

AGENDA ITEM 1: THE STATE OF CRIME AND CRIMINAL  
JUSTICE WORLDWIDE

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CRIMINAL JUSTICE WORLDWIDE  
DRAFT STATEMENT BY SOUTH AFRICA

Chairperson, the South African government thanks the Congress for the confidence shown in our country by appointing South Africa to the Presidency of this conference. We wish to endorse the statement by the African Group and the statement of the Group of 77 and China.

Following the transition from apartheid, South Africa has been faced by high levels of crime, which have the potential to affect the building of a human rights culture and our transition to democracy. However, we have taken steps which show clearly our will and our ability to manage this problem. Our President, Thabo Mbeki, has consolidated the departments of government which are concerned with the criminal justice system and policing into one cluster, to ensure greater cooperation and focus. The anti-crime programme is therefore driven to great effect by this cluster of Ministers, which has ensured improved inter-departmental cooperation and the effective integration of our activities.

While government has accorded the highest priority to nationbuilding, constitutional reform and the revitalisation of the economy, it has placed an equal emphasis on the enhancement of safety and security. The government recognises that satisfying the socio-economic needs of the population, particularly of women, the rural poor and the unemployed youth, in areas such as education, housing, primary health care, land reform, water and sanitation, access to services such as electricity, and especially employment, will contribute greatly to the reduction of social and economic inequalities and the elimination of poverty. This will in turn contribute to a decline in crime and violence.

Since 1994, the departments which play the key roles in the criminal justice system, namely, the Departments of Justice, Correctional Services, Welfare and Home Affairs, and the South African Police Service, have been undergoing extensive transformation. This transformation is aimed at aligning the policies and practices of these departments with the objectives of the new constitution of the country, and focuses on a coordinated approach, which encompasses the laws, policies, programmes and strategies currently undertaken to prevent crime. It has been necessary to change the culture and skills of these departments. Significant progress has been made and the transformation is continuing.

Chairperson, our intensive focus on combating and preventing crime has enabled us to contain the growth rate of serious crimes. The high murder rate is decreasing, and we have also stopped the growth of twenty other serious crime types.

Chairperson: one of the most important measures which my government has taken is to control firearms. We have for the first time carried out in-depth studies of the proliferation and use of firearms in South Africa. The results are set out in a booklet which we will make available during the Congress. It shows clearly that the easy availability of firearms, and particularly of handguns, is a major contributor to our high level of lethal violence. Most of the guns used in crime appear to come from the loss of theft of guns privately owned or owned by the State.

We have accordingly introduced a new law which drastically tightens up the control of both the licensing and legal possession of firearms, and policing powers and controls against illegal possession. This is presently before our Parliament. Of course, a law on its own will make no difference, and we have also begun to re-engineer our whole firearm control system, including the Central Firearm Register. We have increased the resources available to the SA Police Service to combat the illegal trafficking of firearms and to follow up firearms used in crime. We have focused on firearms as one of the priorities in our improved border control, and have

undertaken very successful operations with our neighbouring states to find and destroy caches of firearms left over from wars in the region.

The new law makes provision for me to declare any place or class of places a firearm free zone. My government intends to enforce this with the cooperation of business owners and communities. We cannot tolerate the free use of firearms in places like taverns and bars, and schools. Too often lethal violence goes together with alcohol, and we are working with communities and all government departments, nationally and locally to tackle this problem.

A very important tool in our efforts to mobilise communities is the Community Policing Forums, which are established in all areas by law. Their function is to work with the police and to carry out civil supervision of local policing. We are reviewing their functioning, with a view to increasing their ability to work with the police to mobilise communities into crime and violence prevention programmes. This goes together with the renewed effort of the SA Police Service to strengthen community policing and sector policing.

Chairperson, my government is also focussing a great deal of attention on the problem of organised crime. Organised crime groups and networks have taken advantage of our transition to democracy to begin to assert themselves in motor vehicle crime,

drug trafficking, arms trafficking, trafficking of people, commercial crime and other organised crime activities. The organised crime groups appear to us to be still in the development stage, where most have not yet consolidated themselves nationally. We have a window of opportunity, which we are moving quickly to use to the best of our ability. My government's recognition of the need for stronger and more comprehensive legislation to combat organised crime and the activities of criminal gangs led to the enactment of the Prevention of Organised Crime Act in 1998. This Act prohibits certain activities relating to organisations that have committed certain serious offences and provides for the confiscation of criminal assets. It also provides for the civil forfeiture of criminal assets and criminalizes certain activities associated with gangs. However, it is not enough just to have a good law. We need the capacity to implement our fight against organised crime. The SA Police Service has recently established integrated Crime Combating Teams in the areas of highest crime. One of the priorities of these teams is organised crime. The Directorate of Special Operations, known as the Scorpions, has been established to carry out prosecutor-led investigation of certain organised crime groups.

