

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Please provide an update on the crime rate in South Africa in general, and Durban in particular, including the incidence of rape.**
- 2. Please provide any evidence of whites, and in particular white women, being specifically targeted for violent crime.**
- 3. Please provide a brief overview of the status of white women in South Africa. Is there any evidence of single mothers facing discrimination?**
- 4. Please provide an update on the level of police corruption.**

**RESPONSE**

Information on the website of the Municipal Demarcation Board of South Africa indicates that Durban is a suburb of the eThekweni Metropolitan Municipality in the KwaZulu-Natal province ('Location Search Results for Durban' (undated), Municipal Demarcation Board website [http://www.demarcation.org.za/MunicProfile2006/Search\\_Location.aspx?ty=durban](http://www.demarcation.org.za/MunicProfile2006/Search_Location.aspx?ty=durban) – Accessed 8 December 2008 – Attachment 1; 'KwaZulu-Natal – eThikwini Municipality Metropolitan (map)' (undated), Municipal Demarcation Board website <http://www.demarcation.org.za/MunicProfile2006/profilemunic.aspx?type=Metropolitan&prov=KwaZulu-Natal&code=ETH> – Accessed 9 December 2008 – Attachment 2).

- 1. Please provide an update on the crime rate in South Africa in general, and Durban in particular, including the incidence of rape.**

**Crime rate**

The report of the South Africa Police Service (SAPS) on the crime situation for the financial year from 1 April 2007 to 31 March 2008 provides figures relating to serious crime in each of South Africa's provinces: the statistics for KwaZulu-Natal are at Table 10 of that document. With particular reference to "violent crime against the person of victims", the report states that "the fact that South Africa experiences exceptionally high levels of these crimes are generally acknowledged":

Eight categories of serious crime are grouped together as contact crime or violent crime against the person of victims. These crimes are murder, attempted murder, rape, assault with the intent to inflict grievous bodily harm (assault GBH), common assault, indecent assault, aggravated robbery and other robbery. The crimes in question account for **33,0%** of South Africa's recorded serious crime. These crimes involve physical contact between the victims and perpetrators and such contact is usually of a violent nature... The serious consequences of contact crime and the fact that South Africa experiences exceptionally high levels of these crimes are generally acknowledged ('Crime situation in South Africa – 2007/2008 financial year' 2008, South African Police Service website <http://www.saps.gov.za/statistics/reports/crimestats/2008/docs/introduction2008.pdf> – Accessed 5 December 2008 – Attachment 3).

An article dated 11 July 2008 on the website of the Institute for Security Studies provides an analysis of the crime statistics for the 2007/2008 financial year and includes the observation that "exceptionally high levels" of crime prevail in South Africa. According to the article:

The annual release by the South African Police Service (SAPS) of our country's crime statistics has become an important event, especially for the media and research community. Due to high levels of crime, especially violent crime, there is despondency about our safety and the ability of the police and the rest of the criminal justice system to bring an end to the crime problem. It is thus not surprising that this is so even when reductions in some crime categories are reported. Often, the police are accused of manipulating the crime figures. It should, however, be stated that no evidence has ever been brought forward in this regard.

It should be noted that the disparity between crime figures and public perception is not a South African peculiarity. In 2005/06, the British Crime Survey found that despite the fact that the total number of crimes were falling over a number of years, high proportions of people continued to believe that crime had been on the increase.

In our country, the 2007/08 crime statistics indicate both good and bad news. The good news is that the overall crime rate has dropped by 4,7% and the rate for contact crimes decreased by 6,4%. This includes a decrease of 4,7% in murder, 8,8% in rape and 7,4% in aggravated robbery.

The bad news is twofold: firstly, the rates of five of the six sub-categories of aggravated robbery continued to increase over the last couple of years; and, secondly, the decreases are from exceptionally high levels. This means that promising as the situation may be, a consistent decrease over a number of years (ten or more) is required before we might reach internationally acceptable levels. It also means that until the required levels are reached the general perceptions of crime and the fear of crime will persist, as will the distrust of police crime statistics.

To make matters worse, it is the types of crime listed as sub-categories of aggravated robbery that continue to have the biggest impact on public perceptions of safety. For example, robberies at residential premises (house robbery) have been increasing on a year-on-year basis since it was first recorded in 2002/03 as a separate crime category. Between

2002/03 and 2007/08 it increased from 9 063 to 14 481 incidents. Close to 11 000 of these incidents happened in Gauteng and KwaZulu-Natal. In addition, carjacking increased with 4,4%; bank robbery with 11,6%; and robberies at business premises with 47, 4%.

...

Finally, it is necessary to briefly look at the credibility of the police's crime statistics. The police's crime figures obviously reflect only those crimes reported to them. These are electronically gathered from police stations around the country, then analysed and interpreted by the Crime Information Analysis Centre (CIAC) at police Head Office. CIAC is also responsible for the publication of the consolidated crime statistics. As indicated before, largely because decreases in these figures do not correspond with public perception, the police's statistics are viewed with scepticism and even suspicion. Some argue that the only reason why the police can claim decreases is a decline in the number of people reporting crime.

However, victims of crime surveys in 1998, 2003 and 2007 (the last two conducted by the ISS) also indicate that overall crime is down, albeit by smaller percentages: 12% since 1998 and 4% since 2003. Notable decreases occurred in burglary, corruption, theft out of vehicles and stock theft. Robbery and car theft are among the noticeable increases. Contrary to the perception that some crime figures are positively influenced by an increase in the under-reporting of crime, the surveys indicate that reporting levels for various crimes have increased between 2003 and 2007. Especially significant is increases in the reporting rates for burglary and robbery. In 1998 57% of victims of burglary reported the incident to the police and in 2007 this increased to 81%. In 1998 41% of robbery victims reported the incident to the police and in 2007 this rate increased to 49%. The only decrease in the reporting rate was for theft out of vehicles that decreased from 57 to 51%.

