



**Thirteenth
United Nations Congress
on Crime Prevention and
Criminal Justice**

17 April 2015

English only

Doha, 12-19 April 2015

Statement submitted by the Government of South Africa*

* Distribution is limited to the quantities and languages in which the paper has been made available to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice. The designations employed, the presentation of material and the views expressed in the paper do not necessarily reflect the views of the United Nations Secretariat and do not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

V.15-02563 (E)



Please recycle 

REPORT BY SOUTH AFRICA TO THE THIRTEENTH UNITED NATIONS CONGRESS ON CRIME PREVENTION AND CRIMINAL JUSTICE (2010-2014)

I. INTRODUCTION

1. The Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to be held in Doha, Qatar, from 12 to 19 April 2015 (hereafter referred to as the Doha Congress), marks the 60th anniversary of the UN Crime Congress that is held every five years. This will be an opportunity for the nations of the world, including South Africa, to collectively consider, under the main theme of the Congress: “How best to integrate crime prevention and criminal justice into the wider UN agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation.”
2. The Doha Congress also provides the opportunity to assess the progress made since the Twelfth UN Crime Congress held in Salvador, Brazil on 12-19 April 2010. The Salvador Declaration, at the conclusion of the Twelfth Congress, highlighted the pivotal role of justice in development; emphasized the need for a holistic approach to criminal justice system reform to strengthen the capacity of criminal justice systems; and explored ways of preventing and controlling emerging forms of crime worldwide. The Doha Congress further takes place against the backdrop of the international community’s continued discussion of the challenges of the post-2015 development agenda and will focus on links between security, justice and the rule of law, and the attainment of a better, more equitable world.
3. The Doha Congress comes at a time when South Africa has just celebrated 20 years’ as a constitutional democracy. Since 1994 government - and the country as a whole - has been engaged in a national project of transformation aimed at transforming government, civil society and the economy. Much has been achieved since 1994, but work still continues in this regard. South Africa has in the past 20 years demonstrated that it is fully committed to the protection, promotion and enjoyment of human rights by all who live within its borders. This commitment, however, also extends to those who reside on the continent and the world over. With our pre-democracy history of oppression, torture and segregation under the Apartheid regime, it is of particular importance for South Africa to continue to play an active role in the protection and promotion of human rights. In line with this, the government is further committed to the prevention and combating of crime and the advancement of the rule of law in order to ensure the realisation of the rights enshrined in the South African Constitution.
4. South Africa participates in the Doha Congress bearing in mind that the protection against crime and violence is a top priority for the government and the people of South Africa, as well as for people everywhere. South Africa has first-hand experience that criminal activities may undermine state authority by fuelling corruption and damaging the legitimate economy. It also has an impact on the quality of life of citizens, most particularly those who are vulnerable, such as the poor, women and children. South Africa, through its National Development Plan for 2030 is therefore, on a continuous basis, developing and promoting measures to help ensure that we have an effective criminal justice system and respect for the rule of law, as these elements are crucial for achieving sustainable development. As part of this, our Constitution enshrines human rights and this is being promoted by all organisations and institutions in South Africa. South Africa, as part of the globalized inter-connected world, is further addressing the transnational nature of crime as one of the key challenges all countries face. Part and parcel of this is dealing

also, amongst others, with the prevention and combating of trafficking of persons, strengthening witness protection and mutual legal assistance, combating organised wildlife crime, and promoting Internet safety through addressing cybercrime.

5. This report has been prepared in line with the UN Standard Guidelines on the Preparation of Country Reports. In the main it captures progress, from the period April 2010 to December 2014, on the implementation of the outcomes set out in the Salvador Declaration in the areas of crime prevention and improvement of the criminal justice system. To this end, progress is highlighted in respect of a number of themes relating to legislation and policies, and administrative measures and programmes, initiated by government specifically in implementing the Salvador Declaration and generally in preventing and combating crime and in the advancement of the rule of law in South Africa.
6. The content of the report is arranged according to progress made in South Africa in relation to the main theme of the Doha Congress and in particular in relation to the provisional agenda themes of the Doha Congress, namely:
 - (a) Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development.
 - (b) International cooperation, including at the regional level, to combat transnational organized crime.
 - (c) Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime.
 - (d) National approaches to public participation in strengthening crime prevention and criminal justice.
7. The Report will also touch on the main issues that will be dealt with at the envisaged workshops that will form part of the work of the Doha Congress:
 - (a) The role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders;
 - (b) Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims;
 - (c) Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation; and
 - (d) Public contribution to crime prevention and raising awareness of criminal justice: experiences and lessons learned.
8. As part of the progress reported in terms of the above-mentioned themes, the following aspects will also feature in the report:
 - (a) Legislation, strategies and policies to prevent and combat organised crime and related crimes;

- (b) Prevention and combating of violence against women and promoting gender equality;
- (c) Development and strengthening of practises to punish all forms of crime that target children and supporting the rehabilitation of youth offenders;
- (d) Policies to address urban crime and violence against migrants and promote social cohesion;
- (e) Measures aimed at reflecting advances in correctional services and best practice;
- (f) Measures to promote education and awareness of UN standards and norms in crime prevention and criminal justice to ensure respect for the rule of law;
- (g) Promoting and strengthening of international cooperation;
- (h) Reviewing and maintaining an effective criminal justice system;
- (i) Promoting crime prevention strategies through a participatory, collaborative and integrated approach that is inclusive of civil society;
- (j) Measures to prevent and combat corruption;
- (k) Legal representation and legal aid, and
- (l) The improvement in relation to cybersecurity, in general and cybercrime, in particular.

II. SUMMARY OF SOME OF THE PROGRESS MADE IN IMPLEMENTING THE 2010 SALVADOR DECLARATION ([SEE DECLARATION](#))

9. The government of South Africa is committed to building better and safer communities and to the improvement of the quality of life for all its citizens. It is for this reason that government has identified the fight against crime and corruption as one of its key priorities. It is evident that government's efforts in the last 5 years, since the Salvador Declaration was adopted in April 2010, has contributed to the reduction of crime in our country. This was as a result of, amongst others, improving law enforcement efforts, accompanied by socio-economic measures, the reduction of poverty and the improvement of the quality of life in general. This has also improved investor confidence in our young, but vibrant constitutional democracy.
10. Significant progress has further been made in reconstructing and developing our country, particularly in respect of our responses to the trio challenges of inequality, unemployment and poverty. In addressing the plight of the poor and marginalised, the level of poverty has been reduced. Access to housing, water, electricity, sanitation, education, health and social protection has been provided to the poor and previously marginalised communities. Despite this remarkable progress, much more still needs to be done to address the challenges of inequality, unemployment and poverty. To deal with these challenges the government has, since 2010, adopted five key priorities, namely: improving education, improving healthcare, creating decent work, fighting crime and corruption, and rural development/ land reform to address the challenges of inequality, unemployment, poverty and crime. The economy of the country, which is central in addressing the trio challenges, has as a consequence steadily improved since 1994 and has grown by 3.2 per cent per year from 1994 to 2012, despite the global recession which claimed millions of jobs.

11. The unemployment rate still remains high, and youth unemployment in South Africa continues to be a concern, as it is throughout the world. This has, amongst others, been identified as a key driver of crime. A number of measures to address youth unemployment have therefore been taken, including the promotion of the Employment Tax Incentive Act, 2013 (Act No. 26 of 2013) which encourages employers to hire younger workers. To this end 3.7 million work opportunities have been created since 2009. Other than mining, five other job drivers were identified in 2009, namely: tourism, agriculture, the green economy, infrastructure development and manufacturing, so as to reduce the level of unemployment. Social grants have, since 1994, been the lifeline of unemployed and poor people who qualify for such grants. As to education, student enrolment at universities has increased by 12 per cent, while further education and training college enrolment has increased by 90 per cent. In general, there has been a substantial increase in the enrolment of children in school from pre-primary to tertiary level. The matric pass rate has increased from around 61 per cent in 2009 to 78 per cent in 2013, and the number of bachelor degree passes, improve every year. Since 1994 the provision of basic services to our people has improved with increased access to services such as water, sanitation and electricity.
12. South Africa is amongst the pioneers of the New Partnership for Africa's Development (NEPAD) and our police and military personnel have been deployed to assist in a number of conflict situations in Africa, as in accordance with our foreign policy, which aims to support regional and continental processes to respond to and resolve crises, strengthen regional integration, significantly increase intra-African trade, and champion sustainable development and opportunities in Africa.
13. In 2010, the Justice, Crime Prevention and Security Cluster (JCPS) Cluster Ministers, with the endorsement of Cabinet, adopted a Delivery Agreement based on a five (5) year programme cycle till 2030, on peace and security to ensure that: "All people in South Africa are and feel safe". As underscored in the Presidential 20 Year Review of Progress Made Since 1994, several surveys have shown that citizens and communities are beginning to feel safer. Although there has been progress in reducing crime, the level of violent crime against women and children is still high. Furthermore, recent deaths during violent public protests indicate a need to improve training of public order policing units, and their command and control structures, as well as a need to improve interaction with communities.
14. In 2011 government approved the Social Crime Prevention Strategy in order to coordinate all efforts to reduce the social, economic and environmental factors conducive to particular crimes such as, for example, contact crimes. The Social Crime Prevention Strategy is based on the assertion that the causes of crime are complex and therefore require a range of appropriate approaches that are tailor-made to address specific conditions. The Strategy is further premised on the principles that crime prevention has to be dealt with holistically and that crime prevention is the responsibility of everyone. To be successful it must be coordinated and linked with measures to address broader social challenges at community level. The Strategy has assisted in promoting the addressing of the underlying causes of crime and violence and has led to successful interventions such as the victim empowerment programme, substance abuse programmes and a Drug Master Plan for the country, child protection and community development programmes.
15. Departments within the Justice Crime Prevention and Security Cluster have also collectively developed a National Integrated Anti-Gangs Strategy which provides for interventions, targeted at the root causes surrounding gangsterism, to be addressed in a

multi-agency fashion. This have ensured the integration of departmental activities at all spheres of government, and in partnership with civil society and communities.

