issues in the crime prevention and law enforcement environment in order to deliver an information-based service to those that ought to benefit by such a strategy.

Any strategy and its objectives should be revisited at regular intervals to ensure that it is kept current and appropriate as it grows in maturity.

Thus to cope with crime in all its manifestations, it is essential to adopt an integrated approach to reduce or prevent violent crime, that is to say, to consider the factors that might play a role in the onset of crime, the actual incidence, as well as the consequences. The following components have to be considered:

- Causal factors or risk factors of crime. Liese (Individual Interview, 2003) supports the belief that there should be clear differentiation between those factors that put an individual at risk and those factors deemed as causal factors
- Crime and its impact

- **Fighting crime together: the strategy (United Kingdom Strategy on violent crime)** (http://www.homeoffice.gov.uk/docs/chap1.pdf)

An action plan (supporting this strategy) sets out what this government is doing and what they intend to do to reduce violent crime and disorder in England and Wales. It amplifies and complements the Government's Crime Reduction Strategy (published in 1999). They are determined to work in close partnership with the many agencies, which have a role to play. *"It covers action against disorder as well as against more overt violence, since disorder can spill over into violence all too easily".*

- *Improving support for victims and witnesses of violent crime:* Victims' interests are at the heart of the UK's strategy on violent crime. The strategy addresses the impact and the legacy of violence by introducing measures to mitigate victims' fear of crime, and the further risk of it, and to help rebuild their lives. It aims to generate confidence in the ability and commitment of the CJS and other agencies to deal with the perpetrators and to protect the public better in the future. Victims should be active participants and not just passive spectators in the CJS.

- *Better policing and better prevention of violent crime:* People want to see more police on the streets. They want to see more police officers on patrol. More offenders brought to justice, and brought to justice more quickly. That means more police, and the police being able to use their time and their talents more effectively in the fight against crime and against violent crime in particular. Investment are put in to increase police numbers, police forces must have the right powers and the right way of organising their work to allow them to tackle crime and especially violent crime better.

- *More effective punishment of offenders:* The CJS needs to deal with more offenders more quickly. A key pledge is to improve the time it takes to get young offenders into court. But this approach also involves strategies to reduce re-offending and improve the management of those at risk of re-offending.

- *Dealing with the causes of violent crime and tackling the conditions which breed violence:* Many factors contribute to the environment in which violent crime breeds, including economic hardship, poor parenting, family disruption, and truancy and school exclusion. There are also other factors including alcohol misuse. This does not mean that all individuals exposed to such risks will commit violent crimes, nor that they can in some way be excused. But the Government has a responsibility to improve the conditions, which can lead to crime. Ranges of measures, which will support families, build strong communities and ensure real opportunities in education and employment will be put in place or are currently being put in place.

- *A partnership approach with the police, local authorities and other agencies to tackle violent crime successfully:* No single agency working in isolation can effectively tackle the complex problems, which so often lie at the root of violent crime. Of course the

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De Kock (Head of the Crime Information Analysis Centre (CIAC) believes policing SFC is virtually impossible without community support (http://www.crisa.org.za/volume1/crimesit.htm).

The following specific recommendations emanated from the focus group sessions conducted with the members of the community and are discussed under the following subheadings:

➢ **CJS**

- Community leaders are recognizing that they should also accept responsibility for keeping their communities and neighbourhoods safe and that a unified stand should be taken against crime, violence, and the general disregard for the law. They must make a commitment to increase crime prevention and intervention activities but the SAPS should lend a hand in building stronger, more self-sufficient communities, in which crime and disorder will not thrive. For instance participants said that there are markets for stolen goods in their areas and the community should stop buying stolen goods as this supports crime.

- Community respondents believe that there is an increase in unreported cases because most of the clinics do not operate 24 hours a day (contrary to Min. Mufamadi's, Budget Speech in 2002 – see chapter III) due to a lack of security, telephones and electricity and victims have to travel long distances to go to a hospital for services. (Nurses manage some clinics without the assistance of doctors, especially in the rural areas).

- The implementation of traditional courts should be investigated. These courts are easily accessible and inexpensive in terms of transport etc., as people do not have to travel long distances to the magistrate courts. The languages used will also be advantageous, as information will not be distorted through incorrect interpretation.

- The lack of information about how the CJS operates reduces the access and service rendered by the state or it is simply not effectively utilised. Community members should be educated regarding the procedures of the CJS. For instance victims must be more involved in the CJS in terms of the process of dealing with the offenders (Restorative justice principles, see footnote 1, p. 64)), e.g. the sentencing of the offender. Further to this restorative justice redirects the focus of the entire CJS and inspires an innovative approach to addressing interpersonal violence. If the approach is taken that the causes of crime need to be the focus of prevention programmes, then it is imperative that a restorative justice approach is needed when addressing the less serious crimes that eventually lead to serious crimes like SFC. (Rika Snyman, Technikon SA, South Africa, A Restorative Justice Approach to Interpersonal Violence, http://www.aqpv.ca/diffusion/abstracts/stuvwxyz_a/snyman_r.html)

- The Department of Justice is not actively involved in community projects and there is a call for the department to be involved.