Given the above, it would appear that although the police's crime statistics certainly does not reflect all the crime that happens in this country, it is fairly accurate in terms of those crimes that are reported to them. In that sense it does enable us to determine the broad trends and tendencies of crime overall and of specific crime types (Burger, J. 2008, 'The 2007/08 Crime Statistics In Perspective', Institute for Security Studies website, 11 July [http://www.issafrica.org/index.php?link\\_id=14&slink\\_id=6265&link\\_type=12&slink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=14&slink_id=6265&link_type=12&slink_type=12&tmpl_id=3) – Accessed 4 December 2008 – Attachment 4).

A security risk assessment of South Africa published by the *Economist Intelligence Unit* in October 2008 states in its opening summary that:

Violent crime is a major problem, and remains a serious concern for businesses and individuals. South Africa heads a number of international cross-country comparisons of crime, such as the number of murders per capita. Much of the crime is gratuitous: victims are often shot during a simple robbery, with no apparent motive. Car-jacking is also a major concern both in urban areas and when driving between cities. The security industry in South Africa is well-developed, and many foreign firms employ sophisticated monitoring and alarm systems. Aside from crime, there are few other major security risks in the country. South Africa is not engaged in armed conflict with any of its neighbours, and has no active secessionist movements.

The report notes that government efforts to improve the situation have made only slow progress and that the police "cannot be relied upon to enforce the law adequately and to protect the public". According to the report:

The crime rate in South Africa has risen to high levels in recent years, and violent crimes against both expatriates and local residents are a major problem. The crime problem is exacerbated by poverty levels which run along racial lines. Although the government has stepped up its efforts to improve the country's security environment, which also includes international assistance, progress to date has been slow. Many in the police are inexperienced, poorly trained and corrupt; the institution itself cannot be relied upon to enforce the law adequately and to protect the public. As a result, expatriates are strongly advised to take the necessary security precautions at home and at work. For instance, the use of electric fences and gates, high walls, and installation of security alarms, which are directly connected to private security companies with their own rapid response teams, are some of the measures available to both expatriates and local residents. Other measures for residential properties include security gates that separate sleeping and living areas; burglars are thereby restricted to areas of a house with obvious material possessions to steal, limiting the chance of a violent encounter with residents. Some expatriates may wish to rent houses in a guarded compound, an increasingly attractive option.

The report notes that the government has begun to view the crime debate as a serious issue, but that analysis of crime statistics indicates that "violent crimes against the person have increased and official targets are nowhere near to being met":

Critics of the government's allegedly weak crime policies kept up the pressure in March with simultaneous anti-crime rallies in Johannesburg, Cape Town and Durban – led by the Victims in the Republic of South Africa (Virsa) – which attracted several thousand people, accompanied by the collection of a 200,000- signature (and rising) petition calling for firmer official action against insecurity. At the very least, it is positive that the government no longer views the crime debate as an irritant but as a serious policy issue. Citing overall crime statistics, Mr Mbeki pointed to steady improvement in crime levels, but closer analysis shows that violent crimes against the person have increased and official targets are nowhere near to being met. Both South Africans and foreign visitors are uneasy, with a recent tourism industry survey pointing to tens of thousands of potential visitors being deterred by the levels of crime. Unluckily for the president, his January comments coincided with the killing of several prominent people – including a famous historian, David Rattray (shot during an armed burglary) and, somewhat ironically, a leader of the Business Against Crime movement, Alan MacKenzie. These and other killings have sparked widespread shock. Moreover, the crime issue has expanded from being linked to the "white" racial group – after all, most victims of violent crime are black. Some data show that South Africa has the third-worst crime rate in the world, approximately 50 times worse than that of the UK and 13 times worse than that of the US. Mindful of the need to show a commitment to tackling crime in the build-up to the 2010 football World Cup, some progress is expected to be made, but will not be made overnight ('South Africa risk: Security risk' 2008, *Economist Intelligence Unit*, 20 October – Attachment 5).

An article dated 7 September 2008 in Durban's *Sunday Tribune* on the increase in the incidence of "residential robbery", reported as follows:

At least 40 South African homes are invaded by armed robbers every day. And the reign of terror unleashed on people in their homes is increasing dramatically.

Residential robbery is up by 14.5% nationally, according to the 2007/2008 police crime statistics. At least 31% more KwaZulu-Natal homes have been attacked, compared with last year, sparking calls from local community police forums to residents, urging them to join the fight against crime and criminals.

But it is not just residential robberies that are threatening the sanctity of the home.

Sixty-eight percent of hijacks happen in driveways, according to Richard Brussow, an ex-policeman who runs the National Hijack Prevention Academy.

The 2007/2008 police statistics show that car hijacking increased by 4.4% and there has been a spike in business robberies by a shocking 47.4%. These figures prove that crime threatens almost every level of life in this country.

“The increase in the rate of house robberies poses an immense threat to the personal security (of South Africans),” said Dr Johan Burger, senior researcher for the crime, justice and politics programme at the Institute for Security Studies.

Residential robbery is differentiated from residential burglary; it is classified as a crime in which armed individuals enter a private residence by force with the intent to rob, and sometimes do worse – as seen in the murders of three members of the Sham family in their home in Dulwich Road, Stamford Hill, Durban, on Friday night.

Residential robbery is a new category of crime that was included in crime statistics only in 2002, said Burger.

“It used to be a sub-category of aggravated robbery. It was small-scale when it started out. But as this type of crime grew, it began to attract the attention of the police and the need to record it as a separate type of crime became a necessity,” said Burger.