16. It can be noted that the annual crime statistics released by the South African Police Service (SAPS), in 2013 and 2014, indicate a steady downward trend, especially in serious and violent crimes such as murder. The overall crime rate has decreased by 21 per cent since 2002 and measures to make communities safer are on-going. One of the key focus areas is to eradicate violence against women and children. A number of measures have been taken to respond to this challenge, including the re-opening of the Family Violence, Child Protection and Sexual Offences Units in the Police and the re-establishment of dedicated Sexual Offences Courts.
17. Additionally, to enhance the role of the police in dealing with victims of gender based violence, the Civilian Secretariat for Police has developed a policy on Addressing Barriers to the Reporting of Sexual Offences and Domestic Violence. The policy sets out clear guidelines around the collation, presentation and interpretation of police statistics, as well as strengthens norms and standards around the establishment and management of victim services. In addition, a policy to address the identification, investigation and management of serial rape and serial murder within the SAPS has been developed. The policy spans the criminal justice process from the initial identification and investigation of a series to the prosecution thereof, where legal principles such as Similar Fact Evidence can be used to assist in securing convictions where limited forensic evidence is available.
18. With regard to combating corruption, major strides have been made by the JCPS Cluster towards building a resilient anti-corruption system for the country, strengthening accountability and responsibility of public servants, creating a more transparent, responsive and accountable public service, and strengthening judicial governance and the rule of law. In this regard an Anti-Corruption Inter-Ministerial Committee (ACIMC) was established by the President during 2014 to coordinate and oversee the work of the various state organs involved in the combating of corruption in the public and private sectors. The ACIMC is supported by the Anti-Corruption Task Team (ACTT). The JCPS Cluster, through the work of the ACTT, is giving effect to the government's anti-corruption agenda (which is informed by the country's National Development Plan (NDP), the Medium Term Strategic Framework (MSTF), the National Security Strategy (NSS) and the country's international obligations).
19. Among other matters, the ACIMC tasked that a comprehensive review should be conducted by the Office of the Public Service Commission on the inter-sectoral National Anti-Corruption Forum (NACF), its structures and its future role in implementing government's anti-corruption agenda, specifically in dealing with the public and the private sector. A high level Anti-Corruption Governance Architecture has been approved and will inform the development and implementation of a coherent and holistic Anti-Corruption Policy Framework for South Africa. In order to enhance its own effectiveness and its ability to serve as deterrent against crime, the JCPS Cluster has set itself a priority to deal with integrity issues within the Cluster by way of focusing on finalising all internal disciplinary cases relating to corruption, and prosecuting all JCPS personnel for offences related to corruption and other criminal acts that undermine the effectiveness and efficiency of the criminal justice system. Some of the successes in relation to the combating of corruption during 2014/15, include the following:

- A total of 192 criminal cases, involving 1017 persons is currently under investigation and has already led to 58 convictions. These cases include 20 cases under investigation in terms of the Organisation for Economic Co-operation and Development's (OECD) Foreign Bribery Convention.
 - Freezing orders to the cumulative value of R3.6 billion were obtained in the 2014/15 financial year.
 - Cash and assets to the cumulative value of R187.5 million were recovered and paid back to State during the 2014/15 financial year.
 - The AFU improved on its performance and performed exceptionally well, due to improved investigations of high value cases by the ACTT and the increased use of Chapter 6 of the Prevention of Organised Crime Act, 1998, (Act No. 129 of 1998) (POCA), in terms of civil forfeiture of illicit gains.
20. Internationally, numerous global, continental and regional treaties and strategies have been developed to ensure multi-lateral action against corruption and related activities, such as money-laundering and terror-financing. To contribute to the improvement of perceptions about the country's efforts to combat corruption the South African government is committed to improving the domestic implementation of international treaties and agreements related to the combating of corruption and foreign bribery. In addition, as international cooperation is critical to combat corruption, the leaders of the association of the five major emerging national economies - Brazil, Russia, India, China and South Africa (BRICS) – committed their countries in 2013 to develop closer cooperation amongst the BRICS states in relation to anti-corruption activities. Anti-corruption now forms part of the BRICS Action Plan as introduced by South Africa during its Presidency in 2013.
21. Legal Aid South Africa has done sterling work in advancing access to justice for indigent persons in need of legal representation, though there are still challenges in the sense that demand outweighs supply and Legal Aid South Africa is unable to assist all the persons currently in need of their services. Of significant importance has been the role South Africa and Legal Aid South Africa has been playing in promoting legal aid as an essential part of access to justice. Legal Aid South Africa has been recognized internationally as having developed a sustainable legal aid system which has been studied and learnt from by many countries intending to develop their legal aid systems. Many international country delegations are hosted annually by Legal Aid South Africa of countries wishing to study the Legal Aid South Africa model as an example of best practice. Legal Aid South Africa has also been asked to send its representatives as experts to many international conferences and workshops. It can also be noted that South Africa was a sponsor in promoting the adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems by the United Nations General Assembly in December 2012. As a follow-up to the adoption of these principles, South Africa (through the Department of Justice and Correctional Services and Legal Aid South Africa), together with the UNODC and other partners hosted an international conference in June 2014 in Johannesburg, South Africa, to promote an understanding of and implementation of the UN Principles and Guidelines. The Conference adopted a declaration on the promotion and implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, which has been named the Johannesburg Declaration. Legal Aid South Africa has also received invitations to participate in the side events organized during the Doha Crime Congress for the purpose of sharing its experiences on

various aspects relating to the delivery of legal aid and increasing access to justice and to share their experiences and lessons, in particular around the implementation of the UN Principles and Guidelines.

UPDATE AND MAINTAIN AN EFFECTIVE CRIMINAL JUSTICE SYSTEM

22. Our independent judiciary, as one of the three branches of government, has been instrumental in upholding South Africa's constitutional values such as human dignity, equality and the supremacy of the Constitution. The Constitutional Court is now the apex court and the highest court of appeal on all constitutional matters, a shift away from the Apartheid court system of high courts and an appellate division. The Constitution 17th Amendment Act and Superior Courts Act, 2013 (Act No. 10 of 2013) affirm the independence of the judiciary and acknowledges that the Chief Justice, as the head of the Judiciary, exercises responsibility over the establishment and monitoring of the norms and standards for the exercise of judicial functions and the performance of all courts. Whilst significant progress has been made in respect of the transformation of the judiciary, further measures need to be taken to, amongst others, ensure that more women are appointed to the bench.
23. Case Flow management now resorts under the office of the Chief Justice. To improve the efficiency in the courts, the Chief Justice has developed norms and standards for courts that have been Gazetted and apply to all judicial officers. More cases are being dealt with through Alternative Dispute Resolution Mechanisms (ADRM) and Diversion, in particular. In settling matters through ADMR before they reach courts, the National Prosecution Authority (the NPA) is freeing up much needed resources – both financial and human – to be used in the fight against crime.
24. In late 2014, the rationalisation of local courts commenced in South Africa, aligning Courts with their local municipalities and communities. This is a significant step towards further promoting access to justice.
25. Government aims to make the criminal justice system more efficient and up to date in line with modern global developments in technology and file administration. In line with this the integrated proposals that emanated from very detailed and robust research, analysis and inspections of all components of the Criminal Justice System (CJS), resulted in approval by Cabinet of the CJS Seven Point Reform Implementation Plan during 2008. The implementation of the Seven Point Plan is coordinated by the Office for the Criminal Justice System Review (OCJSR) located within the DoJ&CD. The elements of the seven point plan are as follows:
 - Alignment through a single vision and mission for the CJS leading to a single set of objectives, plans, priorities and performance measurement targets for the CJS;
 - Establish through legislation or by protocol a new and realigned single CJS coordinating and management structure that flows in a seamless manner from the Cabinet to each Court to improve the end-to-end coordination of the CJS in conjunction with the current National and Provincial JCPS structures;
 - Practical short and medium term proposals to improve the all-round performance of courts;
 - Improved component parts of the CJS with a focus on areas with serious shortcomings;

- Provision of an integrated and seamless National CJS Information System to facilitate more informed strategies, plans and decision making as well as to facilitate better day-to-day operational management;
 - Provision of technology solutions aimed at modernising operations, reducing costs and eliminating waste; and
 - Involvement of the population at large in the fight against crime
26. In this regard, the Criminal Justice System Review (CJS Review), initiated by the Cabinet is well underway across the whole value chain of the CJS and aims to transform the CJS from a fragmented, unfocussed and broken system into a fully effective and efficient integrated system that deals with the end-to-end CJS value chain. Various Protocols to guide interactions between the CJS role players have been developed and implemented and have led to improved communication and co-ordination within the CJS. The National Development Plan has placed renewed focus on the reform of the Criminal Justice System. The work to be done on the seven focus areas to ensure that South Africans have an efficient justice system and that people are and feel safe by 2030 is receiving on-going attention. These initiatives are essential because the more effective the criminal justice system is, the more victims of crime can be assisted.
27. In line with the seven point plan, government has also embarked on the modernisation of the CJS through the development of an Integrated Justice System (IJS) Programme. The primary objective of the IJS Programme is to:
- Automate and integrate the end-to-end criminal justice business processes (that is, from the reporting of a crime incident, through to the prosecution and adjudication of the alleged perpetrator, to the release of a convicted person), and
 - Manage the related inter-departmental information exchanges.
28. The IJS Programme has made considerable progress in the sharing of information between departments and the development and rollout of the Person Identification and Verification Application (PIVA). Other person-related integrations for 10-fingerprint searches and fast criminal record checks are in progress. This verification service will also assist with the capability to provide clearance certificates for the National Register of Sexual Offenders (NRSO), the Child Protection (CPR) and the Old Persons Abuse Registers (OPAR). Through the promulgation of the Criminal Law (Forensic Procedures) Amendment Act, 2013 (Act No. 37 of 2013), during 2014, South Africa became the 57th country to assent to legislation that provides a framework to obtain DNA samples from arrested persons and offenders and store their DNA profiles in an National Forensic DNA Database (NFDD). The Act further allows for DNA sampling to assist in the investigations of missing and unidentified persons. This forensic DNA capability is a significant step towards the more effective and quicker exoneration of the innocent and detection and conviction of perpetrators. This legislation requires that detectives take DNA buccal samples from sentenced and remanded persons in the facilities of the Department of Correctional Services from the date the Act becomes operational. The finalisation of the regulations to support the DNA Act is at an advanced stage and will support the Act, which (with the exception of section 2 thereof) came into operation in January 2015.
29. Through the use of this technology, it has been possible to link numerous serial and multiple offenders by means of DNA searches and matches, enabled by the DNA database. In addition, in various cases unknown offenders could be linked to an offence with a common DNA on exhibits submitted to the Forensic Science Laboratory (FSL). Further

enhancement of the SAPS systems has been completed to capture records of DNA buccal samples and link it with the fingerprints of all persons arrested. The investigation diary of the SAPS electronic (CAS/ICDMS) system will now receive attention to facilitate the follow-up investigation of forensic investigative leads made through the comparison searches on the forensic DNA, fingerprint and IBIS Biosciences databases.

30. The legacy of apartheid can, however, still be felt through latent challenges such as, inequality, unemployment and poverty. An example of this is the labour unrest which arose at the Marikana-Lonmin mine during August 2012. Subsequent to this occurrence, the Marikana Commission of Inquiry was appointed by the President of the Republic of South Africa, Mr Jacob Zuma, in terms of section 84(2)(f) of the Constitution of the Republic of South Africa of 1996, on 23 August 2012. Its mandate arising from the Terms of Reference promulgated on 12 September 2012 was to investigate matters of public, national and international concern arising out of the incidents at the Lonmin Mine in Marikana, in the North West Province which took place on about Saturday 11 August to Thursday 16 August, 2012 which led to the deaths of approximately 44 people, more than 70 persons being injured, approximately 250 people being arrested. A high level government team engaged with all stakeholders to ensure that the situation was contained and also to ensure that there was no risk of it spreading to other mines. Evidently the important role that crime prevention and criminal justice play in promoting development and the realisation of human rights in South Africa cannot be overstated. It follows that it is in the interests of all stakeholders to commit themselves to this endeavour. Furthermore the establishment of mine safety forums has assisted in targeting and curtailing mine crime and unrest.

