

CRIME INDEX

A review and assessment of the state of crime
in South Africa as compiled by AfriForum

May 2023



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Introduction

Crime is one of the most prevalent phenomena in South Africa. Not a day goes by without the media reporting on the country's crime situation.

Section 205 of the South African Constitution mandates the South African Police Service (SAPS) to

- prevent, investigate and combat crime,
- preserve public order,
- maintain public order,
- protect and secure the people in South Africa and their property, and
- uphold and enforce the rule of law.

However, Police Minister Bheki Cele recently acknowledged that the SAPS does not have enough personnel to meet service delivery needs¹ and that the police alone cannot eradicate crimes that occur in the community.² Such statements underscore the notion that communities must take responsibility for their safety and security.

AfriForum believes that self-governing communities, particularly those with neighbourhood watches, are essential in the fight against crime. More often than not, neighbourhood watches know what is happening in their given area and what type of crimes affect these areas.

The 2023 *AfriForum Crime Index* focuses on critical events in the South African safety and security environment in 2021 and 2022. The index provides an annual snapshot and assessment of the crime situation in South Africa according to certain indicators.

Methodology

This report builds on the foundation of the Solidarity Movement's human rights barometer and AfriForum's civil rights index, which assess whether first-generation rights are being realised in South Africa. However, for the purpose of this index, the framework and indicators of the above-

¹ Modiba, I. 2022. Cele admits to shortfall in service delivery in his department due to staff shortages. *SABC News*, 16 August. Available at <https://www.sabcnews.com/sabcnews/cele-admits-to-shortfall-in-service-delivery-in-his-department-due-to-staff-shortages/> Accessed on 1 May 2023.

² Nkanjeni, U. 2023. 'Police alone will not be able to drive out crime': Cele hits back at stats criticisms. *TimesLIVE*, 21 February. Available at <https://www.timeslive.co.za/news/south-africa/2023-02-21-police-alone-will-not-be-able-to-drive-out-crime-cele-hits-back-at-stats-criticisms/>. Accessed on 1 May 2023.

mentioned reports, which focused on first-generation rights, were adapted to fit the themes of crime, security and political risk.

A qualitative research method was adopted for this report, which is based on secondary research that employs the media, journal articles, international rankings and risk reports, legislation and government statistics. Content in terms of security and crime indicators as well as themes were drawn from well-established international non-governmental organisations that assess security environments within countries. Likewise, the content of this report is influenced by literature on political risk analysis and political security risk.³ However, as Barnard and Croucamp point out, political risk remains subjective and difficult to quantify. Therefore, it is imperative to consider these indicators in qualitative judgments and research.⁴

The researcher selected indicators that 1) have a direct link to crime, 2) may have certain elements thereof or 3) influences the security environment. For example, while ethnic tension may not in itself be illegal, it may manifest in illegal forms such as xenophobic violence. Likewise, themes that focus on law and order will be assessed. This report is therefore somewhat distinctive in its approach as it focuses and assesses crime, crime-related issues and the institutions that uphold the rule of law.

To gain insights into what AfriForum considers to be crime threats to the community, a questionnaire was sent to full-time AfriForum Community Safety division employees who are experts in their respective fields of regional safety, information, training and trauma support. Respondents (n = 14) were requested to evaluate (based on experience) which crimes are the most prominent in their region (or, in certain cases, on a national level), and which crimes require urgent response by AfriForum. Consequently, a number of the most prominent crimes were included in this index.

Based on the feedback from AfriForum Community Safety experts as well as indicators that are the focus of other reputable international non-governmental organisations, the following indicators will be highlighted in this report:

- murder
- violence against persons
- fear of crime

³ Anton, D.P. 2003. *A political-security risk analysis of Uganda*. Unpublished master's dissertation. Pretoria: University of Pretoria. Available at <http://hdl.handle.net/2263/27397>. Accessed on 1 May 2023.

⁴ Barnard, S. & Croucamp, P.A. 2015. Comprehensive political risk assessment of South Africa. *Problems and Perspectives in Management*, 13(1): pp. 131–142. Available at https://www.researchgate.net/publication/285575193_Comprehensive_political_risk_assessment_of_South_Africa_2014/fulltext/5c4a668a458515a4c73e9342/Comprehensive-political-risk-assessment-of-South-Africa-2014.pdf. Accessed on 1 May 2023.

- trust in the criminal justice system
- corruption
- organised crime
- property crimes
- political and social violence

The indicators were evaluated on a rating scale ranging between “not serious”, “manageable”, “serious”, “very serious”, “extremely serious” and “critical”. The symbols + and - indicate whether conditions are improving or deteriorating if compared to previous years. The + symbol indicates that the situation is deteriorating. Finally, it is imperative to note that these indications cannot be evaluated in isolation because indicators influence one another. Crime incidents rarely consist of only one type of crime.

Limitations

This report does not focus on the underlying causes of crime. To use an expression from the medical world: The study does not focus on the origins of the disease but rather on the symptoms thereof.

Murder

Murder is a common law offence that is defined by the SAPS as the unlawful and intentional killing of another human.⁵ Although murder forms part of the contact crimes category (violence against persons)⁶ murder stands apart as an indicator for this report. In crime reporting, murder figures are considered the benchmark for assessing crime trends, as murders are well-defined, usually discovered or reported, and objectively measurable.⁷ Consequently, murder as an indicator is a relatively reliable representation of violent crime and levels of violence within a country in general.⁸ In South Africa, the right to life is entrenched in section 11 of the Bill of Rights, which means that one has the right not to be killed. Moreover, the general comment on Article 6 of the United Nations' International Covenant on Civil and Political Rights states that "states parties are obliged to take adequate preventive measures to protect individuals against reasonably foreseen threats of being murdered or killed by criminals."⁹

International rankings

The United Nations Office on Drugs and Crime found that the average global homicide rate in 2017 was 6,1 victims per 100 000 population.¹⁰ In comparison, South Africa's murder rate for the 2016/2017 financial year was 34 victims per 100 000.¹¹

Trends and events in 2021 and 2022

Murder increased from 16 213 cases in 2012/2013 to 25 181 cases in 2021/2022 (i.e., by 55%).¹² For the 2022 calendar year, 27 066 murders were recorded. The number of murders committed in

⁵ South African Police Service. 2014. *Common law offences – definitions*. Available at <https://www.saps.gov.za/faqdetail.php?fid=9>. Accessed on 1 May 2023.

⁶ South African Police Service. N.d. *Methodology for compiling crime statistics in the South African Police Service*. Available at <https://static.pmg.org.za/170531SAPS.pdf>. Accessed on 20 March 2023.

⁷ Krieglger, A. & Shaw, M. 2016. *Citizen's guide to crime trends in South Africa*. Johannesburg: Jonathan Ball Publishers, p. 35.

⁸ United Nations Office on Drugs and Crime. 2019. *Global study on homicide*, p. 7. Available at <https://www.unodc.org/documents/data-and-analysis/gsh/Booklet1.pdf>. Accessed on 20 March 2023.

⁹ United Nations International Covenant on Civil and Political Rights. 2019. General comment No. 36. Article 6: right to life, par. 21. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FGC%2F36&Lang=en. Accessed on 20 March 2023.

¹⁰ United Nations Office on Drugs and Crime. 2019. *Global study on homicide 2019 edition*. Available at <https://www.unodc.org/unodc/en/data-and-analysis/global-study-on-homicide.html>. Accessed on 22 March 2022.

¹¹ Lebone, K. 2018. Crime & Security. In: Institute for Race Relations. *South Africa survey 2018*, pp. 889–990 (p. 927). Available at <https://cra-sa.com/products/socio-economic-survey>. Accessed on 1 May 2023.