During the first year in which residential robbery was a defined category, 9 063 cases were recorded and since then the figure has grown steadily each year, with 14 481 incidents logged for 2007/2008.

Gary Tintinger, of Blue Security, confirmed there had been an increase in housebreakings and home robberies in the greater Durban area.

Among police stations reporting the highest incidence of residential robbery were KwaMashu, Umlazi, KwaDukuza, Esikhawini and Inanda.

## Risk

Non-residential burglary increased by 6.8% between 2006/2007 and 2007/2008.

“Business robberies have also increased so when you are at work you are also at risk. Shopping malls, restaurants – these are all places of work, meaning you are never safe.

“And then when you are at home after a long day’s work there is no guarantee you are safe there either,” said Burger.

But for those who can afford it, the fight-back is under way.

From state-of-the-art security systems with lasers and cameras, to positioning guards outside their homes, to joining community associations – community policing forums and websites that monitor and report on robberies in the neighbourhood – some South Africans have been proactive about their safety.

Haden Searles, chairman of the Durban North and Umhlanga Community Policing Forum, said housebreakings and house robberies were so serious that they had been singled out during a recent anti-crime meeting as needing particular attention.

Police statistics released in July showed that, compared with last year, home robberies in the Durban North area had nearly doubled, jumping from 26 to 42, whereas burglaries in residential areas had increased from 627 to 692 (Hlongwane, A. 2008, 'Home robberies rise', *Sunday Tribune*, 7 September – Attachment 6).

A research response prepared in June 2008 provides further information regarding the extent to which the South African authorities provide protection against violent crime (RRT Research & Information 2008, *Research Response ZAF31927*, 21 June – Attachment 7).

### **Incidence of rape**

Sources generally indicate that rape remains a serious problem in South Africa and that the incidence of rape is higher than the official figures relating to reported rape.

The US Department of State report on human rights practices in South Africa in 2007 observes that:

Rape, including spousal rape, is illegal, but remained a serious problem. According to the 2006-07 SAPS annual report, the incidence of rape decreased 5.2 percent from the previous year to 111.0 rapes per 100,000 persons. A total of 52,617 rapes were reported. A poor security climate and societal attitudes condoning sexual violence against women contributed to the problem. Amnesty International estimated that the number of reported rapes was only one-third of the number of actual rapes. Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups occasionally criticized judges for using criteria such as the victim's behavior or relationship to the rapist as a basis for imposing lighter sentences.

Allegations of rape, sexual assault, and sexual harassment of black citizen and foreign migrant female farm workers by farm owners, managers, and by other farm workers were common.

The government operated 62 sexual offenses courts throughout the country that included designated waiting rooms and counseling for victims. The NPA's Sexual Offenses and Community Affairs Unit (SOCA) operated 10 Thuthuzela Care Centers (TCC), which specialized in rape care management, and streamlined a network of existing investigative, prosecutorial, medical, and psychological services in the hospitals where they were located. Seven more TCCs are planned for 2008. SOCA plans to establish 80 TCCs by 2010 (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – South Africa*, March, Section 5 – Attachment 8).

According to an article published in *The Independent on Saturday* on 18 August 2007, a street survey in Durban indicated a general perception that the incidence of rape had not decreased, notwithstanding statistics indicating a decrease in the number of reported cases:

Durban women reacted angrily when *The Independent on Saturday* conducted a street survey on police statistics that have shown a decrease in rapes in parts of KwaZulu-Natal and the rest of the country.

Many felt women had lost faith in the police and didn't report rapes, while others said they were scared of the rapists getting out on bail or escaping.

Local women's rights activists also said the number of reported rapes is "grossly incorrect" because of various reasons, which include "lack of service delivery by police".

This follows a report released by researcher Derek Luyt, advocacy and media head at Rhodes University's Public Service Accountability Monitor (PSAM).

Luyt took police statistics from stations throughout the country over several years and compared them, highlighting "the under-reporting of rape at many stations" as the numbers have dropped considerably.

...

Supt Vincent Mdunge, spokesman for the KwaZulu-Natal SAPS, said: "Preventative measures have resulted in rapes being brought to an all-time low. We have been going out to communities as part of our preventative outreach programme where we speak to women."

However, when *The Independent* on Saturday took to the streets to speak to the women from affected communities, the general perception was that rapes had not decreased.

Mavis Sithole, 27, a car guard from K section, KwaMashu, said she does not believe these statistics are correct. "We feel the women have lost faith in the police so they are choosing to stay silent rather than coming forward to report it. They know the police won't do a single thing."

...

Police need to stop misleading the public, said Zanele Zangwa, 33, an administration clerk from Link Place, Folweni.

"Every day we speak to women who have been attacked and raped. Police have interfered with these figures to make it seem they are doing a good job in protecting the community."

Vineshree Sagadevan, 25, a security guard from Montford, Chatsworth, said women are not reporting rape because they are scared and threatened by their rapists.

"Most women are terrified that if they report the rape, their rapist may not get arrested. The man will come after them to rape them again."

...

Natasha de Kock, 21, of Umbilo, said: "There are claims that rape may have decreased in this area. But we can't be too sure as not all cases are reported."

Katlehong Shange, 43, a housewife from K Section, KwaMashu, said statistics are so low because of "corrupt police officers".

"When women go to stations to report rapes male officers intimidate them or take advantage of their vulnerability," she said (Gounden, F. 2007, 'Durban women react angrily to report that rape is on the decline', *The Independent on Saturday*, 18 August – Attachment 9).

An article published in Durban's *Sunday Tribune* on 12 August 2007 reported an "escalating number of rape cases" in the eThekweni Metropolitan Municipality suburb of Phoenix:

A new centre has been opened at the Mahatma Gandhi Memorial Hospital in Phoenix to help cope with an escalating number of rape cases in the suburb.