- It was mentioned that the most vulnerable groups are women, children and the elderly but some participants felt that the whole community including men are at risk but men are ashamed to report cases to the police. Men should be encouraged to report cases.

Recommendations regarding the CJS

- Introduce an interactive system of communication (feedback) between the prosecutors and SAPS (investigating officer) in relation to the quality of a statement and docket (encourage prosecutor led investigations). For instance police officers should be closely managed in terms of the closure of dockets by withdrawals. Cases should be forwarded to the prosecutor for a mutual decision. Follow the example of the Thuthuzela centres in the Western Cape and in Gauteng - what sets Thuthuzela centres apart from other one-stop centres and the victim empowerment centres established at health facilities and police stations, is the range of service providers involved. Those forming part of Thuthuzela's multi-disciplinary team include police investigators, medical personnel, community volunteers, social workers and prosecutors. The inclusion of prosecutors reflects the attempt to shift investigations from being police-driven to being prosecutor-driven. Ideally, all cases should be discussed by the investigating officer and the prosecutor as soon as they are reported. At Thuthuzela prosecutors are available to investigating officers on a 24-hour basis (http://www.iss.co.za/Pubs/CRIMEINDEX/01Vol5No3/women2.html).

- Introduce a system of monitoring and evaluation of statement taking at all police stations.

- Training of police investigators should focus on crime scene handling, taking of statements, completing case dockets and dealing with victims of SFC.

- There should be consistency in the approach of prosecutors and investigating officers towards the investigation of cases (particularly sexual offences and murder cases).

- A system whereby the investigator/prosecutor (depending where the case is) informs the complainant about the progress of investigations as well as the outcome of cases should be implemented. There is a general lack of feedback to the complainant. SAPS policy specifies that the complainant must be kept abreast of the progress and outcome of the police investigation. The fact that the police do not keep complainants informed may increase the rate of case withdrawals.

- Prevent secondary victimisation of particularly rape victims; secondary victimisation is typically described as the ill informed, insensitive, blaming treatment of rape survivors by members of the CJS and the victim's family, friends or community. Examples of such victimisation include:

  a. Disbelief and insensitive treatment of women laying sexual assault charges
  b. Discouraging or preventing women from laying charges
  c. Failure to provide private waiting or report-taking facilities
  d. Failure to provide women with information on procedures; not explaining why certain questions are being asked or procedures followed, and not updating women on the progress of the investigation or trial
  e. Using biased criteria in deciding whether or not to prosecute or close cases, or declare them unfounded

- o Updating police data with the outcome of the case once it had been through the court system
- Often the medico-legal report does not describe the nature and full extent of the injuries sustained by a victim and the information is not fully described. These reports serve as substantial evidence in court and can influence the decision of the court.

Recommendations that emanated from the interviews conducted with SAPS on intervention strategies

- There are inhibiting factors, which render the services of the police in dealing with criminals ineffective and inefficient, such as lack of good infrastructure (long distances, no roads, tar roads or deteriorating roads) or lack of streetlights. Problems are also created by the geographic factors such as mountainous areas where it is often difficult for the police to chase perpetrators and make arrests because the approaching police vans can be seen at a distance. Thus ensure the proper utilisation of resources to improve the service delivery of the SAPS. For instance there is a need for better infrastructure in the areas that they provide services to e.g. proper roads as well as an environmental scan to address issues such as bad lighting in crime ridden areas. Local CPTED strategies could possibly guide SAPS initiatives in this regard. Crime Prevention through Planning and Design aims to reduce the causes of, and opportunities for, criminal events and also to address the fear of crime by applying sound planning, design and management principles to the physical environment (CSIR 2003).
- Further to this, ensure that a sufficient number of members are deployed in the areas of most concern. Internationally and in South Africa, the debate regarding the perceived shortcomings of traditional approaches to crime prevention has gained increasing attention.