III. PROGRESS REPORT IN RELATION TO THE PROVISIONAL AGENDA THEMES OF THE DOHA CONGRESS (UN DOHA CONGRESS DOC: A/CONF.222/1)

SUCSESSES AND CHALLENGES IN IMPLEMENTING COMPREHENSIVE CRIME PREVENTION AND CRIMINAL JUSTICE POLICIES AND STRATEGIES TO PROMOTE THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS, AND TO SUPPORT SUSTAINABLE DEVELOPMENT

Aspects dealt with here will also be relevant in relation to the Workshop on the role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders.

A. MEASURES TO PROMOTE EDUCATION AND AWARENESS OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE TO ENSURE RESPECT FOR THE RULE OF LAW

31. South Africa ascribes to the United Nations norms and standards. Each individual government Department has its own campaigns and programmes which aim to strengthen these efforts. The South African government has furthermore adopted a country-wide public outreach mechanism, known as “Imbizos”, which is the gathering of communities for engagement between government and communities to discuss various issues and concerns of communities on a number of areas, including crime prevention and criminal justice and the provision of services to affected communities. At the helm of the Imbizo

process is the interaction of the President of South Africa with the various communities. At Ministerial level, the JCPS Cluster Ministers, collectively and individually, also interact with communities by having discussions regarding issues relating to specific crime(s), crime prevention and crime combating aspects as well as to how government is addressing, or planning to address, those issues.

32. Government also uses media (television, radio and print media) to reach out to communities and the public in general; and the Government Communications and Information Service (GCIS) is government's communication focal point. Communities are educated about crime prevention and criminal justice in an informal and accessible manner. Freedom of speech is the basis for these community outreaches.
33. As part of their role in safeguarding the rights entrenched in our Constitution, the Public Protector and the South African Human Rights Commission also meet with communities on a regular basis in order to deal with crime issues and engage the communities in relation to their concerns. Issues can then be elevated to the level of government to ensure that they can be addressed. Government, national human rights institutions and civil society organisations, in some instances, enter into partnerships to assist with overcoming some of challenges posed by crime. One such partnership that can be noted is the National Task Team which has been established to address issues and concerns regarding the safety of our LGBTI communities. Another is the discussions held around issues pertaining to the situation of foreign nationals and criminality affecting them.

B. PREVENTION AND COMBATING OF VIOLENCE AGAINST WOMEN AND PROMOTING GENDER EQUALITY

34. Gender based violence, a term used to collectively describe a number of violent acts committed against women, remains of great concern to the South African government. Statistics by the World Health Organisation reveal that between 40 and 70 per cent of the female murder victims were killed by their husbands or boyfriends in South Africa. According to the South African Police Service 175 880 crimes against women and 66 387 sexual offences were committed in 2012/13. However, this is not only a South African issue, but is a prevalent social ill globally. It is acknowledged by the United Nations Development Fund for Women (UNIFEM) that: "Violence against women and girls is a problem of pandemic proportions. At least one out of every three women around the world has been beat, coerced into sex, or otherwise abused in her lifetime with the abuser usually being someone known to her". Government has therefore committed itself to fight violence against women as one of its main priorities.

Legislation and Policies

35. Section 9(1) of the Constitution of the Republic of South Africa, read with section (34) of the Constitution, provides for the right to equality before the law and access to courts. Various policies, pieces of legislation and administrative measures have been passed in order to address equality aspects and violence against women. In general the work of government is guided and influenced by the Constitution and the National Development Plan (Vision 2030), that aims to ensure that people living in South Africa:
 - (a) Are and feel safe and have no fear of crime;
 - (b) Are safe at home, at school, at work and enjoy an active community life free of fear; and
 - (c) Women can walk freely in the streets and children play safely outside.

36. The current legislation to protect victims of sexual violence has been used to good effect. In this regard, for example, the Criminal Law Amendment (Sexual Offences and Related Matters Act, 2007 (Act No. 32 of 2007), seeks, in particular, to protect all victims of sexual violence, but specifically provides for the protection of women and children as they remain the majority of victims of sexual violence. The Act criminalises a wide range of acts of sexual abuse and exploitation. It also repealed the common law offence of rape and replaced it with an expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender. In addition, the Criminal Law (Sentencing) Amendment Act, 2007 (Act No. 38 of 2007) provides that certain circumstances shall not constitute substantial and compelling circumstances justifying the imposition of a lesser sentence when a stern sentence must be imposed in respect of the offence of rape.
37. The Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013), has been promulgated since the Salvador Congress in 2010, and has addressed certain challenges experienced in relation to the provision of compensation of victims of trafficking and the return and repatriation of victims of trafficking.
38. The Protection from Harassment Act, 2011 (Act No. 17 of 2011), further seeks to protect persons from harassment which causes harm, or amounts to the sexual harassment of such persons. The Act, defines harm and sexual harassment and allows a victim of harassment to apply to court for a protection order against the perpetrator(s). The Act does not prevent an affected person to apply for a relief against harassment or stalking in terms of the Domestic Violence Act, 1998 (Act No. 116 of 1998).

Administrative and other measures

39. Cabinet has established an Inter-Ministerial Committee (IMC) to address the causes of violence, in particular violence against women and children. A technical task team was also established to develop a programme of action focusing on three areas or pillars, that is, prevention, response, and care and support. A Gender Based Violence Command Centre was launched during 2014 by the Department of Social Development and operates as a 24-hour call centre dedicated to providing support and counselling to victims of gender based violence. The command centre allows social worker agents to provide telephonic support and counselling and can direct the victim's case to a social worker. The toll free number is 0800 428 428 (0800 GBV GBV). The SAPS will continue to work closely with the Department of Social Development to ensure police support for this programme.
40. During 2011, the South African government established a National Council Against Gender-Based Violence in order to provide strategic and political guidance in the combating of such violence and to monitor the implementation of all programmes dealing with the elimination of gender-based violence in the country. This is an authoritative structure capable of adopting and coordinating comprehensive strategies, policies, action plans and other measures in addressing all forms of violence against women and girls, including members of the LGBTI community. The members of the Council are representatives from government and civil society organisations that are working on areas of gender based violence. The National Council has since 2011 assisted in creating improved coordination and synergy between role players involved in addressing gender-based violence.
41. In line with the provisions of section 234 of the Constitution, a Service Charter for Victims of Crime in South Africa (known as the Victims Charter) has been put in place to ensure that victims remain central to the justice process in South Africa. The Charter aims

to eliminate secondary victimization, to clarify the standard of service to be accorded to victims and to provide for recourse when these standards are not met. These efforts are being implemented by the DOJ&CD, in conjunction with the rest of the JCPS Cluster departments to ensure that the justice process remains a victim-centred process.

42. The SAPS has adopted an approach and training to their members to ensure police officials provide a victim-friendly service to all victims of crime. In order to enhance its services, SAPS participates in inter-departmental projects. These include awareness campaigns, service enhancements measures and the monitoring of service provision at Police Stations. In addition, in an effort to further combat violence against women, victim support rooms have been introduced nationally. These victim support rooms are rooms based at police stations that provide, amongst others, greater privacy for police officers when conducting interviews, taking statements and consultations with victims of sexual offences, child abuse and domestic violence.
43. Khuseleka One-Stop Centres provide all required services for women and children victims of violence such as trauma counselling and psychosocial support, health care, police services, legal assistance, shelter services to name a few. The name ‘Khuseleka’ is derived from a Zulu word and means “protection”. The Khuseleka Model is a multi-sectoral approach being implemented by the DSD in collaboration with the UNODC and EU under the Victim Empowerment Programme. Other key government departments and institutions include the DoJ&CD, the Department of Health, the NPA, the SAPS and civil society organisations. Adapted from existing models, Khuseleka is a good example of how partnerships between government, development agencies and civil society organisations in the country can assist and empower victims. During 2010, existing shelters were strengthened to also accommodate victims of human trafficking. However, more still need to be done to improve the quality, care and services at these centres. Accessibility to such shelters is currently receiving attention as most of these centres tend to be concentrated in urban areas.
44. The Civilian Secretariat of Police and the SAPS have partnered with civil society to build stronger partnerships among role players and generate collaborative responses to gender based violence among civil society, the SAPS, communities and other government departments. . This was achieved through various measures, including a national dialogue in August 2013. Other measures, such as the establishment of Community Police Forums and Community Safety Forums, will be dealt with below in the Report, when the issue of crime prevention strategies through a participatory, collaborative and integrated approach that is inclusive of civil society, is dealt with.
45. The SAPS monitors the implementation of relevant legislation, it conducts regular training sessions where police officials are trained on the scourge of domestic violence. It is also a member of the National Council on Gender-Based Violence chaired by the Deputy President. The Law Society of South Africa (LSSA) supports the SAPS with the practical implementation of the Domestic Violence Act, 1998, and to provide better services to victims of domestic violence.
46. The NPA has also capacitated prosecutors through skills development in areas related to maintenance, domestic violence and human trafficking.
47. In response to hate crimes against members of the LGBTI community a National Hate Crime Task Team (NTT) was established in May 2011. The NTT was established to develop a National Intervention Strategy on LGBTI issues after a number of petitions were received from civil society organisations. The aim of the National Intervention Strategy is

to address so-called “corrective rape” and other forms of violence against LGBTI persons. The NTT is constituted by government departments, chapter 9 (of the Constitution) institutions and civil society organisations that specialise in issues related to LGBTI persons. The participation of NGOs and civil society in the NTT was strengthened through a process of consultative workshops across all provinces. A Rapid Response Team was also established to track and monitor pending LGBTI-related cases in the criminal justice system, as well as to respond speedily to cases of violence once reported. Training and sensitisation has been identified as one of the priority areas along with the fast-tracking of hate crime cases. An inter-sectoral communication plan outlining a number of public education and communication initiatives has also been developed. This seeks to popularise inter-sectoral interventions aimed at addressing the violence committed against LGBTI persons, to promote partnerships amongst government, civil society, business and the media in the fight against gender based violence and to encourage communities to report these crimes.