The hospital attends to the highest number of rape victims in the province – and this workload

is one of the biggest in the country, according to a study carried out by the hospital's district surgeon and a professor at the University of KwaZulu-Natal.

It sees 130 to 150 new rape cases every month, and this is a crisis situation, says district surgeon Dr Shikaar Bugwandeem.

He said 60% of the victims were under the age of 18, and 99.1% were women.

"These figures are based on South African Police Service crime statistics. If a community survey were to be carried out, the figures would be much higher," Bugwandeem said.

"Not all rape cases are reported, as victims don't want to deal with the red tape involved in reporting the case and then endure a court case. Often the alleged rapist is acquitted of the charges due to a lack of evidence or other reasons."

...

Prof Steven Collings, at the School of Psychology at the University of KwaZulu-Natal, said the number of reported cases of rape, especially child rape, in the Durban North area was "exceptionally" high and was increasing (Stevens, A. 2007, 'Rape crisis in Phoenix', *Sunday Tribune*, 12 August – Attachment 10).

An article published on 3 March 2007 by *The Independent on Saturday* reported that the province of KwaZulu-Natal had a high number of sexual assaults against children. According to the article:

Durban rape crisis centres are reporting an overwhelming increase in the number of children being treated for rape with one recording 77% of its patients aged six months to 16 years in December last year.

KwaZulu-Natal has the highest number of sexual assaults against children in the country, while, according to a South African Police Service report, more than 50% of the reported 54 926 rape cases in the country were against children. These figures were from April 2005 to March 2006.

At Mahatma Gandhi Memorial Hospital Rape Crisis Centre in Phoenix, on average 60% of the abuse cases attended to involve children between the ages of six months and 17 years old.

...

Childline's Linda Naidoo said it was a devastating fact that the number of children being sexually assaulted was rising so rapidly.

"KZN has the highest numbers in the country. The cases are increasing significantly and we see the face of sexual violence against children has taken a new form.

"The crimes are so much more violent and, in most cases, the child is either killed or seriously hurt. The victims are getting younger and younger," she said.

The World Health Organisation says on its website that South Africa has been called the rape capital of the world and views the issue of child rape and sexual violence against children as a major health concern.

Statistics

South African Safety and Security statistics for 2006 showed that concurrent to the pandemic



of children contracting HIV, there has also been a 48% increase in child rape over the past two years (Bruce, T. 2007, 'Child rape crisis', *The Independent on Saturday*, 3 March – Attachment 11).

## **2. Please provide any evidence of whites, and in particular white women, being specifically targeted for violent crime.**

The website of the Municipal Demarcation Board provides data sourced from Statistics South Africa: Census 2001 regarding population groups in the eThekweni Metropolitan Municipality, as in the following table:

### **Population Grouped**

<b>Description</b>	<b>2001</b>
Black African	2 110 581
Coloured	87 277
Indian or Asian	614 835
White	277 428

(‘Municipal Profiles 2006 – KwaZulu-Natal – Stats for the eThikwini Municipality Metropolitan’ (undated), Municipal Demarcation Board website [http://www.demarcation.org.za/MunicProfile2006/stats\\_ward.aspx?code=ETH&type=Metropolitan](http://www.demarcation.org.za/MunicProfile2006/stats_ward.aspx?code=ETH&type=Metropolitan) – Accessed 9 December 2008 – Attachment 12).

The US Department of State’s report on human rights practices in South Africa in 2007 makes the following observations regarding perceptions of racial bases for targeting certain persons or groups for violent crime:

Killings and other violent crimes against farmers and, on occasion, their families, continued in rural areas. Despite concern among white farmers that they were targeted for racial and political reasons, studies indicated that the perpetrators generally were common criminals motivated by financial gain. According to the 2006-07 South African Police Service (SAPS) report, there were 794 farm attacks and 86 farm killings in the 12 months prior to March 31. Farm attacks increased by 25 percent compared to the previous year’s figures. Farm homicides decreased by 2 percent.

...

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons. There also were reports that white employers abused and killed black farm laborers, and complaints that white employers received preferential treatment from the authorities (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – South Africa*, March, Sections 1 and 5 – Attachment 8).

The previously mentioned security risk assessment by the Economist Intelligence included the observation that inequality – as part of “the historical legacy of apartheid” and in the ongoing unequal distribution of income – is an important factor in relation to crime in South Africa. According to the report:

More than 300 murders and violent attacks take place daily in South Africa, making it, along

with Iraq and Colombia, one of the three most dangerous countries in the world. Economic and social tensions are responsible for a high level of criminal violence in South Africa.

...

The rate of politically motivated murder has fallen from the peak in 1993. Part of South Africa's susceptibility to violence stems from the historical legacy of apartheid and the violent society that this created, as well as the high level of gun ownership. It also reflects the fact that crimes can be committed with a degree of impunity, as the chances of being caught are low. In addition, South Africa has one of the most unequal distributions of income in the world; on the one hand, it has the affluence and sophistication of gleaming shopping centres and, on the other, levels of poverty associated with developing countries.

Such inequality is an important factor behind crime in the new South Africa. So too are the rapid influx of people into urban areas since the early 1990s (including people from neighbouring countries), the high level of unemployment and the difficult transformation taking place in the police service and the criminal justice system. The challenges facing the 130,000-strong South African Police Service are formidable, and it is not uncommon for businesses and residents in more affluent suburbs to employ private armed security firms ('South Africa risk: Security risk' 2008, *Economist Intelligence Unit*, 20 October – Attachment 5).