¹² South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 3. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

2021/2022 constitutes a per capita rate of 42 murders per 100 000, which is the highest in the past 18 years.¹³

Noteworthy

- AfriForum recorded 50 farm murders for the 2022 calendar year.¹⁴
- The daily murder rates for women and children in 2022 averaged 10,5 and 3,2.
- 110 police officers were murdered in the 2021/2022 financial year (28 on and 82 off duty). This is a 36% increase from the previous financial year.¹⁵
- KwaZulu-Natal recorded a third of all reported murder cases at the top thirty stations.¹⁶

¹³ Bruce. D 2023. Soaring murder rates underline the lack of sound direction for policing. *ISS Today*, 9 February. Available at [https://issafrica.org/iss-today/soaring-murder-rates-underline-the-lack-of-sound-direction-for-policing#:~:text=The%202021%2F22%20per%20capita,was%2043%20\(Chart%201\),&text=Annualised%20projections%20based%20on%20SAPS,000%20people%20\(Chart%201\)](https://issafrica.org/iss-today/soaring-murder-rates-underline-the-lack-of-sound-direction-for-policing#:~:text=The%202021%2F22%20per%20capita,was%2043%20(Chart%201),&text=Annualised%20projections%20based%20on%20SAPS,000%20people%20(Chart%201)). Accessed on 22 March 2022.

¹⁴ AfriForum. 2022. *Farm murders and attacks in South Africa for 2022*, p. 4. Available at <https://stopdiemoorde.co.za/wp-content/uploads/2023/03/20230228-Johan-N-Farm-murders-and-attacks-in-SA-for-2022-ENG-GFdB-1.pdf>. Accessed on 1 May 2023.

¹⁵ South African Police Service. 2022. *Annual report 2021/2022*, p. 17. Available at https://www.gov.za/sites/default/files/gcis_document/202211/saps-2021-22.pdf. Accessed on 22 March 2023.

¹⁶ South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 11. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

Violence against persons

Violence encompasses a range of categories (such as interpersonal or collective violence) and different types of violence (such as physical or psychological violence).¹⁷ The term *violence* is used in this report to refer to violence that occurs when a crime is committed.

Section 12 of the Constitution deals primarily with violence against persons. The section states that everyone has the right to freedom and security of the person, which means being free of all forms of violence, either from state action or private sources, as well as the right not to be tortured, punished or degraded, or not to be arbitrarily deprived of one's freedom.

International rankings

Public order and safety expenditure as a proportion of total government expenditure for 2020/2021 comprised 7% of South Africa's gross domestic product (GDP).¹⁸ Citing data from 2021, the *Global Peace Index 2022* has ranked South Africa 20th in terms of the economic cost of violence as a percentage of GDP. The economic impact of violence cost South Africa the equivalent of 14% of the country's GDP for 2021.¹⁹

Trends and events in 2021 and 2022

Even though the right to safety is enshrined in the Constitution, the reality of crime statistics stands in contrast to this right. There are 17 community-reported serious crimes listed by the SAPS, which include attempted murder, assault and robbery.²⁰ All 17 of these community-reported serious crimes increased in the 2021/2022 financial year compared to the 2020/2021 financial year,²¹ while bank robberies registered the highest increase from 2 to 13 incidents (or 550%).²² Additionally, if the

¹⁷ SaferSpaces. N.d. *What is violence?* Available at <https://www.saferespaces.org.za/understand/entry/what-is-violence>. Accessed on 1 May 2023.

¹⁸ Ndebele, T. 2023. Crime & Security. In: Institute of Race Relations. *South Africa Survey 2023*, pp. 1–66 (p 44.) Available at <https://cra-sa.com/products/socio-economic-survey>. Accessed on 1 May 2023

¹⁹ Institute of Economics & Peace. 2022. *Global Peace Index 2022: Measuring Peace in a Complex World*, p. 95. Available at <https://www.visionofhumanity.org/wp-content/uploads/2022/06/GPI-2022-web.pdf>. Accessed on 22 March 2023.

²⁰ SAPS: The 17-community reported serious crimes are 1) murder; 2) attempted murder; 3) assault with the intent to inflict grievous bodily harm; 4) common assault; 5) aggravated robbery; 6) common robbery; 7) sexual offences; 8) arson; 9) malicious damage to property; 10) residential burglary; 11) business burglary; 12) motor vehicle theft; 13) theft out of/from a motor vehicle; 14) stock theft; 15) other theft; 16) commercial crime and 17) shoplifting.

²¹ South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 3. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

²² *Id.*, p. 26.

rate for the 2022 calendar year is calculated, there were 149 sexual offences per day and 464 cases of assault with the intention to inflict grievous bodily harm daily.

Noteworthy

- Trio crimes involve three separate offences that are committed with the intention of acquiring property during which violence is used.²³ The SAPS's annual report for 2021/2021 documented 62 767 trio crime cases, comprising carjackings and robberies at residential and non-residential locations. These recorded a 12,4% increase from the previous financial year.²⁴
- In the 2021/2022 financial year, there were 162 842 cases of assault with the intention to inflict grievous bodily harm, while the total recorded sexual offences (including rape) amounted to 52 694.²⁵
- In the same financial year, the National Prosecuting Authority (NPA) secured 1 038 convictions for trio crimes, resulting in a conviction rate of 81,3%. Moreover, the NPA secured 3 379 convictions for sexual offences, resulting in a conviction rate of 74,3%.²⁶

While the economic impact of violent crime can be quantified to a certain extent, it is difficult to determine the human cost of violent crime.²⁷ One of the most authoritative studies (based on a nationally representative sample) on the prevalence of trauma exposure and post-traumatic stress disorder dates back to 2004, however.²⁸ Nevertheless, based on the number of cases of violent crime in 2021 and 2022, there is little doubt that many individuals are experiencing the traumatic effects of violent crime.

²³ Civilian Secretariat of Police Services. 2020. *SAPS Intervention for Trio Crimes: A Five-year trend analysis*, p. 2. Available at <http://www.policesecretariat.gov.za/downloads/reports/Approved%20Trio%20Crimes%20research%20brief.pdf>. Accessed on 20 May 2023.

²⁴ South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 26. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

²⁵ National Prosecuting Authority. 2022. *Annual report 2021/2022*, p. 28. Available at https://www.npa.gov.za/sites/default/files/uploads/NPA%20Annual%20Report%202022_web.pdf. Accessed on 1 May 2023.

²⁶ *Id.*, p. 30.

²⁷ Geldenhuys, K. 202. The A-B-C of violence. In: *Servamus Community-based Safety and Security Magazine* 114(7): p. 10–12. DOI: <https://journals.co.za/doi/abs/10.10520/ejc-servamus-v114-n7-a4>. Accessed on 23 March 2023.

²⁸ Atwoli, L. Stein, D. J., Williams, D. R., Mclaughlin, K. A., Petukhova, M., Kessler, R. C., & Koenen, K. C. 2013. Trauma and posttraumatic stress disorder in South Africa: analysis from the South African Stress and Health Study. *BMC Psychiatry* 13(182), pp. 1–12. DOI: <https://doi.org/10.1186/1471-244x-13-182>.

Fear of crime

International research suggests that there is no apparent relationship between the actual levels of crime and the fear of crime; that is, if the levels of crime decrease, there is no apparent decrease in the fear of crime.^{29, 30} This trend has also been observed in the South African context.³¹ As the literature below shows, South Africans' fear of crime remains a prominent issue.

