Annual Report Series 24/01

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The Institute of Criminology

The Institute of Criminology, established in 1977, is a research unit linked to the Department of Criminal Justice, Faculty of Law at the University of Cape Town. Its aim is to initiate co-ordinate and develop teaching, research and extension services in the broad field of criminology within and outside of the University, and to promote public interest in, and awareness of all aspects of criminology.
PERMANENT STAFF

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<th>Position</th>
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<tr>
<td>Director, Head of Department, Senior Lecturer</td>
<td>Elrena van der Spuy MA (Stell)</td>
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<tr>
<td>Professor of Criminology</td>
<td>Dirk van Zyl Smit BA LLB (Stell) PhD (Edin)</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>Wilfried Schärf BCom LLB (Wits) MSocSc (Criminology) (Cape Town)</td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>Venetia Lorenzo</td>
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CONTRACT STAFF

Senior Research Officers:

- Lilian Artz BA (Simon Fraser) MSocSc (Criminology) (Cape Town)
- Bill Dixon BA (Oxon) MA PhD (Brunel) (until August 2001)
- Maria Hauck BA (Hons) (Criminology) (Alberta) MA (Criminology) (Cape Town) (until September 2001)
- Lisa Johns BSocSc (Cape Town) Dipl Krim (Hamburg) (until March 2001)
- Penny Parenzee BSocSc (SW) (Cape Town) MSS (Clinical) (Bryn Mawr), MLSP (Bryn Mawr)
- Cathy Wood BSocSc (Hons) (Psych) (Cape Town) MSSocSc (Clin Psych) (Rhodes)

Researchers:

- Diane Jefthas, BSocSc (Cape Town), BSocSc (Criminology)(Hons) (Cape Town) (until June 2001)
- Ros Koch, LLB (Oxon), LLM (Cape Town)
- Kelley Moult, BSocSc (Cape Town), BSocSc(Hons)(Criminology) (Cape Town)
- Lashias Ncube, BA(Hons)(Social Anthropology) (Cape Town), MA(Practical Anthropology) (Cape Town)
- Ricky Röntsch
- Dee Smythe, BA LLB (Cape Town)
- Boyane Tshehla, BProc (Unin) LLM (Cape Town)

Research Support:

Co-ordinator of the Social Justice Resource Project (SJRP): Elaine Atkins, LIS (Hons) (Cape Town) (until November 2001)
Assistant (SJRP): Sindiswa Dlikidla, Dip LIS (Peninsula Technikon)
Research Associates: André Standing, BA (Criminology)(Hons) (Middlesex); Rob Turrell, MA (London), PhD (London) (until August 2001)
THE ADVISORY COMMITTEE

The Institute is guided by an Advisory Committee, which advises the Director on aspects of the Institute’s work, assists the Director in fostering relationships between the Institute and interested parties and in promoting and publicising the work of the Institute. The current Advisory Committee comprises the following members:

**Martin West**  
Committee Chair, Professor and Deputy Vice-Chancellor, University of Cape Town.

**Don Foster**  
Professor, Department of Psychology, University of Cape Town.

**Soraya Solomons**  
Director of the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO).

**Jonathan Burchell**  
Professor, Head of Department of Criminal Justice, University of Cape Town

**Essa Moosa**  
Judge of the High Court of South Africa.

**André Smit**  
Associate Professor, Head of Department, School of Social Work, University of Cape Town.

**Wilfried Schärf**  
Associate Professor, Institute of Criminology, University of Cape Town.

**Robert Schrire**  
Professor, Department of Political Studies, University of Cape Town.

**Dirk van Zyl Smit**  
Professor of Criminology, Institute of Criminology, University of Cape Town.

**Elrena van der Spuy**  
Director & Head of Department, Institute of Criminology, University of Cape Town.

**Hugh Corder**  
Dean of the Faculty of Law, University of Cape Town.

**Tuviah Zabow**  
Professor, Department of Psychiatry, University of Cape Town.

DIRECTOR’S OVERVIEW

The content of the 24th Annual Report of the Institute of Criminology for 2001 speaks for itself. The substantive details provided under each of the research programmes point to an impressive number of research activities on an ever-widening criminological front. But viewed from another angle, 2001 also stands out as a year in which research work over many years was brought to fruition. On this score three substantive publications in particular deserve mention:

- In the first half of the year a publication co-edited by Wilfried Schärf & Daniel Nina titled *The other law: non-state ordering in South Africa* appeared. This text makes an important contribution to our appreciation of the role of non-state mechanisms, structures and processes to social ordering in our kind of society.