An article published on 11 November 2008 in the *Ottawa Citizen* observes that crime in South Africa is endemic and that "[w]hat distinguishes South African crime, aside from its violence, is its randomness". The writer contends that "this mayhem flows from apartheid", but that residents of impoverished townships and residents of wealthy suburbs are both vulnerable:

It is impossible to travel through South Africa and not succumb to a little paranoia about crime. It seems most residents have experienced crime directly or know others who have been victims. While the vast majority of visitors go about unscathed, South Africa's reputation for lawlessness is constraining its potential. Those with skills are leaving, while multinationals are reluctant to invest when they can do so elsewhere more safely. A recent survey by FutureFact, a South African research group, suggested nearly 40 per cent of South Africans – of all colours – were thinking of leaving the country, though how seriously is unclear.

The exodus, the hesitancy to commit, the fear – all are based on something real. Consider just a few of the most basic comparisons. There were not quite 600 homicides last year in Canada, a country with 33 million people. In South Africa, with 48.7 million residents, the number of homicides last year topped 18,000. That's actually good news. The number of homicides in the Rainbow Nation has dropped nearly 30 per cent annually since the years immediately following the election of a black majority government in 1994.

Armed robberies, though, have jumped nearly 60 per cent during the same period to an annual average of 121,000. In Canada, there were fewer than 13,000 armed robberies and only 30 per cent of these involved guns.

South Africa's politicians are clearly frustrated by their inability to control the violence. "South Africa is in a panic mood on the issues of crime," Safety and Security Minister Nathi Mthethwa said recently. She was explaining why the government is considering a partnership with private security firms in advance of the World Cup of Soccer, which South Africa will host in 2010.

What distinguishes South African crime, aside from its violence, is its randomness. In North

America, visitors to major cities can minimize the likelihood of attack by avoiding certain areas. Not so in South Africa, where crime is endemic. Residents of the impoverished townships on the periphery of Johannesburg and Durban consistently suffer the greatest number of aggravated robberies. However, the police precinct last year with the highest number of house robberies involving weapons was Sandton – one of Johannesburg’s wealthiest and best-protected suburbs.

Much of this mayhem flows from apartheid, which created a gaping economic divide between blacks and the whites who ran the system. The roots of the extraordinary violence can be found in the 1980s, when the National Party brutally suppressed black opposition to its apartheid regime. But the arrival of millions of immigrants from other African nations since 1994 has exacerbated matters. The crime wave must also be put in context. Had the National Party resisted free elections, the likely result would have been civil war. Unleashing decades of grievances was bound to be ugly, one way or the other.

Wealthy South Africans have hired private guards and enclosed their properties with ever more complex security arrangements. In Johannesburg’s northern suburbs, which take in Sandton and Randburg, homes are surrounded by thick brick walls, topped with razor-wire and cut glass. Invitations to guests contain careful instructions about security arrangements at the electronic gates. Many robberies take place on driveways while people wait for the gates to open or close.

However, organized criminals have figured out a way to penetrate some of the better protected multi-residential compounds. They move in as tenants, steal their neighbours’ property, then leave.

It’s not yet clear what will turn things around. South Africa has plenty of police and private security, but criminals still act with impunity because the odds of being successfully prosecuted are relatively low...

Throughout South Africa’s major cities, people and business have made accommodations for the danger and are getting on with things (Bagnall, J. 2008, ‘A random scourge; South Africa’s reputation for lawlessness is constraining its potential. What distinguishes crime in the country, aside from its violence, is its unpredictability’, *Ottawa Citizen*, 11 November – Attachment 13).

An article published on 18 July 2008 by *BBC News* observes that in South Africa “the only area where rich and poor, black and white have any shared experience is crime”. The article notes that crime “is a terrifying reality for everyone, although white South Africans... believe they are the real targets”. According to the article:

When Nelson Mandela became president of post-apartheid South Africa in 1994, he promised he would build a nation where people of different races could live together in peace and harmony.

...

Any talk of the differences between black and white lifestyles, attitudes or expectations was shouted down – no-one wanted to wake from the dream.

...

Yet white South Africans, basking in their new-found acceptability, maintained their wealth and advantages.

Only a few middle-class black and mixed-race South Africans, the so called “black diamonds”, were able to gain an education, get government contracts and tenders – their share of some of the spoils of a powerful economy.

...

In truth, the only area where rich and poor, black and white have any shared experience is crime.

It is a terrifying reality for everyone, although white South Africans – on their farms and behind their high walls – believe they are the real targets.

They point to the racially charged language sometimes exchanged between black criminals and white victims.

Bronwyn Patterson, a white woman who was robbed and had to listen while her daughter was being raped by black men, spoke of being called a “white bitch”.

Some black South Africans in rural areas speak of unbridled brutality against them as armed white farmers “mistake” them for baboons and shoot to kill.

...

### **Xenophobia**

Fourteen years after Mr Mandela’s new nation was born, the country’s newspapers are still filled with stories of snubs and rejections as white establishments blatantly refuse to allow black people in.

Yet white South Africans vote with their feet as they complain that their opportunities are dwindling, as the government promotes its policy of Black Economic Empowerment.

The re-cutting of the economic cake, it seems, is leaving most people dissatisfied.

More and more black people are also leaving the country as the dream starts to fade.

South Africa’s streets may not be paved with gold, but as local people leave, millions more come from other parts of the continent to try and make a living.

This has added to the country’s racial and economic burdens because more poor black people add to the competition for scarce resources like houses and jobs.

Earlier this year, these tensions spilled over into a shocking outbreak of xenophobic violence, which left more than 60 people dead and thousands homeless – attacks which Mr Mandela condemned (Brown, A. 2008, ‘Rainbow nation – dream or reality?’, *BBC News*, 18 July <http://news.bbc.co.uk/2/hi/africa/7512700.stm> – Accessed 5 December 2008 – Attachment 14).