  "Traditional, and expensive, crime policing approaches have been challenged by the argument that simply increasing the number of police available for duty does not necessarily, or easily, translate into reduced crime levels," (Sherman 1996a: 1). The alternative approach is to position the limited safety and security resources in such a way that addressing crime at the causal level is possible. The ultimate intention is to decrease the levels of crime by limiting opportunities for crime to occur. In doing so there is an effort to combine resources and input from a wide range of players in an attempt to make crime prevention efforts as effective and cost efficient as possible. This, more often than not, has resulted in the inclusion of role-players not usually associated with crime prevention activities, role-players who operate outside of the CJS. The shift towards crime prevention, particularly the multi-agency approach, is an international trend that is clearly mirrored in recent South African legislation (see above). (CSIR & ISS Liebermann et al 2000).
- Liquor licensing should be regulated.
- *"More and better"* training for police officers should be introduced. This includes the appointment of more specialised members to units. This recommendation is supported by

included in a strategy such as this e.g. the link between the abuse of alcohol and post-traumatic stress disorder

- Moral regeneration (respect for the law should be included). There should be a people/community-centred approach – how can the community combat crime and the criminal activities in the community.
- There should be an integrated approach to dealing with crime. Currently the approach is fragmented because each department deals with elements of the crime not the full extent of the crime.
- Rehabilitation of offenders: respondents raised the current approach towards offenders and according to them this strategy should investigate and include alternatives such as diversion.
- An effective crime prevention strategy should focus on a massive communication and education strategy. Communities should be empowered and capacitated to understand the various processes, procedures and rights of all in the CJS and how the community could deal effectively with crime. Mobilization of communities. (For instance the Youth Commission is in partnership with Correctional Services and communities (young offenders). Young people in prison can inform those in the community regarding prison life. It is important to teach young men what the consequences of crimes are and to guide young people.)
- Role models: various programmes and projects as mentioned above are underway where people that have been in prison inform the youth of the reality of prison life. Currently gangsters in the communities are seen as the role models of the youth. The youth should be included in developing a strategy to deal with various issues within the community, they should be empowered and helped to develop a message that will work with young people. The issue of peer pressure should be acknowledged and the fact that youth believe the only way they can be accepted is by becoming part of a gang.
- Perceptions regarding crime (fear of crime) and the reality of crime should be seen as two separate issues.
- Acknowledge that this forum cannot deal with unemployment and poverty, but resilience should be build within the youth.
- Youth and violence at schools: the involvement of the Department of Education is of vital importance, this department has a budget for school safety but this budget is not being used to deal with violence in the schools. Schools should be held accountable for school safety. It should be acknowledged that educators are over-burdened and that teaching should be seen as a vocation. (NOTE the Department of Education was invited to the session but did not attend the session).
- The gender commission should be informed regarding the study.

Participants raised the following **key elements**, which should impact the development of the strategy:

- o **Role modelling and alcohol**

- Require a common vision (review of history: apartheid phase) people working towards a common goal
- What is a safe society? E.g. children playing in safety, women walking freely at night.

Closing remarks

The study is comprehensive in that it addresses many aspects of SFC and makes use of data from a range of sources. It is however skewed in favor of SFC in poor and mostly rural black communities.

It appears that for the most part trends and experiences of SFC in Limpopo follow national trends. The significance of this is that research done elsewhere in SA, and therefore strategies that have worked elsewhere can be extrapolated to Limpopo.

The link between poverty and crime is significant. It needs to be emphasized that the significance extends way beyond the general assumption that poor people are more likely to commit crimes - the true significance lies with the connection between vulnerability and crime, the status of poor women, women who are heads of poor households, the impact of crime on poor people and the heightened vulnerability of poor children who have inadequate supervision. It is also significant in terms of access to services, in particular the CJS.

The effectiveness of the CJS in terms of SFC is significant not just in quantitative terms, the number of convictions, but also in terms of that same accessibility and how the CJS deals with victims of crime. Does the system encourage or support engagement with the victims of crime. (To what extent is the CJS effective in preventative terms).

This study aims to recommend strategies that will break the cycle of violence. Thus ensure awareness regarding those cycles - both immediate and inter generational.

Profiling of victims and offenders - in our environment this is a spurious task - perhaps it would be better to examine the third element necessary for the commission of crime - opportunity. This is why it is often most effective to develop and implement localized strategies in support of broad stroke national or provincial strategies.

High levels of crime are a threat to Human Rights - popular perception is that our Constitution favors criminals - this highlights the massive need for educational campaigns. Strategies cannot be led by popular perception, but the converse is true — *"we will never lead popular perception unless we provide credible and accessible information regarding crime, human rights, punishment and crime prevention"*(Holtmann, Individual Interview 2003, April 01). This must be central to any strategy.

ANNEXURE A (EXPERTS CHAPTER): CONTRIBUTING FACTORS

REPORT OF SEXUAL OFFENCES (van Niekerk, Telephonic Interview, March 14).

