

Persistent failures and one victory?

Kelley Moulton

kelley.moulton@uct.ac.za

<http://dx.doi.org/10.17159/2413-3108/2019/i68a6520>

In the past week – the last in June 2019 – a Durban court sentenced a 25-year-old man to almost 300 years in prison for a litany of offences,¹ and Cape Town cemented its dubious reputation as South Africa's most violent city with a reported 18% jump in murder rates in just one month.² Fuelled by the city's rampant gang problem, the statistics stand in sharp contrast to the promises made by President Cyril Ramaphosa in his State of the Nation address just a week earlier: to decrease the country's levels of violent crime by a half or better, to increase the number of trained police by 40% and to implement comprehensive plans to address gender-based violence. The President's speech outlined an impressive array of initiatives, including building partnerships between the community and police as part of a reinvigorated community policing strategy, improving resources for police and communities to proactively prevent crime, strengthening specialised units, expanding the number of Thuthuzela Care Centres and sexual offences courts and improving the police's record-keeping capacity.³

Yet these promises seem far removed from the day-to-day realities of those who come into contact with a criminal justice system that is overburdened, poorly managed and in crisis. The example of the Western Cape illustrates the depth of the problem, as political parties have lobbed blame across the aisle and allegations have surfaced of power struggles between rival units within the South African Police that have significantly undermined their ability to respond to the province's crime problem.⁴ The burden of these failures is felt every day by ordinary people across the country.

The intractability of the crime problem, post-apartheid, is striking, as is the inability of the criminal justice system to respond. The articles in this edition of *South African Crime Quarterly* bear testimony to these failures. The persistence of deaths in custody, victimisation and fear of crime, women's offending and incarceration and the breakdown of youth justice all raise important questions about the ways that our system and agencies are tackling the problem of crime, and about the vision of their role as both a system and its constituent parts. Each of the articles challenge us to think of ways that we can (and should) re-envision our response to the problem at hand.

This issue

Eleanor Ross and Shahana Rasool draw our attention to the issue of campus safety and students' fear of crime at South African universities. Intrigued by reports in the media of the spate of crimes on university campuses, the authors conducted a qualitative study on the experience of crime among students at a large urban university in Gauteng. Using interview data, the article shows that,

consistent with routine activity theory, the students appeared to be vulnerable targets, who were preyed on by motivated offenders under conditions of a lack of guardianship. The most common crimes reported by the students included the theft of laptops and cell phones, and robberies at their places of accommodation. The article shows that, as cognitive behavioural theory would predict, the incidents had profound psychological, financial and academic consequences for the students, who endeavoured to cope by adopting a variety of cognitive and behavioural strategies. The article presents the students' own recommendations for enhancing safety, which included increased security measures such as patrols and CCTV surveillance cameras, and students adopting self-protection measures such as walking in groups, being more vigilant, and not walking with headphones on. The authors argue that the recommendations for enhancing guardianship on the part of university protection services and police, coupled with self-protection strategies on the part of students, can potentially reduce the risks of students becoming targets of criminal offenders.

This edition of *SACQ* continues the conversation on incarceration that was the focus of our December 2018 Special Edition on decolonising prisons, presenting one research article and one comment and analysis piece that deal with women in prison and youth incarceration, respectively. Nontyatyambo Pearl Dastile and Biko Agozino highlight that African women's crime and incarceration have been predominantly understood using Western theoretical frameworks, thereby missing an important opportunity to develop an African-centred epistemology on the topic. Based on interviews with 55 incarcerated women, the paper argues that these women's experiences of womanhood in the criminal justice system are shaped by race, gender and class, which produce different forms of subjectivities and embodied selves. The authors show how the women do not have fixed identities given differences across race, ethnicity, class, religion, sexuality, nationality and (dis)ability, and how particularly racialised, gendered and class inequalities impact their identities, positions and their own modes of survival, as well as those of their children. In presenting these women's stories, the paper challenges the western canon in criminology on women and incarceration.

In their comment and analysis piece, Lisa Marqua-Harries, Grant Stewart and Venessa Padayachee argue that South Africa urgently needs to rethink crime and punishment, especially for youth. These authors argue that the crisis of the country's high crime rates, recidivism and overburdened criminal justice system show that the time is right for a radical rethinking of the way we respond to the problem of crime and punishment. They point out that simply 'adopting a few well-meaning tweaks to a broken system' falls well short of the kind of paradigm shift that is required. Instead, they argue that the system should be completely reformed into one that is trauma-informed, infused with an ethos of restorative justice, and that emphasises community-owned interventions to respond to, and reduce the crime problem. The article presents a number of proposals and recommendations towards implementing a more effective criminal justice system, based on these principles.

In our 'On the record' feature Sally Gandar, the Head of Advocacy and Legal Advisor for the Scalabrini Centre, and Popo Mfubu, an attorney at the Refugee Rights Unit, talk to Kelley Mout about a recent judgment on refugee rights that was handed down by the Western Cape High Court on 19 June. The order, which was made after successful negotiations with the Department of Home Affairs (DHA/The Department) means that wives, husbands, children and other dependents of asylum-seekers and refugees are now able to document themselves in South Africa as 'dependents' of the principle asylum applicant in a process commonly known as 'family-joining'. The order

confirms a set of Standard Operating Procedures (SOPs) that define the procedures through which refugees can apply, clarifying for example, how refugees can provide evidence of dependency where documents like marriage certificates or birth certificates are not available. The SOPs also provide for DNA testing to confirm the validity of parents' claim over their child. These changes mean that asylum-seeking and refugee families can now be documented together, ensuring their rights to family unity and dignity in South Africa.

Note

- 1 T Head, Why this Durban criminal will spend the next 202 years behind bars, *The South African*, 28 June 2019, www.thesouthafrican.com/news/longest-jail-sentences-south-africa-mhlonipheni-mjadu-durban/ (Accessed 1 July 2019).
- 2 A Sisetsha, Cape Town murder rate rises by more than 18% in one month, *The South African*, 28 June 2019, www.thesouthafrican.com/news/cape-town-murder-rate-rises-one-month/ (accessed 1 July 2019).
- 3 The Presidency, Republic of South Africa, *State of the nation address by President Cyril Ramaphosa*, Parliament, Cape Town, 20 June 2019, <http://www.thepresidency.gov.za/speeches/state-nation-address-president-cyril-ramaphosa%2C-parliament%2C-cape-town> (accessed 1 July 2019).
- 4 M Thamm, Cop vs cop: rival Western Cape police units at each other's throats, *Daily Maverick*, 26 June 2019, www.dailymaverick.co.za/article/2019-06-26-cop-vs-cop-rival-western-cape-police-units-at-each-others-throats/ (accessed 1 July 2019).