An article published on 5 April 2008 by the *Weekend Argus* contends, somewhat more controversially, that “the de facto situation is that whites are under criminal siege explicitly because of their ‘race’”:

Recently an Afrikaans Sunday newspaper published an account of the Pieterse family's trauma nearly two years ago outside Swartruggens in the North-West; an ordeal inflicted by three attackers.

...

As in so many of these crime incidents accompanied by murder, sadism and sexual assault, the assailants were black and the victims white.

As with the Skielik shootings, it is impossible to miss the racial hate component, although such violent white racism is now an exception and mobilises massive media and government condemnation.

But the Pieterse's horror, although mirrored by numerous other occurrences, received just standard press attention, for anti-white "race crime" seldom prompts loud official condemnation.

Although perceptions of black hatred as a crime motive are verbalised among citizens, it is not considered appropriate to publicly dwell upon crime containing a discernibly nasty anti-white dimension.

I argue that it does, and results in serious implications for both the white community and the country's future.

But the white community is hardly the only "cultural" grouping suffering crime. Why then single it out for special study?

A short answer is that history has positioned South African whites in a unique place.

...

Historical processes which once gave their ancestors advantages, [by the mid 1990s]... also ensured that the white minority surrendered their political dominance for non-racial constitutional safeguards.

Their unique position in the crime debate is based upon this historical reality: white South Africans' potential physical vulnerability was implicit within the agreed political settlement, but bequeathing state leadership to the democratically elected majority government, they assumed racial concepts would carry no further statutory significance.

Now the de facto situation is that whites are under criminal siege explicitly because of their "race".

Despite evasion in acknowledging this, enough media reports confirm a shockingly high degree of anti-white violence accompanied by racial insults. How can this be given deeper explanation within current political sociology? What historical explanations might demonstrate where this race-hatred may lead?

I suggest that this "race crime" is a continuation of the chaotic 1980s civil war, only now it is no longer possible to connect it with franchise demands and race policy. It is an anarchistic random pillage, not dissimilar to the late 19th-century pogroms against Jews.

Although without state sanction, anti-white crime suits ANC perfidy of preaching non-racialism but also espousing aggressive "Africanisation" and the demolition of white South African historical identity.

For one result is that numerous whites flee their country.

It would be foolish to assume the white predicament has been unobserved by the swelling black criminal class. Placing their own interpretations upon the dramatically disempowered white community's position, the black criminal collective consciousness understands whites are now "historical fair game".

It is illogical to judgmentally link cultural groupings, let alone individuals, to their forefathers' moral controversies, but the shallowness of popular perceptions unfortunately ensures it is often inevitable.

Although the state opposes crime, it does so with steadily decreasing vigour. And occasionally anti-white venom coils out of black police members – the recently publicised violence by Cape Town Metro police members against white women have many reported equivalents.

...

While many of the black African community are very poor, there persists a perception, continually reinforced by the ANC and sections of the media, that the entire white community is "rich".

Such simplistic reasoning is easily digested by those bitter or frustrated at their poverty, with hateful attitudes re-emerging as dangerous stereotyping accepted as objective truth.

[British Historian Niall] Ferguson explains: "Ethnic minorities are more likely to be viewed with greater hostility when times are hard."

Such can easily be applied to the cultural and social class kaleidoscope of South Africa with its history of white hegemony (Warwick, R. 2008, 'Is SA crime a "race war"?', *Weekend Argus*, 5 April – Attachment 15).

A news article from September 2008, reporting the murder of three members of Durban's Indian community, mentions perceptions that members of the Indian community were becoming more frequent targets:

After the brutal murders of a South African Indian lawyer and two family members at their heavily-secured home here last week, the Law Society of South Africa has decided to take up the country's high crime rate with the government.

...

The triple killing has shocked Indians here, many of whom believe they are becoming targets as criminals increasingly attack the homes and businesses of members of the community ('Indian family's murder spotlights crime in South Africa' 2008, *Indo-Asian News Service*, 9 September – Attachment 16).

### **3. Please provide a brief overview of the status of white women in South Africa. Is there any evidence of single mothers facing discrimination?**

A search of the sources consulted found no specific information regarding discrimination against single mothers in South Africa, but generally indicates a level of societal discrimination against women.

A Human Rights Watch special report dated 7 April 2008 includes the following information in relation to women's rights in South Africa:

Strong women's organizations in South Africa continue to challenge the patriarchal attitudes that persist in society and to pressure the Government to address gender-based abuses and discrimination. At the 2007 Women's Parliament, South Africa's deputy president acknowledged the need for Government to create partnerships with civil society to expedite the implementation of the country's progressive legislation. South Africa has a strong policy framework to promote gender equality, but women continue to be disadvantaged relative to men in job opportunities, income levels and basic safety, and to suffer extremely high levels of gender-based violence.

Rape continues to be under-reported and complaints frequently receive inadequate response by police officials (Human Rights Watch 2008, *Universal periodic review of South Africa*, April – Attachment 17).

The introduction to the US Department of State report on human rights practices in South Africa for 2007 notes "pervasive violence against women and children, and societal discrimination against women". Section 5 of the report includes the following:

The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. However, entrenched attitudes and practices, as well as limited resources, sometimes restricted the practical effect of these legal protections.

Women

...

The law prohibits sexual harassment; however, sexual harassment remained a widespread problem. Discrimination against women remained a serious problem despite their equal rights under the law governing inheritance, divorce, and child custody. Women experienced economic discrimination in areas such as wages, extension of credit, and ownership of land. For example, township housing transfer schemes favored existing titleholders, who tended to be men. Many rural areas were administered through traditional leadership structures, often including a chief or a council of elders, who did not grant land tenure to women, a precondition for access to housing subsidies.

Women, particularly black women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and micro-enterprises, which did not provide job security or benefits. The Department of Trade and Industry provided incentive grants to promote the development of small and medium-size businesses and micro-enterprises for women, young persons, and persons with disabilities.