International rankings

The 2022 Global Law and Order report released by the international polling agency Gallup, which measures individuals' perception of personal safety and their lived experiences of crime in 120 countries, ranked South Africa as scoring the lowest in terms of personal safety.³² When asked whether they felt safe walking alone at night, just 32% of South African respondents indicated that they felt safe. This places South Africa just behind Afghanistan, with a decline of 20% since the publication of the 2021 report.³³ The pattern for violent crime is almost the same. The 2023 *Safety Perception Index* by the Institute for Economics and Peace measured the perceived threat of five domains (among these violent crime) and the actual harm experience in 121 countries. In the case of violent crime, it was found that South African's fear of crime was second only to that of Malians (based on 2021 data).³⁴

Trends and events in 2021 and 2022

Statistics South Africa (Stats SA) reported in their *Governance, public safety, and justice survey 2021/2022* that only 36% of South Africans felt safe when walking alone in their neighbourhood at

²⁹ Rader, N.E. 2017. Fear of crime. In *Oxford research encyclopedia of criminology and criminal justice*, pp. 1–19. DOI: <https://doi.org/10.1093/acrefore/9780190264079.013.10>. Accessed on 1 May 2023.

³⁰ Curiel, R.P. & Bishop. 2018. Fear of crime: the impact of different distributions of victimisation. In *Palgrave Communications*, 4(46): pp. 1–18. DOI: <https://doi.org/10.1057/s41599-018-0094-8>.

³¹ Davis, R. 2017. Analysis: South Africa a country of fear, say latest crime perception stats. *Daily Maverick*, 14 February. Available at <https://www.dailymaverick.co.za/article/2017-02-14-analysis-south-africa-a-country-of-fear-say-latest-crime-perception-stats/>. Accessed on 1 May 2023.

³² Gallup. 2022. *Global law and order report 2022*, p. 10. Available at <https://www.gallup.com/analytics/356963/gallup-global-law-and-order-report.aspx>. Accessed on 1 May 2023.

³³ Gallup. 2021. *Global law and order report 2021*, p. 11. Available at <https://www.gallup.com/analytics/356996/gallup-law-and-order-research-center.aspx>. Accessed on 1 May 2023.

³⁴ Institute for Economics & Peace. 2023. *Safety Perceptions Index 2023: Understanding the impact of risk around the world*, p. 10. Available at <https://www.economicsandpeace.org/wp-content/uploads/2023/02/SPI-2023-1.pdf>. Accessed on 1 May 2023.

night.³⁵ In addition, South African municipalities are spending millions of rands on closed-circuit television systems to prevent crime.³⁶

Another factor that might have an impact on people's fear of crime is prisoners who escaped. In June 2022 Ronald Lamola, the Minister of Justice and Correctional Services, announced that 285 prisoners had escaped custody in the previous six financial years, amounting to 48 escapees each year.³⁷ According to a spokesperson for the Department of Correctional Services, 22 inmates had escaped from different correctional facilities in the country during the 2021/2022 financial year. This is a significant drop compared to the previous year, when 117 inmates escaped from these facilities.³⁸ According to SAPS records, there were 412 escapes from police custody in 2020/2021, involving 545 escapees. In comparison, during the 2021/2022 period, there were 406 escapes involving 568 escapees.³⁹

³⁵ Statistics South Africa. 2022. *Governance, public safety, and justice survey 2021/2022*, p. viii. Available at <https://www.statssa.gov.za/publications/P0341/P03412016.pdf>. Accessed on 1 May 2023.

³⁶ BusinessTech. 2022. *Cities in South Africa are blowing millions on surveillance networks – but are they even working?* 7 July. Available at <https://businesstech.co.za/news/government/602948/cities-in-south-africa-are-blowing-millions-on-surveillance-networks-but-are-they-even-working/>. Accessed on 1 May 2023.

³⁷ Luvhengo, P. 2022. About 48 prisoners escape from SA's prisons each year: Ronald Lamola. *TimesLIVE*, 9 June. Available at <https://www.timeslive.co.za/news/south-africa/2022-06-09-about-48-prisoners-escape-from-sas-prisons-each-year-ronald-lamola/>. Accessed on 1 May 2023.

³⁸ Mitchley, A. 2023. *Prison break: Dozens of inmates escape from jails around the country*. News24, 27 March. Available at <https://www.news24.com/news24/southafrica/news/prison-break-dozens-of-inmates-escape-from-jails-around-the-country-20230327>. Accessed on 1 May 2023.

³⁹ Ndebele, T. 2023. Crime & security. In: Centre for Risk Analysis. *Socio-economic survey of South Africa*, pp. 1–66 (p. 50.) Available at <https://cra-sa.com/products/socio-economic-survey>. Accessed on 1 May 2023.

Trust in the criminal justice system

The criminal justice system in South Africa comprises various entities, including the SAPS, the NPA, courts, the Department of Justice, the Department of Correctional Services and people from the social development sector, such as social workers.⁴⁰ Legal authorities' legitimacy is globally acknowledged as essential for a state to perform its duties fairly and effectively.⁴¹ Likewise, public trust in the South African criminal justice institutions is necessary for the rule of law. However, the behavioural conduct of these institutions influences the level of trust.⁴²

Trust in the SAPS

The Human Sciences Research Council's (HSRC's) *South African social attitudes survey* has been reporting on the levels of public trust in the SAPS since 1998. Despite historically low levels of trust in the SAPS (with the average level never above 50% since 1998), the survey reported that 2021 marked a new record low, declining from 42% in 1998 to 27% in 2021, down from 34% in 2020.⁴³ According to the HSRC's survey, this drop in public trust seems to result from the July 2021 social unrest, during which the SAPS received criticism for their inadequate handling of the situation. At the same time, AfroBarometer's 2021 survey results revealed that 73% of respondents had "just a little or not at all" faith in the SAPS.⁴⁴

Regarding response times, previous surveys by Stats SA indicate that 23% of households had to wait more than two hours for the SAPS to respond to emergency calls.⁴⁵ More recently, it was revealed during a parliamentary question posed to Bheki Cele, the Minister of Police, that the SAPS's 10111 call centre dropped more than 7 million calls during the 2020/2021 to 2021/2022

⁴⁰ South African Government. 2023. *How does the criminal justice system work?* Available at <https://www.gov.za/faq/justice-and-crime-prevention/how-does-criminal-justice-system-work>. Accessed on 3 May 2023.

⁴¹ Roberts, B. & Gordon, S. 2022. *South Africans have low trust in their police. Here's why.* The Conversation, 28 March. Available at <https://theconversation.com/south-africans-have-low-trust-in-their-police-heres-why-178821#:~:text=These%20are%20briefly%20summarised%20below,lower%20trust%20in%20the%20police>. Accessed on 1 May 2023.

⁴² African Criminal Justice Reform. 2019. *NPA Accountability, trust and public interest.* In *Africa Criminal Justice Reform*, pp. 1–7 (p. 4). Available at <http://hdl.handle.net/10566/5110>. Accessed on 1 May 2023.

⁴³ Roberts, B. & Gordon, S. 2022. *Feeling blue: Changing patterns of trust in the police in South Africa.* Media statement by the HSRC, 23 March. Available at <https://hsrc.ac.za/press-releases/dces/feeling-blue-changing-patterns-of-trust-in-the-police-in-south-africa/>. Accessed on 1 May 2023.

⁴⁴ Moosa, M. & Hofmeyr, J. 2021. *South Africans' trust in institutions and representatives reaches new low.* In Afrobarometer Dispatch 474, pp. 1–17 (p. 3). Available at <https://www.afrobarometer.org/publication/ad474-south-africans-trust-institutions-and-representatives-reaches-new-low/>. Accessed on 1 May 2023.