The socio-political history of the country has eroded family and community life. Apartheid laws, migrant labor practices, and the culture of violence that developed through the struggle for freedom have separated, disintegrated and distanced many families and communities. So many young people and young adults in disadvantaged communities have grown in up in situations of disadvantage, exposed to continuous and institutional violations of human rights, in the absence of complete family units. Most young people in disadvantaged communities were – and continuously are – exposed to acts of violence that, in order to survive emotionally and psychologically, create a blunting of affect and therefore a blunting of empathy for others.

1. Few of the offenders that Childline has dealt with over the years come from families that were intact. Typically the family life of many of these offenders is characterized by the disintegration of the family, and physical, emotional and/or sexual abuse of the women and children within the family unit. Particularly the family life (or lack thereof) of child offenders is characterized by severe emotional, relationship and/or physical deprivation. Many of these children lack guidance and control, the opportunities to learn family values, and the opportunity to learn relationship skills such as empathy, negotiating the fulfillment of needs via relationships, etc. Father figures and role models are often absent – if not physically then emotionally (Dhabicharan, unpublished thesis, submitted July 2002).

2. The traditional methods of teaching young people responsible sexual behavior have been lost and alternatives that are acceptable have not yet been integrated into the fabric of family and community life.

3. The media constantly reinforces a message that sexual expression should be free and unfettered by values, faithfulness and self-control. Even children from rural areas are exposed to messages that do not promote consideration for the sexual rights and safety of others.

4. The HIV/AIDS pandemic and the myths that accompany it have also contributed to the vulnerability of children. Many children are living with caretakers who are not biological parents, or living on their own as sibling groups. As access to social security is unavailable or difficult for many of these children, they are easily exploited sexually in exchange for the meeting of basic needs.

5. The pandemic of domestic violence is a contributing factor. Sadly Childline encounters many adult female victims of domestic violence who are, or have been, unable to protect their children from sexual assault from their adult partners.

6. Poverty contributes enormously to the sexual vulnerability of children. The absence of the child support grant for children over the age of 7 years is an iniquitous blight on family life for those families who live without an income and in poverty. Many children support their family, pay their school fees, have their uniforms and books supplied through sexual favors. The

- Many of the sectors mentioned above, when they are confronted with the non-delivery of services, state that they struggle with a lack of resources, both material and personnel, lack of training, motivation and debriefing.

8. There is lack of financial support for the NGO Sector that works in the field of child sexual assault and provides essential services that contribute to the protection of vulnerable children. It is of enormous concern that NGO's who provide the bulk of child protection services are poorly supported and subsidized. Early childhood education facilities that provide many infants, toddlers and young children with safe care and protection are closing because of the lack of subsidy. These facilities are essential for the protection of children from poorer families whose caretakers cannot afford alternative care. Projects that support preventive strategies are poorly resourced, if at all.

9. The constant criticism of the NGO sector by the Minister of Social Development is both demoralising and unfair. It must be noted that in KwaZulu-Natal the bulk of quality child protection services in the welfare sector are provided by resource-strapped NGO's who work extensive hours for salaries well below those earned in the Government Department of Social Development. In fact referral to government welfare services in the Province is usually a last resort due to the unsatisfactory response. The lack of adequate resources compromises preventive programmes and contributes to the secondary victimization of the child.

10. The lack of service delivery, free schooling and employment opportunities for youth, especially those living in poverty, has resulted in many young people feeling disillusioned and disempowered. There has not only been an increase in child sexual assault but also an increase in gang rape in which children are targeted by youth gangs, separated from their friends and raped by a number of sexual assailants.

11. The Government has failed to accept, develop and implement the National Child Protection Strategy that was drawn up by a national group of experts in the child protection field representing all sectors of government involved in child protection as well as representatives of the NGO sector. This national strategy was developed by the National Committee on Child Abuse and Neglect and presented to the then Minister of Social Development in 1997. This strategy deals with both prevention and management of child abuse in all its forms.

12. Child Abuse prevention programmes have been based on adult premises about children's ability to protect themselves, and have largely ignored long-term solutions that may prove more effective. For example programmes have focused on children saying "no" and being able to rescue themselves from vulnerable situations – both unrealistic when one considers the imbalance of power between children and their assailants and the universal norm of respect of children for adults.

13. South Africa has developed and inculcated a culture of human rights without a focus on personal responsibility for protecting the rights of others.

14. Programmes focus on the empowerment of women and the girl child without acknowledging the disempowerment and emasculation of the majority of men.