According to a 2006 survey, the number of women in top leadership positions has grown in recent years. Nevertheless, while women comprised 41 percent of the working population, they held only 16.8 percent of executive-level and 11.5 percent of director-level positions (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – South Africa*, March, Section 5 – Attachment 8).

The previously mentioned research response prepared in June 2008 also provides further information regarding the question of discrimination against white South Africans (RRT Research & Information 2008, *Research Response ZAF31927*, 21 June – Attachment 6).

#### **4. Please provide an update on the level of police corruption.**

The US Department of State's report on human rights practices in South Africa in 2007 provides the following information regarding the South African police:

The SAPS, under the Department of Safety and Security, has primary responsibility for internal security. The South African National Defense Force (SANDF), under the Department of Defense, is responsible for external security but also has domestic security responsibilities. The NPA's [National Prosecuting Authority's] Directorate of Special Operations – the “Scorpions” – coordinates efforts against organized crime and official corruption. Municipalities also maintained metropolitan police forces under local control in major cities, such as Johannesburg, Durban, Pretoria, and Cape Town.

SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community-service-oriented police force; however, it remained ill-equipped, overworked, and poorly trained. Although SAPS has made efforts to improve its coverage in poorer areas, the majority of police resources and law enforcement attention remained focused on wealthy residential and business areas.

During the year the ICD [Independent Complaints Directorate] received 1,787 allegations of criminal offenses committed by police and 2,760 complaints of misconduct, representing an 8 percent increase in allegations of criminal offenses and a 3 percent decline in complaints of misconduct compared to the previous year.

To address problems of crime and misconduct, SAPS provided its officers with comprehensive training in corruption prevention, human rights, and ethics, and with access to social workers, psychologists, and chaplains to enhance social, spiritual, and psychological well-being. The ICD investigated reports of police misconduct and crime; during the 2006-07 reporting period at least 12 officers were found guilty of murder and sentenced to imprisonment (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – South Africa*, March, Section 1(d) – Attachment 8).

An article published in *The Mercury* in June 2008 reported plans to counter corruption within the police service:

A Corruption and Fraud Prevention Plan that is being rolled out by the South African Police Service includes a number of measures to address the current levels, and perceptions, of corruption that undermine the policing fraternity.

The SAPS acknowledges that there are corrupt members among its number, says its spokesman, Dir Selby Bokaba.

“It is a very complex organisation,” he points out. “There are 137 000 police officials employed by the SAPS, and if we take into account the clerks and so on, we are looking at about 180 000 people. The SAPS is by far the largest government department.”

So far more than 300 station commissioners have been trained in aspects of the plan, and the SAPS expects to train the rest by September.

The plan has four pillars – detection, prevention, restoration and investigation.

...



Researcher Andrew Faull recently stated in SA Crime Quarterly that although little was known about the plan, “it seems extremely complex, yet promising if fully developed and implemented effectively”.

...

According to Faull, previous research found a direct correlation of perceptions of pervasive police corruption and a loss of faith in the police in South Africa (Goodenough, C. 2008, ‘Policing the police’, *The Mercury*, 18 June – Attachment 18).

An article dated 13 February 2008 in the *Mail and Guardian* reported on investigations relating to members of the police forces in the province of KwaZulu-Natal. The article reported that:

At least 830 of KwaZulu-Natal’s (KZN) law-enforcement officers are under investigation for a host of crimes ranging from assault through to rape and murder, figures released by the Independent Complaints Directorate (ICD) revealed on Wednesday. Of the 830 officers – which include members of the South African Police Services, eThekweni metro police and other municipal police services – only one officer has been convicted. This was a police officer from the High Flats police station who was sentenced to 30 years for murder. The crimes for which the officers are under investigation include death in police custody or as a result of police action, misconduct, neglect of duties, rape, domestic violence, assault with intent to do grievous bodily harm, murder and corruption.

KwaZulu-Natal provincial head of the ICD, Tabisa Ralo, on Wednesday said that of the 830 officers being probed, 174 are being scrutinised for deaths in police custody or as a result of police action. Another 289 are being investigated for misconduct, while 351 are under investigation for failing to carry out their duties. She said misconduct cases include assault with intent to do grievous bodily harm, rape, indecent assault, extortion and corruption... eThekweni metro police spokesperson Superintendent John Tyala said he believed that less than ten metro officers were under investigation by the ICD (‘More than 800 KZN cops under investigation’ 2008, *ISI Emerging Markets Africawire*, source: Mail and Guardian, 13 February – Attachment 19).

In November 2008, the Institute for Security Studies published a paper by Andrew Faull on corruption and corruption management in the South Africa’s Metropolitan Police Departments. Faull’s observations include the following:

Police in South Africa are increasingly perceived as being corrupt. Research indicates that corruption is especially prevalent in the area of traffic regulation enforcement which, in the major urban centres, is primarily the responsibility of Metropolitan Police Departments (MPDs). As organs of local municipal councils, MPDs are also responsible for general crime prevention and crowd management, as well as other joint duties with the South African Police Service (SAPS).

Metro Police Departments are set up and structured in partnership with local councils under relevant national legislation. From one local council to the next there is scope for considerable variation in approach to matters, including the control of corruption. This paper sheds light on how corruption (or ‘integrity management’ as it is sometimes called) is approached within each of the six major metro police departments.

...

### Metro police and perceptions of corruption

Between 2000 and 2003 the cities of Durban, Johannesburg, Ekurhuleni, Tshwane and Cape Town established metropolitan police departments...

The departments were established under a 1998 amendment to the SA Police Services Act, which allowed municipalities to create local police services performing crime prevention, and by-law and traffic enforcement within their municipal limits. Most personnel absorbed into the MPDs were drawn from the municipal traffic and security bodies that preceded them. (It should be noted that crime prevention is not the same as crime investigation, which remains a function of the SAPS.)