⁴⁵ Statistics South Africa. 2017. *Victims of Crime Survey 2016/2017*, p. 63. Available at <https://www.statssa.gov.za/publications/P0341/P03412016.pdf>. Accessed on 1 May 2023.

financial year, up to and including January 2023. Moreover, the call centre employed just more than 40% of the staff that is required to meet the demand.⁴⁶

International rankings

South Africa was ranked 54th out of 140 countries in the World Justice Project's *Rule of Law Index* for 2022 (down two positions from 2021) for its compliance with the rule of law.^{47, 48} South Africa obtained a score of 0,58. A score of 1 indicated the strongest adherence to the rule of law, while 0 represents the least.⁴⁹ South Africa received a score of 0,50 for criminal justice, which assesses how effectively the criminal justice system functions in areas such as impartiality and adjudication.⁵⁰

Trust in other law enforcement institutions

Trust in the South African criminal justice system is not solely based on people's confidence in the SAPS's ability to prevent, respond to or solve crimes, but also on other factors such as the work of other law enforcement agencies, court backlogs and conviction rates. In addition, past experiences with the court system can also impact levels of trust. According to the Judiciary, the resolution and reduction of criminal case backlogs are essential for promoting public trust in the judiciary.⁵¹ To accomplish this, an annual target of 30% should be met. However, only three divisions met this target for the 2021/2022 financial year. As a result, the national backlog for criminal cases during this period stood at 49%.⁵²

Several law enforcement institutions, including the Hawks, the Public Protector and the NPA seem to be trusted increasingly by the South African public. As a result, these institutions were graded higher in confidence in 2021 compared with 2019. According to the Institute for Justice and Reconciliation's South African Reconciliation Barometer for 2021, the public's confidence in the Hawks increased from 38% in 2019 to 43% in 2021.⁵³ Likewise, confidence in the Public Protector and the NPA rose from 34% to 37% and 32% to 36%.

⁴⁶ Whitfield, A. 2023. *Millions of victims left high and dry as SAPS 10111 centres plunged into crisis*. Media statement by the Democratic Alliance, 5 January. Available at <https://www.da.org.za/2023/01/millions-of-victims-left-high-and-dry-as-saps-10111-centres-plunged-into-crisis>. Accessed on 1 May 2023.

⁴⁷ World Justice Project. 2022. *South Africa ranks 54 out of 140 in the Rule of Law Index*. Media statement on 26 October. Available at <https://worldjusticeproject.org/sites/default/files/documents/South%20Africa.pdf>. Accessed on 1 May 2023.

⁴⁸ World Justice Project. 2022. *Rule of Law Index [South Africa]*, p. 9. Available at <https://worldjusticeproject.org/rule-of-law-index/country/2022/South%20Africa/Regulatory%20Enforcement>. Accessed on 1 May 2023.

⁴⁹ *Ibid.*

⁵⁰ *Id.*, p. 35.

⁵¹ The South African Judiciary. 2022. *Annual report 2021/2021*, p.34. Available at https://www.judiciary.org.za/images/news/2023/Judiciary_Annual_Report_2021-22.pdf. Accessed on 1 May 2023.

⁵² *Ibid.*

⁵³ Moosa, M. *South African Reconciliation Barometers Survey: 2021 Report*, p. 33. Available at <https://www.ijr.org.za/portfolio-items/south-african-reconciliation-barometers-survey-2021-report/>. Accessed on 1 May 2023.

Corruption

Pillay clearly articulates the consequences of corruption, stating that “corruption has led to a continuous deterioration of institutional integrity, transparency, and a lack of trust towards the political and administrative institutions of the State.”⁵⁴ In addition, he argues that corruption has also damaged South African citizens’ trust in government institutions. The definition of corruption is defined by the Prevention and Combating of Corrupt Activities Act 12 of 2004: “giving or offering to give someone in a position of power gratification to act in a certain manner.”

According to Corruption Watch, South Africa’s corruption and perceived corruption have hurt the country’s reputation and hindered both local and international investments.⁵⁵ In 2019 during an interview at the World Economic Forum in Davos, Pres. Ramaphosa remarked that the African National Congress (ANC) had deviated from its core values and principles.⁵⁶ During the same interview, Ramaphosa conceded that corruption has become “a way of life” but vowed to tackle the issue. However, the findings from a 2021 poll reported that South Africans believe that corruption is worsening, with 64% of respondents stating that they believed corruption has increased since the previous year.⁵⁷ Additionally, more than half of the respondents thought that most state officials were involved in corruption.

International rankings

The findings of the Judicial Commission of Inquiry into State Capture (the Zondo Commission) revealed the “deep-rooted corruption in South Africa”⁵⁸ in which billions of rands were stolen from the state.⁵⁹ Transparency International’s *Corruption Perceptions Index* for 2022 ranked South Africa 72nd out of 180 countries on perceived levels of corruption in the public sector with a score

⁵⁴ Pillay, P.S. 2022. Corruption has eroded integrity. *IOL Online*, 27 January. Available at <https://www.iol.co.za/news/politics/opinion/corruption-has-eroded-integrity-44ceba37-b46f-4e87-aa90-a39474f5a767>. Accessed on 1 May 2023.

⁵⁵ Corruption Watch. N.d. *We are all affected*. Available at <https://www.corruptionwatch.org.za/learn-about-corruption/what-is-corruption/we-are-all-affected/>. Accessed on 21 May 2023.

⁵⁶ Gebrekidan, S. & Onishi, N. 2019. South Africa leader, wooing investors, pledges end to corruption. *The New York Times*, 23 January. Available at <https://www.nytimes.com/2019/01/23/world/africa/south-africa-corruption.html?auth=login-googleitap&login=googleitap>. Accessed on 1 May 2023.

⁵⁷ Patel, J. & Govindasamy, P. 2021. *South Africans see corruption as worsening during President Ramaphosa’s tenure*. In *Afrobarometer Dispatch 476*, pp. 1–12. Available at <https://www.afrobarometer.org/publication/ad476-south-africans-see-corruption-worsening-during-president-ramaphosas-tenure/>. Accessed on 1 May 2023.

⁵⁸ Transparency International. 2023. *CPI 2022 for Sub-Saharan Africa: Corruption compounding multiple crises – News*. Available at <https://www.transparency.org/en/news/cpi-2022-sub-saharan-africa-corruption-compounding-multiple-crises>. Accessed on 1 May 2023.

⁵⁹ Maseko, B.N. 2022. *South Africa’s Zondo commission: Damning report exposes rampant corruption*. *BBC News*, 23 June. Available at <https://www.bbc.com/news/world-africa-61912737>. Accessed on 1 May 2023.

of 43, which is on par with the global average.⁶⁰ A score of 0 represents highly corrupt. This is a slight decrease from the 2021 score of 44. Similarly, the *Ibrahim Index of African Governance* gave South Africa a score of 53,1 (out of 100) for its 2022 rating, ranking South Africa tenth out of 54 African states.⁶¹

Municipal fraud and corruption

Another significant factor is corruption on local government level. Among the 32 998 reports received from whistle-blowers by Corruption Watch between 2012 and 2020, 16% involved complaints of corruption within local government, including bribery, procurement and irregularities, power abuse and funds embezzlement.⁶² Corruption Watch's 2022 annual report also indicates that almost two-thirds of corruption complaints that relate to provincial government levels were directed at corruption in local government. The metropolitan municipalities of Johannesburg, Tshwane and Ekurhuleni account for 58% of all corruption reports in the local government.⁶³

Trends and events in 2021 and 2022

According to the 2020/2021 audit outcomes by the Auditor-General of South Africa (AGSA), 64 municipalities were dysfunctional in 2021 due to factors such as poor governance, weak institutional capacity, poor financial management, corruption and political instability.⁶⁴ Of the 257 municipalities in South Africa, only 41 achieved clean audits.⁶⁵ Furthermore, AGSA stated that by 2021 irregular spending, unauthorised expenditure and fruitless and wasteful expenditure in municipalities accumulated to more than R119 billion, R86 billion, and R11 billion over several years.⁶⁶ Furthermore, in the 78 municipalities that AGSA audited in 2020/2021, the prevalence of

⁶⁰ Transparency International. *Corruption Perceptions Index 2022* [South Africa]. Available at <https://www.transparency.org/en/cpi/2022/index/zaf>. Accessed on 1 May 2023.