Annexure C and D (Reflects information captured from dockets on both the offenders and victims)

Annexure E (Reflects information on the status of cases)

Annexure F (Crime in Limpopo Province per police area 1994 - 2001)

Annexure G (Police Station Profiles)

ANNEXURE C DOCKET ANALYSIS: OFFENDERS

RACE	AGE	GENDER	OFFENCE	STATUS	POLICE STATION
Black	46	Male	Murder	Convicted	Calcutta
	33	Male	Murder	Arrested	Calcutta
Black	38	Male	Assault GBH	Convicted	Calcutta
Black	20	Female	Assault GBH	Withdrawn	Calcutta
Black	17	Male	Rape	Undetected	Calcutta
Information Unknown	Information unknown	Information unknown	Housebreaking	Undetected	Calcutta
Information Unknown	Information unknown	Information unknown	Housebreaking	Undetected	Calcutta
Information Unknown	Information unknown	Information unknown	Rape	Undetected	Calcutta
Information Unknown	Information unknown	Information unknown	Attempted Murder	Undetected	Calcutta
Information Unknown	Information unknown	Information unknown	Attempted Murder	Undetected	Calcutta
Information Unknown	Information unknown	Information unknown	Assault GBH	Undetected	Calcutta
Black	28	Male	Murder	Withdrawn	Giyani
Information Unknown	Information unknown	Information unknown	Housebreaking	Undetected	Giyani
Information Unknown	Information unknown	Information unknown	Attempted Murder	Undetected	Giyani
Black	17	Male	Housebreaking	Arrested	Giyani
Black	19	Male	Rape	Arrested	Giyani
Information Unknown	Information unknown	Information unknown	Attempted Murder	Undetected	Giyani
Black	23	Male	Assault GBH	Arrested	Giyani
	25	Male			
Information Unknown	Information unknown	Information unknown	Attempted Murder	Undetected	Giyani

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RACE	AGE	GENDER	OFFENCE	STATUS	POLICE STATION
Black	43	Male	Domestic Violence	Arrested	Maake
Information Unknown	Information unknown	Information unknown	Rape and armed Robbery	Undetected	Mankweng
Information Unknown	Information unknown	Information unknown	Rape	Withdrawn	Mankweng
Information Unknown	Information unknown	Information unknown	Assault GBH	Withdrawn	Mankweng
Information Unknown	Information unknown	Information unknown	Rape and armed Robbery	Undetected	Mankweng
Information Unknown	Information unknown	Information unknown	Rape	Undetected	Mankweng
Information Unknown	Information unknown	Information unknown	Rape and armed Robbery	Undetected	Mankweng
Black	20	Male	Assault GBH	Withdrawn	Mankweng
Information Unknown	Information unknown	Information unknown	Assault GBH	Convicted	Mankweng
Information Unknown	Information unknown	Information unknown	Assault GBH	Withdrawn	Mankweng
Black	40	Female	Assault GBH	Withdrawn	Mankweng
Information Unknown	Information unknown	Information unknown	Assault GBH	Convicted	Mankweng
Black	56	Male	Robbery Common	Undetected	Mokopane
Black	Information unknown	Male	Domestic Violence	Arrested	Mokopane
			Malicious damage to property	Arrested	Mokopane
Black	32	Male	Assault GBH	Arrested	Mokopane

RACE	AGE	GENDER	OFFENCE	STATUS	POLICE STATION
Black	33	Male	Assault GBH	Arrested	Seshego
Black	20	Male	Assault GBH	Convicted	Seshego
Information Unknown	Information unknown	Information unknown	Murder	Undetected	Seshego
Black	20	Male	Assault GBH	Arrested	Seshego
Black	20	Male	Rape	Convicted	Seshego
Black	36	Male	Murder	Arrested	Seshego
Black	26	Male	Murder and kidnapping	Convicted	Seshego
Black	16 / 13	Male	Indecent Assault	Withdrawn	Seshego
Black	46	Male	Murder and Kidnapping	Arrested	Seshego
Black	46	Male	Rape	Arrested	Seshego
Black	32	Female	Murder	Convicted	Seshego
Black	13	Male	Murder	Arrested	Seshego
Information Unknown	Information unknown	Information unknown	Attempted Rape	Undetected	Thoyandou
Black	17	Male	Housebreaking	Arrested	Thoyandou
Black	37	Male	Rape	Arrested	Thoyandou
Information Unknown	Information unknown	Information unknown	Housebreaking	Undetected	Thoyandou
Information Unknown	Information unknown	Male	Assault GBH	Undetected	Thoyandou
Black	31	Male	Assault GBH	Convicted	Thoyandou
Information Unknown	Information unknown	Information unknown	Assault GBH	Undetected	Thoyandou
Black	Information unknown	Information unknown	Assault Common	Withdrawn	Thoyandou