- The Thuthuzela Care Centres (TCCs) are very successful one-stop facilities that have been introduced as a critical part of South Africa’s anti-rape and sexual offences strategies. They are led by the NPA’s Sexual Offences and Community Affairs (SOCA) Unit, in partnership with various donors as a response to the urgent need for an integrated strategy for prevention, response and support for rape victims. Since its establishment, the SOCA Unit has developed best practices and policies that seek to eradicate victimisation of women and children, whilst improving prosecution services, particularly in the areas of sexual offences, child justice and domestic violence. TCC’s have been established nationally. The primary focus of the TCC is to have a victim centred, court directed approach with prosecutor-guided investigations and stakeholder cooperation. The objectives of the TCC-model are, amongst others, to:
 - Reduce secondary victimisation;
 - Reduce the cycle time for the finalisation of sexual offences cases; and
 - Improve the conviction rate. (The rate at present is above 67%, but is at present still lower than the average conviction rate of other crimes).
48. All relevant stakeholders at local, provincial and national level play a crucial role in the success of the TCC-model. It is currently regarded internationally as a best practise model in dealing with sexual gender-based violence and is being implemented or replicated internationally and particularly on the African continent.
49. The SOCA Unit is also responsible for the skills development of other relevant TCC stakeholders and TCC personnel on matters of sexual offences. For those purposes the Unit has developed a comprehensive training skills manual. From the 2011/12 to the 2013/14 financial year, the SOCA Unit facilitated and delivered more than 60 integrated-training sessions attended by 1487 delegates including prosecutors. The Unit also participates in the APA (African Prosecutors Association) with a specific emphasis on the TCC-model, related skills development / training and stakeholder cooperation with various African countries in addressing / dealing with initiatives eradicating gender based violence.
50. Dedicated training of prosecutors has been undertaken by the NPA, in particular by the SOCA and National Prosecution Service (NPS) Units, in partnership with their stakeholders, in relation to the applicable legislation and on how to deal with sexual

offences. In addition, the NPA is constantly monitoring and evaluating the outcome of these cases at court in order to identify challenges and solutions which will ultimately improve service delivery. Imbizos and awareness campaigns have also been conducted in addition to the development of a manual.

C. DEVELOPMENT AND STRENGTHENING PRACTICES TO PUNISH ALL FORMS OF CRIME THAT TARGET CHILDREN AND SUPPORTING THE REHABILITATION OF YOUTH OFFENDERS

Legislation and policies

51. In the previous report submitted during the 2010 United Congress, developments were reflected as to how far South Africa has progressed in advancing its child criminal justice system, most notably the Child Justice Act, 2008 (Act No. 75 of 2008). The National Inter-sectoral Steering Committee on Child Justice, consisting of Directors-General of relevant departments, has since then monitored the implementation of this Act, including a National Policy Framework for Child Justice. Further enhancements to the child justice system have also been effected. In this regard it may be noted that the Child Justice Act was put into operation in April 2010. Its main focus is to create a child related procedure to deal with children in conflict with the law, both within and outside the criminal justice system, by establishing a constitutional approach, based on assessment and the notion of restorative justice. It has to date been used to institute diversions and a child sensitive criminal justice system.

Administrative and other measures

52. Other advances have also been made to strengthen the South African criminal justice for children. Provincial Child Justice Forums have been established nationally, and the Child Justice Information Management Task Team was formed to improve data collection across departments to monitor implementation. A number of One-Stop Child Justice Centres were established since 2010. In cases concerning a minor offender, it must be noted that the child diversion system has been strengthened since 2010 in order to provide redress. The number of child justice clerks and legal aid attorneys employed by Legal Aid South Africa has also increased since 2010.
53. In order to further curtail the occurrence of crimes that target children, the SAPS monitors the statistics involving the detention rate, trial ready rate and conviction rates for crimes against children. The detection rate of crimes has decreased marginally whilst the trial-ready rate indicated an increase. The overall conviction rate increased with the biggest increase being the conviction rate for sexual offences.
54. The National Director of Public Prosecutions has developed directives for prosecutors and training courses, with a view to ensure that all prosecutors are able to deal with child justice matters in an appropriate, efficient and sensitive manner.
55. Training has also been provided to administration support staff, prosecutors and magistrates on juvenile justice. In addition, to ensure legal representation of all children charged with crimes, the Legal Aid Board has established a Children's Unit to represent children in conflict with the law. The Board has assisted a large number of young offenders cited in both civil and criminal matters.
56. Diversion has also been implemented to ensure that where possible child offenders are diverted onto other programmes where they can develop themselves. There are also

therapeutic programmes for children in child and youth care centres who have been diverted from the criminal justice system, or who are awaiting trial.

57. The Inter-Sectoral Task Team on Human Trafficking, led by the NPA, has been instrumental in raising awareness on human trafficking and has made huge strides and achieved operational success against major traffickers. Human trafficking has also been declared one of the operational priorities of the Directorate for Priority Crime Investigation (DPCI). Data collection is still to be improved to establish the extent of trafficking in children in South Africa, however, various cases have been prosecuted and assets of suspected trafficking networks have been confiscated.
58. The Child Labour Programme of Action is South Africa's multi-sectoral roadmap towards the prevention, reduction and eventual elimination of child labour. Government has performed effectively in the areas of awareness-raising, training and development of materials, including awareness and training on related legislation and regulations.

D. POLICIES TO ADDRESS URBAN CRIME AND VIOLENCE AGAINST MIGRANTS AND PROMOTE SOCIAL COHESION

59. Millions of migrants enter the country on an annual basis fleeing conflict, poverty or persecution and seeking economic opportunities. To these individuals South Africa represents the opportunity to be safe, study further, gain meaningful employment or start a business. However, recent occurrences show that migrant workers and their families face serious challenges in South Africa. Due to perceived tensions over scarce resources between the local community and migrants, acts of violence have been perpetrated against migrants and their property. Although these acts of violence are more prevalent in townships and/or informal settlements, they undoubtedly affect the ability of all migrants and their families to integrate into the broader South African community.

Legislation and Policy measures

60. The rights of migrants and their families are enshrined in the Constitution of South Africa 1996. Section 9 guarantees everyone the right to equality and prohibits unfair discrimination and section 10 guarantees and protects the right to dignity of all persons. The Immigration Act, 2002 (Act No. 13 of 2002) and the Refugee Act, 1998 (Act No. 130 of 1998) regulate the movement and status of migrants. Migrants are a vulnerable group often targeted by criminals. Some persons have described this as xenophobic attacks, but in reality it is criminal activities. Foreign nationals, once they enter South Africa, enjoy the protection provided by the Constitution of the Republic of South Africa. Law enforcement agencies in South Africa protect everyone within its borders, including migrants, refugees and asylum seekers. Section 7(1) of the Constitution expressly provides that the Bill of Rights enshrines the rights of "all people in our country". They are therefore also entitled to the right to legal representation, in addition to review and appeal processes under the Refugees Act. Various organisations, some funded by the United Nations High Commissioner for Refugees (UNHCR), provide legal support for asylum seekers and refugees. Government has adopted a holistic approach to combating violence against non-nationals and has acted in partnership with other stakeholders in this regard. Promotional material such as posters and pamphlets aimed at educating and informing non-nationals of their rights was also released. Measures are in place to monitor the prevalence of violence against migrants and their families and to help protect them. Strict monitoring of profiling of businesses owned by foreign nationals is maintained, including regulation and protection of such businesses. Discussions to promote social cohesion are

part of the measures that were instituted to prevent and combat violence and discrimination against non-nationals.

61. As required by the Durban Declaration and Programme of Action of the World Conference against Racism, South Africa has developed a draft National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance. A policy to fight hate crime, racism, racial discrimination, xenophobia and related intolerance has also been developed. This will be translated into legislation criminalising these acts. In this vein government has consulted on and developed a comprehensive document aimed at combating violence against, amongst others, migrants and their families.
62. South Africa also recognises the international principle of non-refoulement. Refoulement means the expulsion of persons who have the right to be recognised as refugees. The principle of non-refoulement has first been laid out in 1954 in the UN Convention relating to the Status of Refugees, which, in Article 33(1), provides that: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." This principle is a key facet of refugee law and concerns the protection of refugees from being returned or expelled to places where their lives or freedoms could be threatened. It is important to note that the principle of non-refoulement does not only forbid the expulsion of refugees to their country of origin, but to any country in which they might be subject to persecution. The only possible exception provided for by the UN Convention is the case that the person to be expelled constitutes a danger to national security. The protection of refugees and the principle of non-refoulement in South Africa are enshrined under the Refugees Act, 1998 (Act No. 130 of 1998). This Act gives effect to the relevant international legal instruments, principles and standards relating to refugees. In practice, vulnerable persons residing in South Africa are safe from secondary persecution as a result of forced expulsion. Although the principle of non-refoulement is universally accepted, problems with refoulement frequently arise due to the fact that its application requires a recognised refugee status. Furthermore, not all countries are members to the UN Convention relating to the Status of Refugees or may not have established formal procedures for determining refugee status. It is worth noting that the South African courts have upheld the principle of non-refoulement.

Administrative and other measures

63. Government is currently developing a new immigration policy that is reflective of international standards and best practises. The policy sets out measures that aim to protect all people who reside in South Africa through maintaining an up to date records and application system.
64. South Africa is also in the process of establishing a Border Management Agency (BMA). The Agency will ensure coordination of and co-operation among the departments operating at South African points of entry and along our borders. The BMA will be led by the Department of Home Affairs and will involve the South African Revenue Services, the South African National Defence Force, the SAPS, the Department of Health and the Department of Agriculture, Forestry and Fisheries . At present, focused attention is being paid to improving the management, capacity, and infrastructure at ports of entry. This will enhance border security and also curtail the occurrence of crimes such as trafficking and smuggling at the borders.

E. MEASURES TO REFLECT ADVANCES IN CORRECTIONAL SERVICES AND BEST PRACTICES

65. The Commission on Crime Prevention and Criminal Justice, on the recommendation of the General Assembly resolution 65/230, on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, convened an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing UN Standard Minimum Rules for the Treatment of Prisoners so that they reflect recent advances in correctional services and best practices, with a view to making recommendations to the Commission on possible next steps. In South Africa, the Judicial Inspectorate for Correctional Services is an independent office under the control of the Inspecting Judge. The object of the Judicial Inspectorate is to facilitate the inspection of correctional centres in order that the Inspecting Judge may report on the treatment of inmates in correctional centres and on conditions in correctional centres. As an independent monitoring body, the Judicial Inspectorate has improved the situation of prisoners significantly. The Judicial Inspectorate for Correctional Services as established in South Africa had become a model of how an independent monitoring body can help to improve the situation of prisoners.

Legislation and policies

66. South Africa currently holds the position of the Vice Chair of the expert group and has participated in all its meetings. South Africa's legislation on the treatment of prisoners is based on and has greatly been influenced by the UN Standard Minimum Rules for the Treatment of Prisoners. The South African Constitution, Correctional Services Act, 1998 (Act No. 111 of 1998), the White Paper on Corrections and the White Paper on Remand Detention form the basis of South Africa's position on the Standard Minimum rules. It is necessary to state that the majority of the Rules adopted in 1957 are still applicable today in setting the minimum standards for the treatment of prisoners. South Africa has throughout the process supported an approach focusing on targeted amendments of the existing Rules.