⁶¹ Mo Ibrahim Foundation. *Explore the data*. [South Africa]. 2021. Available at <https://iiag.online/data.html?meas=ANTICORR&loc=ZA&view=overview&subview=absoluteTrends>. Accessed on 1 May 2023.

⁶² Corruption Watch. 2021. *South Africa needs clean hands*, p. 2. Available at <https://www.corruptionwatch.org.za/wp-content/uploads/2021/08/CW-local-govt-sectoral-report-August2021.pdf>. Accessed on 1 May 2023.

⁶³ Corruption Watch. 2022. *Accelerating Justice: Corruption Watch 2022 annual report*, p. 25. Available at https://www.corruptionwatch.org.za/wp-content/uploads/2023/04/Corruption-Watch_Report_Final_4April.pdf. Accessed on 1 May 2023.

⁶⁴ Audit General of South Africa. 2021. *Consolidated general report on local government audit outcomes MFMA 2020/2021*, pp. 48–50. Available at https://www.agsa.co.za/Portals/0/Reports/MFMA/2020-21/FINAL_MFMA%202020-21%20GR_15%20June_2022%20tabling.pdf?ver=2022-06-15-095648-557. Accessed 1 May 2023.

⁶⁵ Payne, S. 2022. Only 41 municipalities register clean audits, with Western Cape leading the pack – and Free State at the bottom. *Daily Maverick*, 15 June. Available at <https://www.dailymaverick.co.za/article/2022-06-15-only-41-municipalities-register-clean-audits-with-western-cape-leading-the-pack-and-free-state-at-the-bottom/>. Accessed 1 May 2023.

⁶⁶ Audit General of South Africa. 2021. *Consolidated general report on local government audit outcomes MFMA 2020/2021*, pp. 48–50. Available at https://www.agsa.co.za/Portals/0/Reports/MFMA/2020-21/FINAL_MFMA%202020-21%20GR_15%20June_2022%20tabling.pdf?ver=2022-06-15-095648-557. Accessed 1 May 2023.

financial and supply chain misconduct and fraud was apparent. This was highlighted by the fact that 51% of the municipalities took more than three months to complete investigations, while at 14% of municipalities, allegations of misconduct and fraud weren't investigated.^{67, 68}

An overview of the extent of corruption under the ANC was highlighted in 2021 by the *Daily Maverick*, which noted that, over the past two decades, only one of the 32 major corruption scandals has resulted in prosecution. The five significant scandals listed for 2021 included:⁶⁹

- a power supply contract of R180 billion granted to Karpowership SA
- the R515 million PPE contract for the SAPS
- wasteful spending by the Department of Health to the value of R220 million
- R170 million spent on fogging by the Gauteng government
- R470 million spent on fogging and fumigation by the City of Johannesburg

For 2022, the most prominent corruption issue probably involves President Ramaphosa's Farmgate controversy. Ramaphosa is accused of money laundering and corruption by former State Security Agency (SSA) chief Arthur Fraser and concealing millions of rands stolen at his Phala Phala farm.⁷⁰

⁶⁷ *The Mail & Guardian*. 2022. Lack of accountability and consequence management plagues local government. 26 June. Available at <https://img.co.za/special-reports/2022-06-26-lack-of-accountability-and-consequence-management-plagues-local-government/>. Accessed on 1 May 2023.

⁶⁸ Audit General of South Africa. 2021. Consolidated general report on local government audit outcomes MFMA 2020/2021, pp. 48–50. Available at https://www.agsa.co.za/Portals/0/Reports/MFMA/2020-21/FINAL_MFMA%202020-21%20GR_15%20June_2022%20tabling.pdf?ver=2022-06-15-095648-557 Accessed 1 May 2023.

⁶⁹ Haffajee, F. 2021. ANC fails to stop the corruption train – 32 major scandals, four in 2021 alone. *Daily Maverick*, 7 October. Available at <https://www.dailymaverick.co.za/article/2021-10-07-anc-fails-to-stop-the-corruption-train-32-major-scandals-four-in-2021-alone/> Accessed 1 May 2023.

⁷⁰ Roelf, W. .2022. *Explainer: The Phala Phala farmgate scandal hanging over South Africa's Ramaphosa*. Reuters, 1 December. Available at <https://www.reuters.com/world/africa/phala-phala-farmgate-scandal-hanging-over-south-africas-ramaphosa-2022-12-01/>. Accessed 1 May 2023.

Organised crime

Although the Prevention of Organised Crime Act 121 of 1998 does not provide an exact definition of organised crime in South Africa, it lists criminal acts and the general characteristics of criminal group members. Furthermore, the Act's definition requires that the crime be committed by a group, and there are specifications regarding the types of crimes that qualify as organised crime.⁷¹ The United Nations Office on Drugs and Crime (UNODC) distinguishes an organised crime from other criminal activities in that it is premeditated and systematic rather than consisting of random, individual acts of criminal behaviour.⁷² While the South African Police Service Act 67 of 1995 states that organised crime should be conducted in an organised fashion that results in financial gain for the person or group,⁷³ the SAPS Detective Service notes that the definition should, among other things, involve a group that uses serious violence in the pursuit of profit or power.⁷⁴

International rankings

South Africa received an overall criminality score of 6,63 and a resiliency score of 5,79 on the *Global Organized Crime Index* for 2021. The index assesses the levels of organised crime in all United Nations (UN) member countries based on illicit markets and criminal actors, as well as resilience or the ability to cope with organised criminal activities. The organised crime and resilience indicators are ranked from 0 to 10, with 0 indicating a low level of criminal activity and resilience and 10 indicating a high level of criminal activity and high levels of resilience. The Enhancing Africa's Response to Transnational Organised Crime (ENACT), which issues the index, notes that South Africa's total criminality score is higher than the global average of 4,87. Moreover, the country ranks fifth among African nations and first among the thirteen countries in Southern Africa.^{75, 76, 77}

⁷¹ Mothibi, K., Roelofse, C. & Maluleke, A.H. 2015. Organised crime in South Africa since transition to democracy. *Sociology and Anthropology* 3(12): pp. 649–655 (p. 650). DOI: <https://doi.org/10.13189/sa.2015.031203>.

⁷² United Nations Office on Drugs and Crime. 2018. *Organized crime module 1 – Key Issues: Defining organized crime*. Available at <https://www.unodc.org/e4j/zh/organized-crime/module-1/key-issues/defining-organized-crime.html>. Accessed on 1 May 2023.

⁷³ Mothibi, K., Roelofse, C. & Maluleke, A.H. 2015. Organised crime in South Africa since transition to democracy. *Sociology and Anthropology* 3(12): pp. 649–655. (P. 651). DOI: <https://doi.org/10.13189/sa.2015.031203>.

⁷⁴ Parliamentary Monitoring Group. N.d. Definitions of organised crime. Available at <https://static.pmg.org.za/docs/1998/981020definitions.htm#:~:text=Organized%20crime%20is%20the%20systematic,craving%20for%20profit%20or%20power>. Accessed on 1 May 2023.