ANNEXURE Docket Analysis: Victims

VICTIM RACE	AGE	GENDER	OFFENCE	POLICE STATION
Black	22	Male	Murder	Calcutta
Black	27	Female	Assault GBH	Calcutta
Black	20	Female	Assault GBH	Calcutta
Black	15	Female	Rape	Calcutta
Black	22	Male	Housebreaking	Calcutta
Black	44	Female	Housebreaking	Calcutta
Black	8	Female	Rape	Calcutta
Black	36	Male	Attempted Murder	Calcutta
Black	29	Male	Attempted Murder	Calcutta
Black	30	Male	Assault GBH	Calcutta
Black	Information unknown	Male	Rape	Maake
Black	44	Male	Murder	Giyani
Black	33	Female	Housebreaking	Giyani
Black	54	Male	Attempted Murder	Giyani
Black	46	Female	Housebreaking	Giyani
Black	16	Female	Rape	Giyani
Black	24	Male	Attempted Murder	Giyani
Black	26	Female	Assault GBH	Giyani
Black	54	Male	Attempted Murder	Giyani
Black	20	Female	Assault GBH	Louis Trichard
Black	51	Female	Housebreaking	Louis Trichard
Black	51	Female	Housebreaking	Louis Trichard
Black	41	Male	Rape and armed robbery	Louis Trichard
White	57	Male	Attempted murder	Louis Trichard
Black	37	Female	Housebreaking	Louis Trichard
Black	Information unknown	Female	Murder	Louis Trichard
Black	33	Female	Assault GBH	Louis Trichard
Black	39	Male	Rape	Louis Trichard
Black	30	Information unknown	Assault GBH	Louis Trichard
Information unknown	Information unknown	Male	Rape	Maake
Black	50	Female	Housebreaking	Maake
Black	22	Male	Murder	Maake
Black	18	Female	Rape	Maake

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ANNEXURE Docket Analysis: Victims

VICTIM RACE	AGE	GENDER	OFFENCE	POLICE STATION
Black	25	Female	Common Robbery	Polokwane
Black	39	Female	Murder	Polokwane
Black	42	Female	Robbery with aggravated circumstances	Polokwane
Black	24	Male	Murder	Polokwane
Black	49	Male	Murder	Polokwane
Black	15	Male	Assault GBH	Seshego
Black	20	Male	Assault GBH	Seshego
Black	49	Male	Murder	Seshego
Black	9	Female	Indecent Assault	Seshego
Information unknown	15	Female	Rape	Seshego
Black	Information unknown	Information unknown	Assault GBH	Seshego
Black	42	Male	Murder	Seshego
Black	51	Male	Murder and kidnapping	Seshego
Information unknown	46	Female	Murder and kidnapping	Seshego
Black	8	Female	Rape	Seshego
Black	Information unknown	Information unknown	Murder	Seshego
Black	13	Male	Murder	Seshego
Black	24	Female	Attempted Rape	Thoyandou
Black	52	Female	Housebreaking	Thoyandou
Black	19	Female	Rape	Thoyandou
Information unknown	38	Female	Housebreaking	Thoyandou
Black	39	Information unknown	Assault GBH	Thoyandou
Black	Information unknown	Male	Assault GBH	Thoyandou
Black	28	Female	Assault GBH	Thoyandou
Black	23	Male	Assault common	Thoyandou

ANNEXURE E STATUS OF CASES

OFFENCES	Number	Percentage%	Withdrawn	Not traced	Arrested	Convicted
Attempted Murder	5	6%		4	1	
Attempted Rape	1	1%				
Assault GBH	25	28%	6	1		
Assault Common	4	4%		6	5	8
				1	3	
Child Abuse	1	1%	1			
Domestic Violence	2	2%			2	
Indecent Assault	1	1%	1			
Murder	14	16%	1	3	4	6
Rape	13	14%	5	4	3	2
Robbery with aggravated circumstances	1	1%		1		
Robbery common	3	3%		1	2	
Robbery	3	3%	1		2	
Total Number	73	81%	15	21	22	16

NB: Excluding 11 cases of housebreaking, one case of theft, one case of malicious damage to property and one case of armed robbery.

Crime in the Northern Province per Police Area: January to September 1994-2001

Area: CENTRAL

	1994	1995	1996	1997	1998	1999	2000	2001
Murder	112	106	124	104	122	113	105	146
Attempted murder	172	125	169	197	194	200	160	167
Robbery with aggravated circumstances	388	339	355	404	462	419	435	396
Other robbery	171	154	194	193	208	273	377	546
Rape and attempted rape	302	400	445	407	456	465	545	565
Intercourse with a girl under the prescribed age and/or female imbecile	2	3	6	7	10	5	9	3
Indecent assault	22	18	36	51	30	21	41	51
Cruelty towards and ill-treatment of children (excluding sexual offences, assault and murder)	7	3	7	8	8	7	17	24
Assault with the intent to inflict grievous bodily harm	1749	2041	2178	2109	2297	2616	2737	2983
Common assault	1752	1975	1586	1909	2002	1905	2372	2532