Since 1994, the Department of Safety and Security and the Department of Justice have been involved in the negotiation and conclusion of a number of multilateral and bilateral police cooperation agreements with other countries. We are fully

supportive of the efforts to conclude the Convention on Transnational Organised Crime, and its protocols. At the same time, a multilateral agreement in respect of cooperation and mutual assistance in the field of crime combating, between the eleven South African countries represented in the Southern Africa Regional Police Chiefs Cooperation Organisation, was signed in Harare, Zimbabwe. The agreement came into force in July 1999. It regulates aspects such as the right of entry of police officials in the respective countries, responsibilities in respect of search, seizure and arrest, as well as questioning of suspects and witnesses during cross border investigations or joint investigations. South Africa has also supported a number of other initiatives to fight crime in the region, especially within the framework of the South African Development Community.

In order to combat trans-national organised crime, South Africa has also concluded bilateral agreements with the Federated Republic of Brazil, the Russian Federation, the Republic of France, the Republic of Argentina, the Republic of Chile and Hungary. South Africa has also reviewed domestic legislation concerning extradition and mutual legal assistance and several amendments have been made.

We have put a lot of effort in the past three years into improving the control over our borders, which are very long. While we have made good progress, there is an increasing presence of ethnically based criminal organisations in South Africa. They

include groups from Eastern and Western Europe, Asia, South America and Africa. They are involved in motor vehicle crime, drug trafficking and the trafficking of women and illegal migrants, as well as money laundering and other criminal activities. We look forward to and would welcome increased cooperation with the governments of the countries in which these criminals originate, in order to identify them and their modus operandi and their criminal links, and to take measures to put them behind bars.

Corruption is a necessary consequence of organised crime and facilitates its development. In October 1997, Cabinet approved proposals for the implementation of an anti-corruption campaign at national and provincial levels. A major National AntiCorruption Summit was held during April 1999, and a number of resolutions were adopted, including the improvement of the investigation and prosecution of corruption by establishing special courts, the rationalisation of the agencies combating corruption, a review of relevant legislation, the improvement of management systems and discipline at all levels of government, steps to be taken against corrupt companies and suppliers, and the protection of whistle blowers and witnesses. We have implemented some major developments in the investigation of corruption, and are building up a risk management approach in government.

In October 1999 we hosted the 9th International Anti-Corruption Conference in Durban. This conference was attended by delegates from many countries and leading anti-corruption organisations in the international community. Chairperson, my government has set up institutions, including the Office of the Public Protector, the Investigating Directorate for Serious Economic Offences, and the Anti-Corruption Unit of the South African Police Service, to deal specifically with corruption. These institutions have done outstanding work and a considerable number of offenders have been brought to book. Vast quantities of government funds have been recovered. Furthermore, several government departments have set up, or are in the process of setting up, components to deal specifically with fraud and corruption within government.

In order to effectively prevent crime in general, and to keep pace with new developments, the government of South Africa produced a "White Paper on Safety and Security". This policy document provides the framework for policing and law enforcement and crime prevention for the next five years. The new approach to policing described in the document aims to increase the efficiency and effectiveness of criminal investigations, improve visible policing to address specific crimes and high crime areas, and provide a better service to the victims of crime.

A National Crime Prevention Centre was established to implement the new approach to crime prevention. The functions of the centre are to coordinate inter-departmental social crime prevention activities, including developing programs to reduce the opportunities for the commission of crime, addressing the root causes of crime and achieving an integrated justice system. Substantial progress has been made toward ensuring that the relevant government departments work in an integrated manner to address crime.

Chairperson, the problem of drug abuse and drug trafficking is of concern to my government. A number of initiatives have been undertaken over the past three years to improve border control and border policing. In 1996, the South African Development Community concluded a Protocol on Combating Illicit Drug Trafficking. In terms of this protocol Member States are required to participate in a "joint concerted effort to "eradicate illicit drug production and trafficking" through the implementation of coordinated, comprehensive and integrated drug control and prevention programmes that address both supply and demand. South Africa also designed a Drug Master Plan to reduce both the supply of and the demand for illegal drugs through a wide range of actions and programmes.

In closing, Chairperson, the South African government is aware of the regional and international context of which we are part. In this respect, since 1994, South Africa has received appreciable

support from the international community. Among those who assist my Government, I wish to express special recognition and appreciation to the Regional Office of the UN Office for Drug Control and Crime Prevention, located in Pretoria.

ODCCP projects in my country are addressing issues of priority concern such as organised and commercial crime, violence against women, firearm control, youth justice and strengthening the criminal justice system in general. In the very near future, we hope to receive further assistance from the ODCCP and donors in the context of the UN Global Programmes against Corruption and Trafficking in Human Beings. We would be remiss if we did not thank the International Centre for its work. We would like to stress the need to ensure funding for the increasing number of mandates given to it. We commend the Member States who have stood by the Centre financially.

My government is determined, through partnerships and cooperation with our neighbours and countries around the world, to both embrace best practice and implement our own strategies to combat crime in all its forms. Our dream is to transform our country into a place where all our citizens can live, free from the threat of crime, and work toward a better life.

I thank you.