⁷⁵ *The Global Organized Crime Index 2021*. ENACT. Global Initiative Against Transnational Organized Crime, p.25. Available at <https://globalinitiative.net/wp-content/uploads/2021/09/GITOC-Global-Organized-Crime-Index-2021.pdf>. Accessed on 1 May 2023.

⁷⁶ Id., pp. 151 & 172

⁷⁷ *Africa Organises Crime Index*. South Africa 2021. Available at https://africa.ocindex.net/country/south_africa. Accessed 1 May 2023

Trends and events in 2021 and 2022

The Global Initiative Against Transnational Organized Crime (GI-TCO) conducted an in-depth analysis of the state of organised crime in South Africa.⁷⁸ The risk assessment highlighted 15 active illegal markets in the country, ten of which have increased in recent years. These include extortion, kidnapping for ransom, organised robbery and violence, environmental crimes, financial and cybercrimes, illegal mining and organised crime in public transportation. Only the trade in illicit narcotics and illegal firearms, human trafficking, corruption and crimes in the health sector were found to be either stable or at a consistently high level. The report also noted several decisive findings. First, organised crime is multifaceted and characterised as entrepreneurial and violent, with a high degree of interconnectivity firmly established within South Africa. Second, the growth of organised crime in the country is heavily influenced by corruption and organised violence. Third, while authorities have taken steps to curb the expansion of organised crime, these steps have been inadequate. GI-TCO's overall conclusion is that organised crime is now a clear and present existential threat to the future of South Africa.⁷⁹ However, it suggests the situation can be reversed with appropriate reforms, leadership and commitment.⁸⁰

Noteworthy

- Cable theft is a grave issue in South Africa. It significantly affects the country's economy by causing delayed train services and traffic congestion, disrupting crucial communications, leaving communities and businesses without electricity and risking people's lives.⁸¹ Genesis Analytics estimates that cable theft costs the country's economy over R47 billion annually.⁸² In addition, approximately 395 km of cable was stolen from Transnet in 2019/2020, 700 km in 2020/2021 and more than 1 400 km in the financial year 2021/2022.⁸³
- According to GI-TCO, the number of targeted assassinations that are related to organised crime remained the same in 2021 and 2022, with 30 incidents in 2021 and 29 in 2022.⁸⁴

⁷⁸ Global Initiative Against Transnational Organized Crime. 2022. *Strategic organized crime risk assessment South Africa*, p. 6–8. Available at <https://globalinitiative.net/wp-content/uploads/2022/09/GI-TOC-Strategic-Organized-Crime-Risk-Assessment-South-Africa.pdf>. Accessed on 1 May 2023.

⁷⁹ *Id.*, p 9.

⁸⁰ *Ibid.*

⁸¹ Modipa, M. 2022. An evaluation of the impact of cable theft on free flow of traffic in South Africa. *International Journal of Research in Business and Social Science*, 11(6): pp. 542–511 (p.543). DOI: <https://doi.org/10.20525/ijrbs.v11i6.1968>.

⁸² Leshoro, D. 2022. Cable theft costs economy R47 billion a year – charge thieves with treason. *City Press*, 30 November. Available at <https://www.citypress.co.za/news/theft-of-infrastructure-is-having-a-devastating-effect-on-service-delivery/>. Accessed on 1 May 2023.

⁸³ Ndaliso, C. 2022. Theft of infrastructure is having a devastating effect on service delivery. *The Witness*, 5 September. Available at <https://www.citizen.co.za/witness/news/theft-of-infrastructure-is-having-a-devastating-effect-on-service-delivery/>. Accessed on 1 May 2023.

⁸⁴ Global Initiative Against Transnational Organized Crime. 2023. *The business of killing: Assassinations in South Africa*, p. 5. Available at <https://globalinitiative.net/wp-content/uploads/2023/04/Rumbi-Matamba-The-business-of-killing-Assassinations-in-SA-April23-web.pdf>. Accessed on 1 May 2023.

- Regarding convictions, the NPA reported that for the 2021/2022 financial year, it managed to secure a convictions rate of 95,9% for organised crime (185 cases), 97,1% for environmental crime (702 cases), and 87,9% (954 cases) for copper theft and essential infrastructure prosecutions.⁸⁵

⁸⁵ National Prosecuting Authority. 2022. *Annual report 2021/2022*, pp. 32–33. Available at https://www.npa.gov.za/sites/default/files/uploads/NPA%20Annual%20Report%202022_web.pdf. Accessed on 1 May 2023.

Crimes against property

Kevin Roberts, president of The Heritage Foundation, defines economic freedom as the ability of ordinary individuals to manage their future, benefit from the rewards of their work and put their talents to good use.⁸⁶ This freedom is essential for personal growth and is the proper foundation for economic prosperity. He explains that the Heritage Foundation notes that the rule of law and, more significantly, the protection of property rights are vital features for economic growth. It could be argued that property crimes include deliberate property destruction or theft and whether the government respects citizens' property rights.

International rankings

While the rule of law indicator (based on data from mid-2021 to mid-2022) in the Heritage Foundation's 2023 *Index of Economic Freedom* does not explicitly address crimes against property, it does examine respect for property rights, judicial effectiveness, and government integrity within a country.⁸⁷ The index describes South Africa's rule of law as generally weak. South Africa scored 42,5 for property rights, which is below the global average, although it scored 59,1 and 48,0 for judicial effectiveness and government integrity, which is above the global average.⁸⁸ What is concerning, however, is that the South African property rights score dropped by 17,1 points from 59,6 in 2021 to 42,5 in 2023.⁸⁹

According to the regulatory enforcement factor indicator of the World Justice Project's *Rule of Law Index*, South Africa was placed 54th of 140 countries. This is a decrease from the 2021 rankings, in which South Africa was ranked 50th.⁹⁰

Trends and events in 2021 and 2022

The above scores are not centred on property crimes, but on the government's respect for property rights. Therefore, to evaluate property crimes, we must consider the following offences:

⁸⁶ Kim, A. 2023. *Index of Economic Freedom: Promoting Economic Opportunity and Prosperity by Country 2023*, p. xi. Available at https://www.heritage.org/index/pdf/2023/book/2023_IndexOfEconomicFreedom_FINAL.pdf. Accessed on 1 May 2023.

⁸⁷ *Id.*, p. 13

⁸⁸ *Id.*, pp. 6 & 333

⁸⁹ The Heritage Foundation. 2023. *Index of Economic Freedom 2023*. Available at <https://www.heritage.org/index/visualize?cnts=southafrica&type=8>. Accessed 1 May 2023.

⁹⁰ World Justice Project. 2022. *Rule of Law Index*. 2022. Available at <https://worldjusticeproject.org/rule-of-law-index/country/2022/South%20Africa/Regulatory%20Enforcement/>. Accessed on 1 May 2023.