Area: BUSHVELD

	1994	1995	1996	1997	1998	1999	2000	2001
Murder	382	253	238	256	164	194	207	211
Attempted murder	1199	666	536	447	360	291	408	466
Robbery with aggravated circumstances	1738	1292	830	646	611	593	847	968
Other robbery	467	395	673	691	767	840	1130	1010
Rape and attempted rape	486	669	736	864	791	859	960	1022
Intercourse with a girl under the prescribed age and/or female imbecile	7	0	4	6	4	0	4	2
Indecent assault	25	26	32	30	42	32	51	48
Cruelty towards and ill-treatment of children (excluding sexual offences, assault and murder)	34	57	60	35	43	39	40	49
Assault with the intent to inflict grievous bodily harm	2813	3045	3033	3766	3294	3890	4206	4024
Common assault	2056	2270	2361	2496	2241	2321	2980	3100

Area: FAR NORTH

	1994	1995	1996	1997	1998	1999	2000	2001
Murder	86	98	100	108	122	96	70	70
Attempted murder	125	122	188	272	228	181	136	141
Robbery with aggravated circumstances	215	231	309	324	341	376	357	306
Other robbery	161	151	187	265	404	458	550	729
Rape and attempted rape	368	397	372	531	588	614	597	658
Intercourse with a girl under the prescribed age and/or female imbecile	6	4	1	2	9	8	2	8

NOTES

According to Bornman et al (1998) a lot of uncertainty surrounds the methodology by which SAPS calculate incidence rates. For instance, the SAPS reported an annualised rate of 87,2 murders per 100 000 population for 1995 in the historical regions of the SAPS (1996). However, the projected figure for the whole of South Africa, including the former homelands and self-governing states was 54,1 per 100 000 (Glanz 1995 and National Crime Information Management Centre 1996). This discrepancy is probably due to the use of different databases and procedures for recording crime, the use of unrefined crime code lists and the integration of the police services of the former independent states and self-governing territories (National Crime Information Management Centre 1996).

The Business Day (2003, May 07) reports that:

> "In a country like SA, where crime is as serious as it is, there is a need to assess the statistics right down to (police) station level. The national crime rate is also calculated as 'per 100 000 of the population'. This is problematic because it depends on which population figures you base you calculations on. It would be easier to be given the actual number" (Benjamin 2003).

The article goes on to say that in July 2000 the safety and security minister at the time, Tshwete, imposed a moratorium on crime statistics and a task team was appointed to oversee how police gathered and disseminated the information. "The rationale was that it would irresponsible of the police to continue to disseminate inaccurate information that could result in a misrepresentation of the truth". Tshwete's predecessor, Mufamadi had in fact appointed a ministerial committee of inquiry in 1997 to look into the gathering of crime statistics. The committee found the following problems:

- The recording of the exact crime location
- The recording of the exact crime classification (for example aggravated versus common robbery or serious assault versus attempted murder)
- Updating police data with the outcome of the case once it had been through the court system

NAME OF POLICE STATION: SAPS THOHOYANDOU

No of SAPS Members	Manpower Allocation	Resources	No of Satellite Stations	Station Area	Policing Area Served	Magistrate Court
Male 355 Female 52 **Total** 407	**Management** Station Com 3 Communication Services 1 Crime Prevention & Community Service Centre & Complaints 243 Detectives 63	**Computers** CAS 56 PC 4	Phiphidi Shayandima Makumbane Sibasa Matatshe	+-3600km	It serves more than three towns and hundred and twenty three rural villages, which are densely populated	It resorts under the Thohoyandou Magistrate District. **Courts** District 5 Regional 1 Supreme 2 Small Claim 1 Sexual Offence Court 1
	Support Functions Logistics 13 HR 11 Finance 9 Admin Services 24 Mortuary 3 Mess 0 CIAC 7 Court Duties & Guards 37	**Vehicles** Uniform 28 Detective 16 Garage 11 Boarded 9 **Total** 64	**NB.** There is one (1) satellite commander, 16 members and one (1) vehicle per satellite station.			

NAME OF POLICE STATION: SAPS MANKWENG

No of SAPS Members	Manpower Allocation	Resources	No of Satellite Stations	Station Area	Policing Area Served	Magistrate Court
Male 118 Female 15 **Total 133**	**Management** Station Commissioner 1 Communication Service 0 Crime Prevention & Community Service Centre 56 Detectives 45 **Support Function** HR 5 Finance 2 Logistic 2 CIAC 4 Admin Services 0 Court Duties & Guard 10 Mortuary & Mess 0	**Computers** Network terminal 21 Stand alone 2 Printer 12 **Vehicles** Uniform 12 Detective 11 Garage 1 Boarded 5 **Total 29**	One (1) satellite police station at Solomondale called Sebayeng. It has 22 members.	350km of about 172000 people	Serves 101 villages and these villages have no streetlights and the conditions of the roads are bad and keeps on deteriorating especially during rainy seasons.	It resorts under the Mankweng Magistrate District and the regional court is seated in Polokwane while the Supreme Court is in Pretoria.