67. South Africa has also developed The Prevention and Combating of Torture of Persons Act, 2013 (Act No. 13 of 2013). This Act was promulgated to give effect to amongst others, the provisions of the UN Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment; to provide for the offence of torture of persons and other offences associated with torture of persons; to prevent and combat the torture of persons within or across the borders of South Africa; and to provide for matters connected with torture. According to the Act "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted, on a person in order to:

- Obtain information or a confession from him or her or any other person;
- Punish him or her for an act he or she or any other person has committed, is suspected of having committed or is planning to commit;
- Intimidate or coerce him or her or any other person to do, or to refrain from doing, anything; and/or
- For any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of, with the consent or acquiescence of a public official or other person acting in an official capacity, but does not include pain or suffering arising from, inherent in or incidental to lawful sanctions.

68. The Act classifies torture as a criminal offence and any person who commits, attempts to commit or incites, instigates, commands or procures any person to commit torture will be regarded as guilty of the torture. The Act further stipulates that any person who participates in torture, or who conspires with a public official to aid or procure the commission of or to commit torture, is guilty of the offence of torture and is liable on conviction to imprisonment, including imprisonment for life. Before the promulgation of the Act, in 2013, reliance was placed on the Constitution which guarantees the right not to be tortured in any way or to be treated or punished in a cruel, inhuman and degrading way. In cases involving torture, the judiciary adopted the definition given under the Convention against Torture.
69. The Correctional Services Act, 1998 (Act No. 111 of 1998), as amended, promotes the Constitutional guarantee of the right to humane treatment of persons deprived of their liberty. Overcrowding in our correctional facilities remains a challenge. One of the strategies to address overcrowding is the building of new correctional facilities, which is being expedited. Concerted efforts are also being made to accelerate the upgrading of existing structures to further alleviate overcrowding.
70. The Department of Correctional Services (DCS) has also implemented strategies and policies aimed at reducing the period that remand detainees (RDs) spend incarcerated whilst awaiting the finalisation of their trials. Part and parcel of these policies was the development of the White Paper on Remand Detention Management in South Africa that dealt with challenges experienced in relation to the management of RDs in correctional facilities. On the African continent the number of remand detainees, or awaiting-trial detainees, is a major concern. In some instances, remand detainees constitute up to 97% of the people incarcerated awaiting the finalisation of their trials. In South Africa, that percentage is approximately 30%, and progress is being made to address this concern. Cabinet approved the White Paper on Remand Detention in September, 2013, where after it was amended, consulted on and signed into policy in March 2014. The White Paper is based primarily on the constitutional right that a person charged with a crime is innocent until proven guilty and shall be treated as such. The White Paper is a broad policy framework intended to communicate the principles that drive the detention management of RDs as well as cooperative strategies and processes developed for dealing with cross-cutting issues within the criminal justice system. These principles are drawn from various prescripts including the Constitution of the Republic of South Africa, other local and international laws and treaties, protocols as well as the Correctional Matters Amendment Act, 2011 (Act No. 5 of 2011). The Act provides, amongst others, for the management and detention of remand detainees.

Administrative and other measures

71. The decrease in overcrowding is regarded as key in creating a correctional services facility environment that is conducive for rehabilitation and contributes towards crime prevention. The collaborative implementation of strategy by the DCS and its partners within the criminal justice system and in society contributes to the fact that the DCS is steadily but surely winning the war against overcrowding and high incarceration rates in correctional centres. This strategy enabled the DCS, working together with all other partners in the Criminal Justice System (CJS) value chain, to significantly decrease the inmate population and also contributed towards the reduced per capita incarceration rate in South Africa. In this regard the remand detainee population has steadily decreased from 52 662 in 2008, to 50 511 in 2010 and 44 698 (of which only 1 083 were female) in January 2015. The number of sentenced inmates as at January 2015 was 114 829 (of which only 2 898 were

female). This brings the total number of persons incarcerated in DCS facilities as at January 2015 to 159 527. The DCS facilities at present only have accommodation for 119 134 persons. The Justice, Crime Prevention and Security Cluster is continuously endeavouring to reduce through constant interaction with all CJS role players across the value chain. This strategy enabled the DCS to significantly reduced the per capita incarceration rate in South Africa from 403 to 290 inmates per 100 000 population between 20014 and 2014.

72. The number of children in remand detention has also decreased substantially from 771 in 2009 to only 137 in January 2015, with most such RDs incarcerated for less than 6 months. Children whose cases are still to be finalised are a focus area and their cases are prioritised. They are also brought back to court every 14 days so that their circumstances and trials can be monitored.
73. Another measure implemented to decrease overcrowding is the implementation of Unit Management in all correctional centres in order to enhance rehabilitation in the prison system. This is designed to improve control and relationships by dividing the larger correctional centre population into smaller, more manageable groups and to improve the delivery of correctional services pertaining to care, corrections, development, security and after-care. These measures were introduced through the amendment of the Correctional Services Act, 1998, to formalise the unit management regime that, amongst others, provides for:
 - (a) good communication between correctional officials and inmates, and principles that are understood by everyone;
 - (b) team work;
 - (c) direct, interactive supervision of inmates; and
 - (d) assessment of sentenced offenders;
74. Rehabilitation is facilitated from the point of entry/ admission to release and integration back into the community. During this process the focus is on correcting of offending behaviour, needs-based interventions and the development of each offender. To facilitate these processes, a comprehensive Offender Rehabilitation Path (ORP) was developed. The Correctional Matters Amendment Act, 2011, (Act No. 5 of 2011) was put in place with the aim of improving the DCS administration in key business areas, resulting in:
 - (a) A strengthened parole system;
 - (b) A new medical parole system; and
 - (c) Improved management of remand detainees.
75. The DCS forms part of the international community that continues to implement the UN Standard Minimum Rules for the Treatment of Women Prisoners, and more so the elimination of violence against women in the field of crime prevention. Key to frameworks being implemented by the DCS was the White Paper on Corrections which is viewed as a blue print for ensuring humane, just and safe correctional facilities that focus on the rehabilitation of offenders.
76. The DCS has further adopted an approach that is focused on improving the conditions of female inmates in correctional facilities. In this regard DCS is ensuring that the sentences of the courts are carried out, but that they are incarcerated and rehabilitated in such a

manner that they can be successfully re-integrated back into the community and there is minimum recidivism. The DCS also aims to achieve the following:

- Regular review of all standard operating procedures and policies to ensure that issues of women are favourably addressed in the implementation of incarceration and corrections;
- Ensuring that national special commemorative days, such as Women's Day, are made available to the Offender Population;
- Providing women placed on parole with opportunities to develop themselves as part of the development possibilities available to sentenced offenders;
- Partnering with external stakeholders such as non-governmental organisations, faith based organisations and other government departments to enhance support provided to women in the form of corrective and rehabilitation initiatives;
- Development and implementation of mother and child units in the correctional facilities to ensure that mothers take care of their children and those children born in incarceration are afforded a normal life as much as possible through early childhood development programmes and interaction with other children of mothers in incarceration.

77. During 2013, South Africa has also implemented electronic monitoring for a certain category of inmates, focusing on those who are on parole. This initiative is not only meant to reduce costs to the government, but also reduce overcrowding and improve the safety of our correctional officials. Electronic monitoring ensures the person is tracked at all times, whilst he/she remains within the community. This also assists in that such persons can be re-integrated into the community more readily.

IV. INTERNATIONAL COOPERATION, INCLUDING AT THE REGIONAL LEVEL, TO COMBAT TRANSNATIONAL ORGANIZED CRIME

Workshop on trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims

A. LEGISLATION, STRATEGIES AND POLICIES TO PREVENT AND COMBAT ORGANISED CRIME AND RELATED CRIMES

78. More than two decades after the adoption of the Palermo Convention on Transnational Organised Crime (TOC), countries, regions and the world in general are still grappling with challenges and threats posed by transnational organised crimes such as terrorism, corruption and money laundering. This is also applicable to South Africa. Although there are still debates in the world regarding the link between terrorism and other illicit crimes, the reality is that these serious crimes pose a threat to societies and economies around the world and require direct and effective responses from the global community.
79. There are global trends in transnational organized crime. During the last 15 years the world has seen an exponential increase in transnational organized crime, thus clearly showing that these crimes know no borders. Furthermore, economic and technological globalization has enabled criminals to move from so-called "low-level" activities like drug trafficking, prostitution and illegal gambling to "corporate" activities, like migrant smuggling, environmental crime, bank fraud, and large-scale insurance fraud. Internationally the globalization of transnational organized crime has been facilitated by

factors such as the fading of borders and inadequate guarding thereof, the increasing global economy and free-market movement of goods and increased trade and reduced border checks which provide cover and markets for trafficking illicit products.

80. Unanticipated new technological possibilities in traditional and electronic communication means that organized crime groups are now able to communicate covertly with relative ease and anonymity across jurisdictional boundaries. Technological advances have also facilitated large and rapid cash transactions in the layering stages of money laundering, while cheaper and faster transportation facilitate illicit trafficking.
81. The world has also witnessed emerging crime trends such as cybercrime, illicit trafficking in rhino horns and precious metals, to name but a few. There has also been a significant increase in the sophistication of organised crime syndicates through the use of complex networks and advanced technology. The inherently transnational and accessible nature of the internet fits perfectly into this and aids the conducting of these crimes. So-called “Weak States” with inefficient institutions are often havens of organised crime as criminal gangs operate with minimal risks of being caught by law enforcement agencies and being brought to justice. South Africa views these crime trends as threat against national security and has put in place integrated measures through the JCPS Cluster to help combat them.
82. The issue of human smuggling has become a major security threat to South Africa as thousands of illegal foreign nationals from Africa and the East continue to stream into the country with the help of organised crime syndicates and corrupt Department of Home Affairs (DHA) officials. This TOC also had direct links to anti-foreigner sentiments, the country’s socio-economic development (high levels of illegal immigrants in the country), terrorism (movement of illegal foreigners), etc. We have, over the last few years, noticed how human smuggling has turned into human trafficking. For example, this occurs when the non-national has already entered the country and facilitators start abusing them as cheap labour. Analysis of this TOC has revealed that in addition to our anti-trafficking legislation we also require the development of anti-smuggling legislation – which the international arena can assist us with. Many developed countries such as the United States, France, Germany and the United Kingdom have also developed such legislation.