Many members of the public only encounter a metro officer is if they have violated a traffic rule, or are stopped at a roadblock, or are applying for vehicle or driving licences. It is not surprising therefore that in the public mind the kind of corruption most often linked to metro police has to do with traffic violations or vehicle licensing.

...

### Surveys, perceptions and corruption

National victim of crime surveys by the Institute for Security Studies (ISS) show that in all public service departments, it is the two spheres of 'traffic fines' and 'policing' in which bribes are most often requested by officials...

Importantly, when considering perceptions of police in South Africa one should note the manner in which the public, the media, and even researchers and academics often conflate the various South African police bodies into a single 'police' discourse. The result is a discourse in which the infringements of one police organisation impacts on the way that all policing entities are perceived. Therefore when a victim survey asks respondents if they have experienced corruption in 'policing' it could refer to any metro, traffic or SAPS encounter. One mismanaged organisation reflects negatively on all.

...

### The Durban Metropolitan Police Service

Formed in 2000 out of the former Durban City Police, the Durban Metropolitan Police Service was the first to be formed within the ambit of the amended SAPS Act. The Durban MPS had 1 327 employees at the time of the research and was responsible for an area covering 2 293km<sup>2</sup> with a population of some 3 million (Faull 2007x). It is headed by a chief and two deputies, who report to the city manager.

...

When asked about corruption, the city manager, Durban MPS senior management, and the former Internal Affairs head all viewed corruption as a serious challenge within the service. Only the civilian oversight committee reserved comment.

The city manager, who led the restructuring of the bodies that deal with corruption in the Ethekwini municipality, believes corruption is 'absolutely' a problem in the Durban MPS (Faull 2007o). His view is not based on figures but rather on the acknowledgement that there

is a potential for corruption and abuse of power in the department and that this needs to be taken seriously.

Senior management in the Durban service gives as evidence for its concerns about corruption the fact that at one stage it was dealing with 230 outstanding disciplinary cases. This at a time when it had 945 operational officers (Faull 2007p). The main areas of alleged corruption were in traffic policing, followed by extortion and exploitation of sex workers and misuse of vehicles...

Another perception is that many members of the MPS are aware of corruption but few are willing to speak out about it. According to a deputy chief, 'that's the culture that's there, unfortunately, [there's an attitude of] we don't want to do anything about it' (Faull 2007p). This deputy believes that the more than 90 captains within the Durban MPS, who represent the first line of operational oversight, are the ones with the best potential to clamp down on corruption. If these captains enforced the codes of conduct among their subordinates, he said, there would be a far lower likelihood of ill discipline and corruption. He notes instances where captains of one ethnic group have clamped down on subordinates of a different ethnicity, and have subsequently been accused of racism and transferred out of their positions. In his words 'as soon as a guy gets too good he gets posted to the outer areas,' inferring that this occurs under union pressure (Faull 2007p).

The former head of the Internal Affairs unit sees corruption as a 'major problem' in the Durban MPS, both among uniformed and civilian personnel (Faull 2007q). Despite the council-led restructuring, he doesn't feel that management in the Durban MPS takes corruption seriously. In his former post, he said, officers would approach him for help in overcoming what they termed a 'corruption addiction': they could earn as much as R1 000 per day through corrupt practices (Faull 2007q). He believes that internal hearings are a farce because the presiding officers are minimally trained and are often well known to the employee being disciplined. He said there were no guidelines on punishment and no reference is made to previous cases when deciding on disciplinary procedures. This leads to officers getting off lightly for major crimes and acts of negligence, for example a two-day suspension for alleged 'loss' of a firearm (Faull 2007q).

The civilian oversight committee found it difficult to say whether corruption is a problem in the Durban MPS (Faull 2007n). It recognises the seriousness of the problem in as far as it is an undesirable element in the department, but would not go so far as to call it an endemically serious problem.

...

## Conclusion

As the country's oldest municipal police department the Durban MPS has a long history of management by local government. Corruption is considered a serious challenge by both the city management and MPS management, although not by the civilian oversight committee. An Internal Affairs unit charged with investigating internal misconduct was only founded in 2005 but was disbanded in mid-2007 and its functions moved to the office of the ombudsman without increasing the capacity of that office. While this move is designed to ensure independence of the investigating body, it has not been possible to ascertain whether the new structure has proven to be an effective means to deal with corruption within the MPS. The introduction of vehicle and driver tracking has proved effective in improving basic discipline (Faull, A. 2008, 'City Blues: Corruption and Corruption Management in South Africa's Metropolitan Police Departments – ISS Paper 170', Institute for Security Studies website, November

[http://www.issafrica.org/dynamic/administration/file\\_manager/file\\_links/PAPER170.PDF?lin](http://www.issafrica.org/dynamic/administration/file_manager/file_links/PAPER170.PDF?lin)

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Two previous research response prepared in 2007 provide further information on the police force in South Africa (RRT Research & Information 2007, *Research Response ZAF32290*, 11 September – Attachment 21; and RRT Country Research 2007, *Research Response ZAF31961*, 28 June – Attachment 22).

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#### **Topic specific**

Centre for the Study of Violence and Reconciliation website <http://www.csvr.org.za>

City of Durban – eThekweni Municipality website <http://www.durban.gov.za/durban>

Institute for Security Studies website <http://www.iss.co.za/>

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South African Human Rights Commission website <http://www.sahrc.org.za>

South African Institute of Race Relations website <http://www.sairr.org.za>

South African Police Service website <http://www.saps.gov.za>

South African Statistics website <http://www.statssa.gov.za>

#### **Search Engines**

Copernic search engine <http://www.copernic.com/>

### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

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