- arson
- malicious property damage
- property-related offences
- land invasions
- stock theft

Both arson and malicious damage to property entail unlawful and intentional damage to property that belongs to another person,⁹¹ whereas property-related crimes include theft and burglary. For the 2021/2022 financial year, 4 102 cases involved arson.⁹² Perhaps the most notable event was the fire at Parliament in Cape Town at the beginning of 2022. In addition, there were suspected arson cases at the Waterkloof Air Force Base, the Justice Department in Cape Town and Saint George's Cathedral. According to crime experts, this might represent a pattern of targeting buildings of significance.⁹³ Regarding malicious property damage, 113 403 cases were recorded for the 2021/2022 financial year – an increase of 14% compared with the 2020/2021 financial year.⁹⁴

Regarding property-related crimes, there has been a 2,2% reduction in housebreaking from 159 721 in 2020/2021 to 156 171 in 2021/2022.⁹⁵ According to Stats SA, there were an estimated 1,4 million housebreaking incidents in 2021/2022, with the highest number of break-ins occurring in June and December. However, only 59% of these incidents were reported to the SAPS.⁹⁶

There were 25 001 reported stock theft cases in 2021/2022.⁹⁷ The top ten stations where these crimes were reported are in the Eastern Cape, KwaZulu-Natal and Free State.⁹⁸ Experts say that, whereas stock theft was in the past motivated by the necessity for food, the modus operandi has

⁹¹ South African Police Service. 2014. *Common law offences – definitions*. Available at <https://www.saps.gov.za/faqdetail.php?fid=9>. Accessed on 1 May 2023.

⁹² South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 4. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

⁹³ eNCA. 2022. *Looking at the spate of arson attacks in SA with crime experts*, 8 February. Available at <https://www.enca.com/analysis/looking-spate-arson-attacks-sa-crime-experts>. Accessed on 1 May 2023.

⁹⁴ South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 4. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

⁹⁵ *Id.*, p. 61

⁹⁶ Statistics South Africa. 2022. *Governance, public safety, and justice survey 2021/2022*, pp. viii & 17. Available at <https://www.statssa.gov.za/publications/P0341/P03412022.pdf#page=26&zoom=100,72,128>. Accessed on 17 May 2023.

⁹⁷ South African Police Service. *Police recorded crime statistics: Republic of South Africa: 2021/2022 financial year (April 2021 to March 2022)*, p. 4. Available at https://www.saps.gov.za/services/downloads/Annual-Crime-2021_2022-web.pdf. Accessed on 22 March 2023.

⁹⁸ *Id.*, p. 71.

since changed to organised crime syndicates,⁹⁹ while farms now have to spend thousands of rands on safety and security measures to protect their livelihood.¹⁰⁰

The Democratic Alliance argues that there has been an increase since the start of the Covid-19 lockdown.¹⁰¹ For example, in Cape Town, an estimated R2,5 billion worth of property was subsequently lost to invasions. In addition, the Western Cape's DA government has spent more than R355,8 million on preventing illegal land invasion in the 2020/21 financial year. Similarly, hundreds of people illegally occupied an area in Olievenhoutbosch, Gauteng in August 2022 after a social media tweet from the Economic Freedom Fighters that incited land grabs.¹⁰²

⁹⁹ Bloch, S. 2022. 'Syndicates are behind stock theft' in South Africa. *Mail & Guardian*, 19 November. Available at <https://mg.co.za/news/2022-11-19-syndicates-are-behind-stock-theft-in-south-africa/>. Accessed 1 May 2023.

¹⁰⁰ Coleman, A. 2023. The true cost of agricultural crime in SA. *Farmer's Weekly*, 15 January. Available at <https://www.farmersweekly.co.za/opinion/by-invitation/the-true-cost-of-agricultural-crime-in-sa/>. Accessed on 1 May 2023.

¹⁰¹ Powell, E.L. 2022. Land invasions threaten very fabric of our cities – ELP. *Politicsweb*, 3 October. Available at <https://www.politicsweb.co.za/politics/land-invasions-threaten-very-fabric-of-our-cities->. Accessed on 1 May 2023.

¹⁰² Schoeman, K. & Verasamy, D. 2022. People rush to stake their claim as EFF leads land grab in Gauteng. *Mail & Guardian*, 12 September. Available at <https://mg.co.za/politics/2022-09-12-people-rush-to-stake-their-claim-as-eff-leads-land-grab-in-gauteng/>. Accessed 1 May 2023.

Political and social violence

The right to assemble, demonstrate, picket and present petitions peacefully and unarmed is entrenched in section 17 of the Constitution. Compared to other countries, South Africa has one of the highest documented rates of social protest.¹⁰³ Furthermore, the SAPS notes that South Africa experienced a wide range of violent public order incidents over the past few years. At the same time, violent protest action that is related to industrial and service delivery, as well as a disregard for authority are some of the factors that threaten the political, economic, social and domestic stability of South Africa.¹⁰⁴ Political and social violence include social unrest, violent protest, mob justice and political violence.

International rankings

The Fund for Peace's *Fragile States Index* examines the societal and political divisions that hinder access to services and political engagement. It also considers the prevalence of vigilante justice and group violence. A lower score on this indicator is preferable since it signifies a reduction in these issues and improved stability. Conversely, a higher score indicates greater instability.¹⁰⁵ South Africa scored 5,9 out of 10 in 2022 and was ranked 79th out of 179 countries.¹⁰⁶ Similarly, according to the 2022 World Justice Project, South Africa scored 0,34 for order and security, (whether individuals resort to violence to address personal grievances) and received a regional ranking of 25 out of 34 countries.¹⁰⁷

Trends and events in 2021 and 2022

According to a comprehensive study by the Institute for Security Studies (ISS) in 2022 as to the causes of political protest, there is an association between the contestation within the ranks of the ANC and political instability in the form of violent protests.¹⁰⁸ The study highlights that the

¹⁰³ Visagie, J., Turok, I. & Swartz, S. 2021. *What lies behind social unrest in South Africa, and what might be done about it*. The Conversation, 21 August. Available at <https://theconversation.com/what-lies-behind-social-unrest-in-south-africa-and-what-might-be-done-about-it-166130>. Accessed on 1 May 2023.

¹⁰⁴ South African Police Service. 2022. *Annual report 2021/2022*, p. 17. Available at https://www.gov.za/sites/default/files/gcis_document/202211/saps-2021-22.pdf. Accessed on 22 March 2023.

¹⁰⁵ Fund for Peace. 2017. *Fragile States Index and cast framework Methodology*, pp. 3 & 5. Available at https://issuu.com/fundforpeace/docs/fsi_methodology?utm_medium=referral&utm_source=fragilestatesindex.org. Accessed on 1 May 2023.

¹⁰⁶ Fragile States Index. 2023. *Country Dashboard [South Africa]*. Available at <https://fragilestatesindex.org/country-data/>. Accessed on 1 May 2023.

¹⁰⁷ World Justice Project. 2022. *Rule of Law Index [South Africa]*. Available at <https://worldjusticeproject.org/rule-of-law-index/country/2022/South%20Africa/Order%20and%20Security/>. Accessed on 1 May 2023.

¹⁰⁸ Chipkin, I. Vidojević, J. Rau., K. & Saksenberg, D. 2022. Dangerous elites: protest, conflict and the future of South Africa. In *South African Report* 49: pp. 1–24 (p. 2). Available at <https://issafrica.s3.amazonaws.com/site/uploads/sar-49-2.pdf>. Accessed on 1 May 2023.

increase in conflicts since 2009 is not simply a spontaneous revolt of people who experience poverty; it is rather strongly linked to revolts within the ANC itself. The failure to effectively control this contestation within the party's ranks has resulted in tensions frequently boiling over, often in the form of service delivery protests.^{109, 110}

In the 2021/2022 financial year, the SAPS's public order unit responded to 8 753 crowd-related incidents, of which 30% (or 2 604) were the consequence of unrest, including labour and mining disputes, protests at higher institutions and violence between communities.¹¹¹ According to the ISS, 997 incidents of public violence were recorded in 2022. The highest number of incidents per month occurred in June (129). Some of the most prominent factors that contribute to these incidents are labour disputes, crime, education and municipal services.¹¹² Due to a breakdown in conventional law enforcement in informal settlements, people in some of these areas are increasingly turning to mob justice. Emergency medical personnel at the Chris Hani Baragwanath Academic Hospital in Johannesburg reported an increase from 2021 to 2022 in the number of injuries associated with mob justice.¹¹³

Regarding terrorism, South Africa ranked 79th in the world in 2022.¹¹⁴ The US Department of State said that South Africa saw no terrorism-related incidents in 2021, possibly due to the COVID-19 pandemic.¹¹⁵ However, the US Embassy issued a warning for a possible terrorist attack in October 2022.¹¹⁶

Noteworthy

- In July 2021, large-scale protests erupted in Gauteng and KwaZulu-Natal, which resulted in R50 billion in damages, 354 deaths and the loss of tens of thousands of jobs.¹¹⁷

¹⁰⁹ *Id.*, p. 2–5.