Legislation and policies

83. Following the call to adopt legislation, policies and other measures to implement the Palermo Convention on Transnational Organised Crime and Protocols thereto, South Africa has promulgated the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013). Although the Act is not yet in operation it seeks to fulfil four main objectives, namely to -
 - (1) provide for an offence or trafficking in persons and other offences associated with trafficking in persons;
 - (2) prevent and combat the trafficking in persons within and across the borders of the Republic;
 - (3) provide for measures to protect and assist victims of trafficking in persons; and
 - (4) provide for the establishment of the Inter-sectoral Committee on Prevention and Combating of Trafficking in Persons.
84. This legislation will undoubtedly go a long way as a legal basis to prevent and combat the scourge of trafficking in persons, particularly women and children. The offence, as defined

in line with the UN Protocol on Trafficking in Persons, will greatly assist law enforcement agencies to investigate and prosecute those who are suspected and are guilty of having committed such an offence. In addition to creating very specific offences criminalising trafficking in persons, the Act also focus on the plight of victims, by allowing for those convicted of trafficking to be forced to pay compensation to a victim for damages, injuries, both physical and psychological harm suffered and loss of income, amongst others.

85. This legislation will also augment the relevant provisions of the Children's Act, 2005 (Act No. 38 of 2005) which provides that the UN Protocol to Prevent Trafficking in Persons is in force in the Republic, subject to the provisions of the Children's Act, as well as the interim measure introduced by section 70 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007). The latter Act contains transitional provisions relating to the prosecution of trafficking of persons for sexual offences pending the coming into operation of the Prevention and Combating of Trafficking in Persons Act, 2013. These measures are in compliance with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the United Nations Convention Against Trans-National Organized Crime. Recent successful prosecutions for trafficking in persons have been conducted in line with these measures.
86. The Dangerous Weapons Act, 2013 (Act No. 15 of 2013) prohibits the possession of dangerous weapons in public and amends related provisions of the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993) and the Firearms Control Act, 2000 (Act No. 60 of 2000). The Criminal Law (Forensic Procedures) Amendment Act, 2010 (Act No. 6 of 2010) (Fingerprints) and the Criminal Law (Forensic Procedures) Amendment Act, 2013, (Act No. 37 of 2013) were also passed to amend the South African Police Service Act, 1995 (Act No. 68 of 1995), and provides for the storage, maintenance and administration of fingerprints and body prints in a computerised or other form with a Division of the SAPS. The Act also limits the taking of fingerprints, body-prints for the purposes of detecting crime, the investigation of an offence, the identification of missing persons and unidentified human remains or the conducting of a prosecution. It also provides for comparative searches of fingerprints against other databases. This further improves the ability of our Police in dealing with transnational organised crime.
87. The Directorate for Priority Crimes Investigation (DPCI) (also known as the Hawks) was established as an independent directorate within the South African Police Service in terms of Section 17C of the South African Police Service Act, 1995, as amended by the South African Police Service Amendment Act, 2008 (Act 57 of 2008). The Directorate for Priority Crime Investigation is responsible for the combating, investigation and prevention of national priority crimes such as serious organized crime, serious commercial crime and serious corruption in terms of Section 17B and 17D of the South African Police Service Act, 1995 as amended.
88. The South African Police Service Amendment Act, 2012 (Act No. 10 of 2012), introduced the reporting procedures as provided in Section 34(1) of the Prevention and Combating of Corrupt Activities Act, 2004, which stipulates that reporting should be made to any police officer. In terms of the latest amendment, all such offences must now be reported to a member of the Directorate of Priority Crime Investigation.
89. South Africa, with the support of Russia and other interested States has worked on possible responses relating to the connection between organised crime and illicit

trafficking in precious metals. Following a number of meetings in the respective countries with an interest in this matter and in the margins of meetings of the Commission on Crime Prevention and Criminal Justice, South Africa tabled a resolution on combating transnational organised crime and its possible links to illicit trafficking in precious metals. In the resolution, South Africa is calling for a comprehensive study to be conducted by UNICRI (United Nations Interregional Crime and Justice Research Institute) in this regard. Our long terms goals and vision on the issue includes the global criminalisation of dealing and illicit trafficking in precious metals. Uniform national legislation to be adopted by UN Member States is also necessary in the fight against this scourge through the establishment of an international regulatory framework.

90. Organised crime and its link to the erosion of the environment and wild life, particularly rhino poaching has increased since the 2010 UN Congress. South Africa is one of the countries facing the highest incident levels of rhino poaching. One of the reasons why the rhino issue has become so serious is the fact that the country's security structures have not been able to have an impact on the security/law enforcement structures of the market countries. This is because it is very difficult to engage and cooperate with certain Asian police/intelligence on the issue of wildlife smuggling. The need for South African security structures to increase its international cooperation with countries in the Far East on the topic of wildlife smuggling is therefore of great importance. This also includes on the topic of human smuggling between the SA government and countries where the foreign national are being smuggled from – including the Horn of Africa and the Far East.
91. South Africa's Kruger National Park is mostly affected by this scourge. To address this problem, an anti-poaching campaign was introduced. Government is currently also working on a holistic strategy to deal with illegal trade in rhino horns and rhino poaching.
92. Several efforts have been taken to combat corruption. Internationally there are broadly two types of confiscation methods used to recover the proceeds of crime, namely conviction-based and non-conviction-based forfeiture, often referred to as criminal and civil forfeiture respectively. Conviction-based forfeiture depends on securing a conviction in a criminal trial, but has the advantage that once a conviction is obtained, it is possible in some systems to invoke very wide forfeiture powers. Non-conviction based or civil forfeiture is a purely civil process, independent of a criminal trial or a conviction. The state usually has to prove on a balance of probabilities that the property in question is proceeds or instrumentalities of crime, in other words, property used to commit crime, such as firearms, immovable property or premises, a bank account, or even business, used to launder the proceeds of crime.
93. South Africa is one of a growing number of states having both types of forfeiture. The National Prosecution Authority's Asset Forfeiture Unit (AFU) also made a strategic decision to make more use of the provisions of Chapter 6 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), namely, non-conviction based civil asset forfeiture. On application by the National Director of Public Prosecutions, the High Court can make an order forfeiting property to the state that the court, on a balance of probabilities, finds to be "an instrumentality" of a crime, or the "proceeds of unlawful activities". As mentioned, the validity of such an order is not affected by the outcome of criminal proceedings. In other words, a suspected criminal can be acquitted in a criminal case, where the state has failed to prove its case beyond a reasonable doubt, but still nonetheless have his property forfeited to the state. This is one of the many benefits of civil forfeiture. It assists in speeding up the finalization of cases and limits costs, thus addressing some of the risks and constraints raised above. It also helps to limit the

increased losses that resulted from the focus on high value cases where the prosecution was unsuccessful in an increasing number of cases due to them being much more heavily litigated. The impact of this shift is reflected in the increased proportion of assets frozen through Chapter 6 actions. This measure has drastically increased the amount of assets so frozen.

94. Because the work of the AFU is extremely dependent on key partners, it has developed cooperation frameworks with the SAPS (especially the DPCI), the rest of the NPA, the FIC, the South African Revenue Service (SARS), the state attorney and others. The institutionalised cooperation model developed in the ACTT may also be effective in dealing with serious economic crime (other than corruption) and serious organised crime, for example drug dealing and smuggling, precious metals, etc. This is especially so with the increased involvement of organised crime in “emerging crimes” with high profit and low risk, e.g. abalone smuggling, rhino poaching, illicit mining, copper theft, electricity theft, illicit cigarettes and other grey goods, copyright theft, large frauds on the social security system, etc.

Administrative and other measures

95. With a view to strengthen the fight against corruption during 2010/11, the AFU became part of Anti-Corruption Task Team (ACTT). The primary mandate of the ACTT is to expedite the effective investigation and prosecution of priority corruption cases through a multi-agency approach. It is coordinated by the Directorate for Priority Crime Investigation (DPCI) that has a multi-disciplinary legal mandate which has been operationalised through the ACTT, with a cross-cutting focus on targeting criminal proceeds at the core. The AFU has focussed much resources and efforts to work more closely with various government agencies, such as the DPCI, the SIU and National Treasury, represented at the ACTT. This has assisted in ensuring that investigations and court preparation in big cases are dealt with more speedily and effectively. This was also done as these cases are a high priority for government.
96. In an effort to further bolster its anti-human trafficking efforts, the NPA developed directives, presented training and conducted public awareness campaigns. Similarly the SAPS established internal task teams that developed learning programmes for frontline personnel at service centres and ports of entry.
97. The operational need and international policy obligations has compelled the AFU and the Financial Intelligence Centre (FIC) to revisit its approach in dealing with proceeds of crime in a multi-disciplinary context. This has led to the joint development of an integrated Resolving of Criminal Proceeds Process to co-ordinate and guide proceeds related financial investigations across the Justice, Crime Prevention and Security (JCPS) cluster. The model is based on international research and best practices through which the operational models in other jurisdictions were identified based on similarities of legal framework, operational practices and approaches. The Resolving of Criminal Proceeds Process is being implemented based on the legal mandates of the NPA regarding financial investigations and the Financial Intelligence Centre (FIC) regarding financial intelligence.
98. The AFU made a strategic decision in 2010/11 to focus its limited resources on high value and complex cases that make a greater impact, and not to focus as much on increasing the number of cases. It also made this decision in view of its reduced capacity, as this would enable it to ensure that its value targets are met.

99. In 2009, the Department of Safety & Security was renamed as the Department of Police, and the Secretariat for Safety & Security was retitled the Civilian Secretariat for Police with minor changes to its mandate. The Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011) was passed to establish the Civilian Secretariat and provide for its mandate and functions to exercise civilian oversight over the South African Police Service. The Civilian Secretariat for Police is a creature of statute and its establishment responds to a Constitutional imperative. It serves as technical advisor to the Minister of Police to evince a transversal civilian oversight capability on the governance, service delivery and resourcing of the SAPS, as well as provide the Minister with policy advice through the development of policy, and conduct research.
100. The Civilian Secretariat for Police also developed the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011), which establishes the Independent Police Investigative Directorate (IPID). The IPID replaces the former Independent Complaints Directorate (“ICD”) that was established in terms of the South African Police Service Act, 1995 (Act No 68 of 1995).
101. The IPID is a government department established to investigate all deaths as a result of police action or that occur in police custody, and complaints of brutality, criminality and misconduct against members of the South African Police Service (SAPS) and the Municipal Police Service. It is established in terms of Section 206(6) of the Constitution of the Republic of South Africa, which makes provision for the establishment of an independent police complaints body. It operates independently from the SAPS and the municipal police department in the investigation of alleged misconduct and criminality by SAPS members.
102. The mandate of the new IPID is to conduct independent and impartial investigations of specified criminality committed by members of the South African Police Service (SAPS) Municipal Police Services (MPS). The IPID must, amongst others, investigate the following matters: any deaths in police custody; deaths as a result of police actions; any complaint relating to the discharge of an official firearm by any police officer; rape by a police officer, whether the police officer is on or off duty; rape of any person while that person is in police custody; any complaint of torture or assault against a police officer in the execution of his or her duties. The IPID is empowered to conduct investigations into specified offences committed by members of the SAPS. The Act provides for the types of matters that may be investigated by the IPID and recommendations on disciplinary steps to be taken by the SAPS following any findings resulting from matters investigated by IPID.
103. The Civilian Secretariat for Police has developed various important policy documents the past few years. Highlights in this regard are the White Paper on the Police, during 2014 and the White Paper on Safety and Security during 2015. These White Papers have been released for public comment and will assist in the development of comprehensive integrated policy on policing and safety and security. Developing a professional, competent and highly skilled police service and integrated law enforcement activities form the key thrusts of these White Papers. In addition, a policy paper has been developed to deal with the protection of critical infrastructure in the country.