NAME OF POLICE STATION: SAPS LOUIS TRICHARDT

No of SAPS Members	Manpower Allocation	Resources	No of Satellite Stations	Station Area	Policing area served	Magistrate Court
Male 142 Female 18 **Tota** 160	**Management** Station Commissioner 1 Communication Service 1 Crime Prevention & Community Service Centre 92 Detectives 30 **Support Function** HR 3 Finance 1 Logistic 11 CIAC 3 Court Duties & Guard 7 Mortuary 3 Mess 0	**Computers** Network terminal 13 Com (stand alone) 3 Printers 13 NB. Station has a Diana telephone system inked with all other divisions of SAPS situated in town. But no communication between station and its satellite. Only walkie-talkies are used to communicate with its satellite station. All vehicles fitted with radio communication device. **Vehicles** Vehicles 17 Detective 10 Garage 4 Boarded 0 **Total** 29	One (1) satellite station with only 16 members. But it is not clear if the satellite has vehicle (s).	3010Km with a population of about 111 274	It serves two chiefs demarcated to the Station from Siloam and Tshitale police stations. There are no informal settlements in the policing area.	It resorts under Louis Trichardt, Tshitale and Dzanani Magistrate District. There are 3 magistrate courts attended daily, regional court attended daily, as well as Supreme court attended once a month served by the Station.

NAME OF POLICE STATION: SAPS GIYANI

No of SAPS Members	Manpower Allocation	Resources	No of Satellite Stations	Station Area	Policing area served	Magistrate Court
Male 170 Female 29 **Total** 199	**Management** Station Commissioner 1 Communication Service 1 Crime Prevention & Community Service Centre 117 Detectives 32 **Support Function** HR 3 Finance 1 Logistic 4 CIAC 2 Court Duties & Guard 8 Mortuary 0 Mess 18 Admin Service 12	**Computers** Network terminal 11 Com (stand alone) 2 Printers 11 **NB.** The Station is included on the same system as the Area Office & all other components in Giyani. 37 extensions were supplied to the Station with 6 in the CSC. All vehicles fitted with radio communication device. **Vehicles** Vehicle 13 Garage 4 Boarded 10 **Total** 27	Three (3) satellite police stations with a total of 22 members. Dzumerino Makhuva Giyani	3581Km with a population of about 153,323	It serves 125 villages, which fall under ten chiefs. Areas of these chiefs are very mountainous while the policing area is deep rural with bad roads.	It resorts under the Giyani Magistrate Court. There are five magisterial courts to be attended daily at Giyani while the Regional court also make use of the same facilities for one week per month. It further serves the Ritavi, Mhala and Malamulele Regional courts (all depending on where the case occurred). The Supreme court is situated at Louis Trichardt, Phalaborwa or Tzaneen.

NAME OF POLICE STATION: SAPS MAAKE

No of SAPS Members	Manpower Allocation	Resources	No of Satellite Stations	Station Area	Policing area served	Magistrate Court
Male 89 Female 14 Total **103**	**Management** Station Commissioner 1 Communication Service 0 Crime Prevention & Community Service Centre 67 Detectives 24 **Support Function** HR 10 Finance 0 Logistic 0 CIAC 0 Court Duties & Guard 0 Mortuary 0 Mess 0 Admin Service 1	**Computers** Network terminal 10 Com (stand alone) 0 Printers 9 **NB**. The Station has a Diana telephone system installed with extension to the Office of the Detectives & pin codes are used; the Pamper Telephone Management System is installed. The Station offers 10111 services to the community with two emergency lines installed in the CSC operating 24hrs. All vehicles fitted with radio communication device. **Vehicles** Vehicle 7 Garage 4 Boarded 3 **Total 14**	There are five satellite police stations but their names are not mentioned.	4,900Km with a population of about 500 000	It serves almost the following villages under five Chiefs. Namely, Mr. Muhlaba, Mr. Mogoboya, Mr. Maake, Mr. Mahlo and Mr. Letsoalo. Areas of these chiefs are very mountainous while the policing area is deep rural with bad gravel roads.	It resorts under the Naphuno Magisterial Court. There is only one Magistrate court to be attended daily. There in Regional Court serves by the Station on daily basis and the Supreme Courts are in Tzaneen.