¹¹⁰ The Daily Friend. 2022. *Are South Africa's elites behind our riots?* [YouTube video]. 14 March, at 00:2:36. Available at <https://www.youtube.com/watch?v=unqAm6RbFss>. Accessed on 1 May 2023.

¹¹¹ South African Police Service. 2022. *Annual report 2021/2022*, p. 117. Available at https://www.saps.gov.za/about/stratframework/annual_report/2021_2022/Annual-Report-2021-22-latest.pdf. Accessed on 1 May 2023.

¹¹² Institute for Security Studies. 2022. *Crimehub*. Public Protest and Violence Maps. Data modified for the 2022 calendar year. Available at <https://crimehub.org/protests>. Accessed on 1 May 2023.

¹¹³ Heywood, M. 2022. Death penalty returns to SA through mob murder – with spike in deaths due to blunt force injury, say doctors. *Daily Maverick*, 29 May. Available at <https://www.dailymaverick.co.za/article/2022-05-29-death-penalty-returns-to-sa-mob-murder-with-spike-deaths-blunt-force-injury-doctors/>. Accessed on 1 May 2023.

¹¹⁴ Institute for Economics & Peace. 2023. *Global Terrorism Index 2023: Measuring the Impact of Terrorism*, p. 8. Available at <https://www.visionofhumanity.org/wp-content/uploads/2023/05/GTI-2023-web-190523.pdf>. Accessed on 1 May 2023.

¹¹⁵ United States Department of State. 2021. *Country Reports on Terrorism 2021*. Available at https://www.state.gov/wp-content/uploads/2023/02/Country_Reports_2021_Complete_MASTER.no_maps-011323-Accessible.pdf Accessed on 21 May 2023.

¹¹⁶ U.S. Mission South Africa. 2022. *Security alert: U.S. Embassy – Possible attack*. Security alert issued on 26 October. Available at <https://za.usembassy.gov/security-alert-u-s-embassy-possible-attack/>. Accessed 1 May 2023.

¹¹⁷ Karrim, A. N.d. *July unrest one year later: No justice after the riots that shook SA*. News24. Available at <https://specialprojects.news24.com/july-unrest-one-year-later/index.html>. Accessed 1 May 2023.

- Residents of the Gomorrah informal settlement, west of Pretoria, invaded neighbouring communities in July 2022 due to inadequate service delivery.¹¹⁸
- According to Xenowatch, there were 107 xenophobic attacks in 2022, which resulted in the deaths of 38 people.¹¹⁹

Conclusion

Based on an assessment of the information presented in this report, all indicators are currently on the increase. Murder – as the most reliable indicator of crime – increased in the period under review from previous periods dating back to 2012. Moreover, if contact crimes are used to evaluate the moral fabric of South African society, it is safe to say that we have lost our way. As mentioned, a reduction in the actual levels of crime does not necessarily translate into an automatic reduction in people’s fear of crime. As a result, even if crime levels decrease in the future, people may still perceive or experience the fear of crime. One solution to this dire situation is to restore the levels of trust in the criminal system, although this is largely predicated on low levels of corruption within law enforcement and the justice system.

The best immediate action that ordinary people can take is to become involved with anti-crime campaigns and initiatives. By joining a neighbourhood watch or one of AfriForum’s community safety initiatives, one actively chooses to not be a victim of one’s circumstances. Some of AfriForum’s most recent successes include:

- During a national patrol on April 14 and 15, 2023, AfriForum’s Bronkhorstspruit neighbourhood watch apprehended two burglary suspects and turned them over to a security company to conduct the arrest.¹²⁰
- Criminals who were responsible for blowing up an ATM in Bloemfontein were tracked down in cooperation with the SAPS on 14 April 2023 with the help of a drone that was operated by AfriForum’s local neighbourhood watch.¹²¹

¹¹⁸ Broodryk, J. 2022. *AfriForum assists law enforcement during unrest in Pretoria*. Politicsweb, 1 July. Available at <https://www.politicsweb.co.za/politics/afriforum-assists-law-enforcement-during-unrest-in>. Accessed on 1 May 2023.

¹¹⁹ Xenowatch. 2019. *Statistics dashboard*. Data modified for the 2022 calendar year. Available at <http://www.xenowatch.ac.za/statistics-dashboard/>. Accessed on 1 May 2023.

¹²⁰ AfriForum. 2023. *Gauteng neighbourhood watches participate in national patrol*. Media statement on 18 April. Available at <https://afriforum.co.za/en/gauteng-neighbourhood-watches-participate-in-national-patrol/>. Accessed on 1 May 2023.

¹²¹ AfriForum. 2023. *AfriForum neighbourhood watches hold national mass patrol*. Media statement on 18 April. Available at <https://afriforum.co.za/en/afriforum-neighbourhood-watches-hold-national-mass-patrol-2/>. Accessed on 1 May 2023.

- In February 2023, AfriForum’s Germiston neighbourhood watch assisted the SAPS in arresting suspects involved in malicious property damage.¹²²
- In January 2023, members of AfriForum’s neighbourhood watch in Benoni and other stakeholders collaborated to apprehend a man whom they believed stole a car in Benoni, Gauteng.¹²³
- In August 2022, the AfriForum neighbourhood watch in Brits stopped a farm attack that was in progress.¹²⁴
- In September 2022, AfriForum’s Germiston neighbourhood watch assisted in seizing an illegal firearm and ammunition.¹²⁵

Please visit <https://afriforum.co.za/en/raak-betrokke/#tab-join> to find out how you can become involved with your local neighbourhood watch.

People can also donate to a civil society organisation of their choice to do their part in the fight against crime. You can also help to strengthen a civil society organisation that engages in the fight against crime nationally. Visit www.afriforum.co.za to find out how you can become a member.

¹²² AfriForum. 2023. *Germiston neighbourhood watch nabs two suspects within 24 hours*. Media statement on 8 February. Available at <https://afriforum.co.za/en/germiston-neighbourhood-watch-nabs-two-suspects-within-24-hours/>. Accessed on 1 May 2023.

¹²³ AfriForum. 2023. *Success: AfriForum neighbourhood watch apprehends vehicle thief*. Media statement on 16 January. Available at <https://afriforum.co.za/en/success-afriforum-neighbourhood-watch-apprehends-vehicle-thief/>. Accessed on 1 May 2023.

¹²⁴ AfriForum. 2022. *Success: AfriForum neighbourhood watch prevents farm attack*. Media statement on 1 January. Available at <https://afriforum.co.za/en/success-afriforum-neighbourhood-watch-prevents-farm-attack/>. Accessed on 1 May 2023.

¹²⁵ AfriForum. 2022. *Success: AfriForum neighbourhood watch seizes illegal firearm*. Media statement on 10 March. Available at <https://afriforum.co.za/en/success-afriforum-neighbourhood-watch-seizes-illegal-firearm/>. Accessed on 1 May 2023.