B. PROMOTE AND STRENGTHEN INTERNATIONAL COOPERATION

104. The Republic of South Africa occupies a strategic position in the world when it comes to international law enforcement cooperation. It is clear that South Africa, by virtue of its position in Southern Africa, Africa and the whole world, is an important player in combating trans-national crime. South Africa, being a party to the United Nations

Convention Against Trans-national Organized Crime and its three protocols, has obligations to cooperation. Furthermore, with its membership to the International Criminal Police Organisation (Interpol), the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), and its formal police-to-police cooperation agreements, as well as the various Mutual Legal Assistance agreements and treaties concluded, South Africa is able to comply with the majority of requests for international cooperation. South Africa is further party to a host of the Southern African Development Community (SADC) instruments, various African Union (AU) conventions and the Rome Statute.

105. With respect to South Africa's existing extradition framework, the Extradition Act, 1962 (Act No. 67 of 1962), provides, amongst others, for extradition for dual criminality offences, punishable by a sentence of six months imprisonment or more. South Africa can also extradite its own nationals, but all extraditions must be consistent with the South African Constitution. Some extradition agreements provide for the application of human rights norms, but even those countries that do not provide for such extradition agreements' application, may refuse extradition on the grounds of human rights considerations. The two main human rights norms are the non-imposition of the death penalty and non-discrimination.
106. In relation to return and extradition, South African has a number of extradition agreements with other countries. South Africa has also ratified the Southern African Development Community (SADC) Protocol on Extradition. The Protocol entered into force on 1 September 2006. In accordance with the right not to be tortured as enshrined in our Constitution, South Africa will not extradite a person to another state when there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

Legislation and policies

107. South Africa, through the DoJ&CD and the Department of International Relations and Cooperation (DIRCO), on an on-going basis, seeks to conclude extradition agreements. In this respect, South Africa has entered into a number of bilateral agreements and multilateral agreements on extradition and mutual legal assistance in criminal matters (See Annex to this report).
108. The DOJ&CD is currently involved with a major review of the Extradition Act. A draft Bill has been submitted to Minister of Justice and Correctional Services to obtain his views on it before approaching Cabinet for approval in order to begin the consultation process. The proposed Bill provides for simplified evidentiary matters to the extradition enquiry. Extradition enquiries are simplified as follows: Section 9(2) of the Act provides that an extradition enquiry is to be held in the manner of a preparatory examination, not a trial. Furthermore, section 10(2) provides that the magistrate holding an extradition enquiry may accept as proof a certificate that there is sufficient evidence. In this framework, in order to facilitate extradition with civil law countries, and to accelerate the process, the Magistrate must accept as conclusive proof a certificate issued by an appropriate authority in charge of the prosecution in the foreign state, stating that it has sufficient evidence at its disposal to warrant the prosecution of the person concerned. The Bill also provides for minimum periods within which certain stages of the extradition process are to be finalised.
109. Since asset forfeiture is a relatively new concept provision was seldom made for cooperation in bilateral treaties dealing with Mutual Legal Assistance. South African legislation, however, provides for general mechanisms to ask for and provide assistance.

In an attempt to make cooperation more effective asset forfeiture provisions are nowadays often included in new treaties negotiated between South Africa and other countries. As an example, South Africa is busy with negotiations with representatives of the United Kingdom to enter into an agreement to cooperate in depriving criminals of the proceeds of crime and instrumentalities concerned in the commission of offences by making provision for such in the mutual legal assistance in criminal matters.

Administrative and other measures

110. South Africa has recently established a dedicated unit in the Office of the Director-General (DG) of the DoJ&CD, which is the Central Authority, with the view of expediting the execution of extradition requests. Requests for mutual legal assistance can be directed to the Office of the DG in the DoJ&CD for processing according to the relevant provisions in the International Cooperation in Criminal Matters Act, 1996 (Act No. 75 of 1996) (ICCMA) or the relevant treaty or convention concerned. With respect to mutual legal assistance, South Africa adopts a flexible approach in dealing with requests, and is able to render a wide range of mutual legal assistance under the ICCMA. South Africa is able to render assistance regardless of a treaty or agreement (although South Africa has a number of agreements in place). There is also no requirement for dual criminality, or where the request is to obtain evidence, there is no requirement that judicial proceedings should have been instituted before assistance can be rendered.
111. South Africa has also established a Committee on Extradition, comprising the Central Authority, the NPA, the SAPS, Interpol and DIRCO with the view to enhance and streamline extradition procedures, and to discuss and address the main issues faced in this process.
112. With regards to asset forfeiture, in giving effect to its commitment to develop the Unit and provide international support, the NPA's Asset Forfeiture Unit (the AFU) has focussed specifically on training initiatives. This has led to the development and implementation of asset forfeiture specific courses (which are not available elsewhere in the legal training field) so as to both develop and retain staff. From an international perspective, numerous requests were received over time for foreign prosecutors to spend time with the AFU to learn about its law and practises. In order to meet this need, a programme was developed, which has become increasingly popular in Southern Africa. With the support of the UNODC (and to some extent the Commonwealth Secretariat), a prosecutor placement programme was developed in which member countries of ARINSA (Asset Recovery Inter-agency Network of Southern Africa) nominate and send prosecutors to attend a four week programme run by the AFU.

V. COMPREHENSIVE AND BALANCED APPROACHES TO PREVENT AND ADEQUATELY RESPOND TO NEW AND EMERGING FORMS OF TRANSNATIONAL CRIME

Workshop on strengthening crime prevention and criminal justice responses to evolving forms of crime, such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation.

A. CYBERSECURITY

113. South Africa supports initiatives to develop a universal instrument under the auspices of the UN to address threats posed by cybercrime. A cybersecurity policy was developed by government to deal with threats to cybersecurity in South Africa. Structures that are receiving attention as part of the cybersecurity policy, include the establishment of a

Cybersecurity Centre and a Cybersecurity Hub. The review of regulatory and legislative gaps has received attention and a Bill on Cybercrime and Related Matters has been developed and will soon be taken to Cabinet for approval so that it may be circulated for public comment.

B. NATIONAL APPROACHES TO PUBLIC PARTICIPATION IN STRENGTHENING CRIME PREVENTION AND CRIMINAL JUSTICE

Workshop on the public contribution to crime prevention and raising awareness of criminal justice: experiences and lessons learned

VI. CRIME PREVENTION STRATEGIES THROUGH A PARTICIPATORY, COLLABORATIVE AND INTEGRATED APPROACH THAT IS INCLUSIVE OF CIVIL SOCIETY

114. Despite on-going government actions and a commitment to fight crime, South Africa is still plagued by serious and violent crime. Crime is pervasive and affects everyone irrespective of race, class and gender. One aspect of society that has been deeply affected by crime is the private sector. Private sector entities are often the target of crime, because large amounts of cash are often kept on their premises and valuable equipment is used in the daily running of the enterprise. Public sector entities are also vulnerable to crime, because they are often responsible for the administration of large amounts of money such as the administration of social security grants. In this light it is imperative that the private and public sphere co-ordinate their efforts to ensure crime free environments across the board.
115. In an effort to bolster crime prevention and non-recidivism the government has endeavoured to support youth and female offenders through the establishment of Half Way Houses partnerships with Non Profit Organisations to enhance the employability of women and youth in South Africa.

Legislation and policies

116. Rehabilitation of the offender is at the heart of the correctional system. The Correctional Services Act, 1998, stipulates that at release, sentenced offenders must be provided with material and financial support as prescribed by the regulation. In order to effect the provision of the Act, the DCS have partnered with Non-Profit Organisations to provide work tools to parolees who learnt some kind of skills in correctional centres. The initiative has produced men and women who are able to provide for their own families. Parolees are given materials to start their own businesses. All regions of Correctional Services have been covered and the project has visible outcomes. The Department has regulations that promote the employability of offenders. Section 61(2), of the above Act, states that the National Commissioner must assist in the attempt to find employment.
117. Government has led initiatives which enhance co-operation between the private and public sector and also ensure that the strategies adopted are complementary. In 1996, Business against Crime South Africa was formed in response to a call from former President Nelson Mandela that government and business engage and combat crime collectively. The organisation is a special purpose vehicle with the sole mandate to engage and upon request assist government with crime-related matters. It provides a platform for both government and the business to engage. As a result of its establishment, several government led initiatives have been developed and executed with a view to combating crime. In August 2010, the SAPS and Business against Crime South Africa signed a Memorandum of Understanding (MOU). This was an initiative focused on improving operational capacity

and performance across the board. The scope of this has been expended to include requests from the JCPS Cluster which has the responsibility for finalising policy and the identification of priority areas. This has included the secondment of key individuals with specialised skills and the provision of support. These efforts have enhanced the relationship between the private and public sector and have been incorporated into other departments.

118. In addition, the Civilian Secretariat of Police during 2011 developed a policy framework in relation to Community Safety Forums (CSF). The concept of a CSF is based on the premise that increased co-operation and interaction would improve the functioning and deliberations within the local criminal justice system and the delivery of crime prevention projects. The framework resulted in the CSF concept evolving as a replicable structure that can be established in the various cities and towns country-wide. The CSF structure acts as an integrated problem solving mechanism at local level; provides a further means for sharing information between government (and in particular the police and the local authorities) and civil society; and also leads to an inter-disciplinary approach to crime prevention. The model has been rolled out country-wide and has had a positive impact at local level.
119. Community Safety Forums (CSF's) are meant to facilitate the delivery of a multi-sectoral governmental approach on safety in local communities and is distinguished from the CPF through its jurisdiction and tasks.
120. In addition to this model, there are also Community Police Forums (CPF's). The CPF is a legal community structure established in terms of the South African Police Service Act and is mandated to facilitate community-police relations within a specific police station precinct and serves as the mouthpiece of the community with the police and vice versa on policing matters and other relevant safety issues. Members of this forum are elected during formal election processes and get its mandate from the community to execute the legal powers and functions. The jurisdiction of a CSF is aligned to the municipal and/or district municipal jurisdiction/boundary. Once a CPF is formalized and established, it facilitates and enhances co-operation, ensures integrated planning and coordinates implementation of safety programmes and projects in the local sphere. It consists of representatives formally nominated and endorsed by the respective department, institution or community based organisation. In this regard, the CPF is but one of the stakeholders represented in the CSF structure.

Administrative and other measures

121. In order to enforce and enhance community participation as an approach to public participation, The National House of Traditional Leaders was approached and a MOU was developed. The objective was to ensure that traditional leaders reclaim their role of assisting the DCS in the reintegration of both female and young offenders into the society.
122. Crime prevention is not only limited to government departments, non-profit organisation should also assist in campaigns aimed at the prevention of crime and can play a meaningful role in developing research on crime prevention.
123. SAPS engages in public awareness and education campaigns with the purpose of creating a greater awareness of the relevant legislation and Government's commitment to eradicating crime and violence. These awareness campaigns have, over the past few years, encouraged communities to report these crimes to the police and also compelled the police to improve the policing of these crimes.

124. The DCS has initiatives aimed at the employability of both female and male offenders. These initiatives are contributing to crime prevention and the prevention of reoffending. The DCS has partnered with instances, such as the Working on Fire association, in order to provide training to women parolees on fire fighting and administrative work. The partnership started in 2009 and has enabled some women to be employed. The objective of all the initiatives mentioned, is to assist in preventing reoffending and crime.
125. As indicated earlier, the DoJ&CD has established a National Task Team, consisting of government departments, chapter 9 institutions and civil society organisations that specialise in issues related to LGBTI persons. Government has significantly strengthened the participation of NGOs and civil society in the NTT through a process of consultative workshops with all provinces. A rapid response team was also established to track the pending cases in the criminal justice system, as well as to respond as soon as possible, to cases of violence being reported.
126. At the level of implementation it is cardinal that stakeholders collectively address the scourge of crime. Some measures that have been pursued by both the private and public sector include the formation of partnerships to share expertise, information and technologies; the improvement of operational effectiveness and the enhancement of skills and competences amongst staff; and where possible the removal of crime enabling processes and systems and the improvement of crime prevention measures.
127. An example of this was an integrated inter-sectoral intervention, called Operation Khanyisa, that was launched in October 2010, which is a collaborative effort of almost 10 stakeholders and partners, notably local government, business, media and crime prevention. It is aimed at preventing electricity theft in South Africa and encouraging the reporting of any illegal tampering and connections. Through strong advocacy mechanisms and easy and affordable access channels, the project has created considerable exposure and yielded results. Following the establishment of Operation Khanyisa, over 100 arrests have been made, with 60 criminal cases being opened and convictions following as a result. The SAPS and the DPCI continue to investigate the sale of illegal electricity vouchers.
128. An important aspect of policing is to promote rural policing. In this vein, the SAPS continued in 2013 with the implementation of the comprehensive Rural Safety Strategy approved by the Minister of Police and the National Commissioner to enhance safety and security levels, accessibility to policing and service delivery particularly to the rural community. The strategy was aligned with the National Development Plan (NDP): Vision 2030 and included in the Minister of Police's Ten-point Plan. The aim of the strategy is to address rural safety as part of an integrated and holistic day-to-day crime prevention approach, based on the principles of sector policing, which address the needs of the entire rural community, including the farming community. The Rural Safety Strategy is based on the following four pillars:
- Pillar 1: Enhanced service delivery
 - Pillar 2: Integrated approach
 - Pillar 3: Community safety awareness
 - Pillar 4: Rural development
129. Rural safety priority committees are functioning nationally and provincially to identify shortcomings and challenges to effectively address crime in rural areas in an integrated manner. All role players in the rural and farming community, including the SAPS, farm

workers' unions, organised agriculture, farmers' associations and other government departments are represented on the committees. Rural community members also participate in the Community Police Forums (CPFs) at station level, as well as sector forums, in which they have the opportunity to address security concerns.

130. The continued use of reservists further strengthens the capacity for rural safety and the local deployment along the borderline is strengthened by integrating and coordinating borderline operations to combat illegal cross-border movement of people, goods and contraband.
131. A partnership was further established between the SAPS, the Department of Traditional Affairs and the National House of Traditional Leaders to enhance the involvement of traditional leaders in safety and security at all levels.

VII. CONCLUSION

132. Even though crime rates are declining we know that South Africans are exposed to too much crime. Crime rates remain unacceptably high. However, crime and violence are not simply security issues, they have deep social and economic roots and consequences. There is no quick fix and it requires a holistic approach to community safety, safety in our region and safety on our continent and globally.
133. What is important is that we are steadily winning the war on crime. Government through the JCPS Cluster, and in conjunction with all other role-players in the criminal justice sector will continue to build a South Africa where our communities are safe and feel safe.
134. At the same time we will continue to take hands with the UN community to deal with crime prevention and combating in a holistic and cooperative manner. In this regard we acknowledge the 60-year legacy and continuing significant role of the United Nations congresses on crime prevention and criminal justice as the largest and most diverse international forum of policy-makers and practitioners in this field. We further acknowledge that sustainable development and the rule of law are strongly interrelated and mutually reinforcing.
135. South Africa will therefore continue to interact with the role players assembled at the Congress as we recognise the unique and important contributions of the congresses to law and policy development, the identification of emerging trends and issues in crime prevention and criminal justice, as well as the promotion of the rule of law and the protection of human rights.

ANNEX A**EXTRADITION AND MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS TREATIES: POSITION ON 31 DECEMBER 2014****1. South Africa currently has extradition agreements with the following countries:**

- **Botswana**
- **Lesotho**
 - Approval to ratify by Parliament on 7 November 2001
 - Entered into force on 23 December 2003
 - Notice published in Government Gazette 26375 of 28 May 2004
- **Malawi**
- **Swaziland**
- **United States of America**
 - Instruments of Ratification exchanged on 25 June 2001
 - Approval to ratify on 9 November 2000
 - Notice in Government Gazette 7100 of 29 June 2001
- **Canada**
 - Approval to ratify by Parliament on 3 April 2001
 - Notice in Government Gazette 7063 of 18 May 2001
- **Australia**
 - Approval to ratify by Parliament on 9 November 2000
 - Notice in Government Gazette 7132 of 1 August 2001
- **Israel**
- **Egypt:**
 - Approval to ratify on 11 November 2002
 - Instruments of ratification exchanged on 16 September 2003
 - Entered into force on 16 September 2003
 - Notice in Government Gazette 26497 of 2 July 2004
- **Algeria**
 - Approval to ratify on 11 November 2002
 - Not yet in force
- **Nigeria**
 - Approval to ratify on 11 November 2002
 - Not yet in force

- **China:**
 - Approval to ratify on 11 November 2002
 - Instruments of ratification exchanged on 18 October 2004
 - Entered into force on 17 November 2004
- **India**
 - Approval to ratify on 9 November 2004
 - Instruments of ratification exchanged on 6 December 2005
 - Entered into force on 16 December 2005
- **Hong Kong special administrative Region of the People's Republic of China**
 - Approval to ratify on 28 October 2009
 - Entered into force 1 December 2011
- **Republic of Argentina**
 - Signed on 28 February 2007
 - Approval to ratify on 5 November 2007
 - Waiting for Argentina to finalize their Constitutional process
- **Iran**
 - Signed on 31 August 2004
 - Ratified by Parliament on 12 September 2012.
 - Instruments of ratification to be exchanged.
- 2. **Treaties negotiated but not yet signed:**
 - **Zambia** (Extradition and MLA)
 - **Hungary** (Extradition) (Covered under COE Convention on Extradition)
 - **Namibia** (Extradition and MLA) (Covered by SADC Protocol on Extradition)
 - **Cuba** (Extradition and MLA)
 - **United States of Mexico** (Extradition and MLA)
 - **United Arab Emirates** (Extradition and MLA)
 - **Belarus** (Extradition and MLA)
 - **Viet Nam** (Extradition)
- 3. **Extradition and Mutual Legal Assistance Treaties signed but not yet ratified:**
 - **Korea**
 - Signed on 3 May 2007
 - Submitted to Cabinet on 18 October 2012 for approval that the Treaties be submitted to Parliament for ratification
- 4. **The Treaty with the Republic of China (Taiwan):**

- signed on 30 December 1987, is deemed to be terminated in terms of the Memorandum of Understanding between the Government of the Republic of South Africa (RSA) and the Government of the People's Republic of China (PRC) on the Establishment of diplomatic relations between the RSA and the PRC.

5. South Africa has Mutual Legal Assistance in Criminal Matters Treaties with the following countries:

- **Canada**
 - Ratified by Parliament on 3 April 2001
 - Entered into force 5 May 2001
- **USA**
 - Ratified by Parliament on 9 November 2000
 - Entered into force on 25 June 2001
- **Lesotho**
 - Ratified by Parliament on 7 November 2001
 - Entered into force on 23 December 2003
- **Egypt**
 - Ratified by Parliament on 11 November 2002
 - Entered into force on 16 September 2003
- **Algeria**
 - Ratified by Parliament on 11 November 2002
 - Not yet in force
- **Nigeria**
 - Ratified by Parliament on 11 November 2002
 - Not yet in force
- **France**
 - Ratified by Parliament on 11 November 2002
 - Entered into force on 1 March 2004
 - Notice in Government Gazette 27371 of 18 March 2005
- **China:**
 - Ratified by Parliament on 21 October 2003
 - Instruments of ratification exchanged on 18 October 2004
 - Entered into force on 17 November 2004
- **India**
 - Approval to ratify on 3 November 2004

- Instruments of ratification exchanged on 6 December 2005
 - Entered into force on 6 December 2005
 - **Hong Kong Special Administrative Region of the People's Republic of China**
 - Approval to ratify on 28 October 2009
 - Entered into force 1 December 2011
 - **Republic of China (Taiwan)**
 - An Arrangement on Mutual Legal Assistance was signed on 24 July 2013.
 - The arrangement entered into force on date of signing.
6. The Department is currently busy setting up negotiations for the conclusion of extradition and mutual legal assistance treaties with various countries including:
- **Peru**
 - **Paraguay**
 - **Uruguay**
 - **Tunisia**
 - **Pakistan**
 - **Venezuela**
 - **Ethiopia**
 - **Brazil**
 - **Chile**
7. South Africa has also designated **Ireland, Zimbabwe, Namibia** and the **United Kingdom** in terms of section 3(2) of the Extradition Act.
8. South Africa's accession to the Council of Europe's Convention on Extradition entered into force on 13 May 2003. A request was also directed to the Council of Europe that South Africa accede to the Convention on Mutual Legal Assistance. The Council of Ministers approved that South Africa accede to the MLA Convention. South Africa must now indicate any possible reservations.
9. In terms of the Extradition Act, any arrangement made with any foreign State which, by virtue of the provisions of the Extradition Acts, 1870 to 1906 of the Parliament of the United Kingdom as applied in the Republic, was in force in respect of the Republic immediately prior to the date of commencement of the Act shall be deemed to be an agreement entered into and published on the said date by the President under the Act.
10. **SADC Protocols** on Extradition and Mutual Legal Assistance (MLA) in Criminal Matters:
- The Protocols were signed by Summit on 3 October 2002 and ratified by Parliament on 14 April 2003. The Protocol on Extradition entered into force on 18 August 2006. The Protocol on Mutual Legal Assistance entered into force on 1 March 2007. Both Protocols were published in Government Gazette 35368 on 25 May 2012.