- In the latter half of the year, the second edition of Dirk Van Zyl Smit & Frieder Dünkel’s (editors) *Imprisonment today and tomorrow: International perspectives on prisoner’s rights and prison conditions* was added to the list. As a major comparative text, it contains detailed reviews of prison conditions and prisoner rights in 26 countries, and also contains a detailed commentary on international trends in imprisonment.
• In the last quarter of 2001 Dirk Van Zyl Smit also completed his comparative study of life imprisonment. In doing so he succeeded in putting to (proper) rest a project which has, by his own account, both engaged and haunted him for a number of years. A manuscript titled *Taking Life Imprisonment Seriously in National and International Law* was submitted to Kluwer Publishers and the Institute looks forward to its publication.

From the hive of activities undertaken during 2001, three broad observations can be distilled.

In the current context where the respective destinies of North and South are so intertwined, it is a challenge to capture both the drift toward global convergence in discourse and criminal justice practices and the persistence of divergence at the local level. Comparative research into aspects of criminal justice remains a useful tool for understanding these processes. The Institute would do well to invest further in comparative analysis in its main research concerns in pursuit of the dynamics of internationalisation.

Grappling with the particular complexities of criminal justice, safety and security in the developing context of the African continent remains a key challenge within the Institute of Criminology. In this regard the challenges for both teaching and research are to help develop a *Criminology of the South* which responds sensitively to our own contexts and structures. *Crime and Justice in Transition* — a co-edited volume currently under construction — is meant to provide an introduction to some of the most important issues facing post-Apartheid South African criminology.

The Institute has had a long-standing interest and critical engagement with issues relating to women and crime. During the course of 2001, research into the implementation of the Domestic Violence Act afforded another opportunity to expand empirical investigation into South African women’s experiences of criminal victimisation. The research yielded many insights into the politics of sexual violence, the logistics of criminal justice interventions, and the strengths and weaknesses associated with legal reform strategies. Although much has been achieved in feminising the research agenda of South African criminology, a particular challenge for the future is to seek ways of supplementing the current focus on women and crime with a more inclusive engagement with gender and crime.

Amidst all the substantive achievements, the Institute of Criminology also had to contend with the departure of two senior colleagues. Maria Hauck’s departure comes after an association of seven years in which she carved out a research niche for herself in the field of Eco-criminology. She deserves praise for being the driving force behind this research programme and for its achievements. In mapping the development of Eco-criminology at the Institute it is worth noting the substantive growth in field research, the multidisciplinary thrust of much of her work, the dense network of research linkages she has managed to build, and the number of publications produced. A central theme of her research during the last four years revolved around the theory, politics and logistics of coastal resource co-management in Southern Africa — an issue likely to remain on the political agenda in the foreseeable future. Maria Hauck’s departure from the Institute of Criminology is a real loss to both the field of enquiry and to the research capacity of the Institute.

In September 2001, after an association of nearly two years, Bill Dixon also left the Institute to take up a teaching position at the Department of Criminology at Keele University, United Kingdom. During his relatively short contractual engagement with the Institute of Criminology and the Department of Criminal Justice, he made his presence felt as an engaging teacher, supportive mentor, dedicated researcher and prolific writer. Bill Dixon co-ordinated two important initiatives under the rubric of *New Directions in Criminology*. His report, "Teaching Criminology: The Future of Criminology at UCT" involved a strategic assessment of post-graduate curriculum development in criminology and contained a number of recommendations for a revised programme of post-graduate teaching in the
Department of Criminal Justice. The second initiative involved the publication of a volume of critical essays in criminology. With regard to the latter, we look forward to forging a close inter-continental working relationship between Bill Dixon and the Institute in pursuit of the co-edited volume on *Crime and Justice in Transition* which is earmarked for publication in 2003.

**RESEARCH AND EXTENSION WORK:**

1. Ecological Criminology  
   — Maria Hauck

1.1 Coastal & Fisheries Co-Management in South Africa: Book Publication

One strategy that has been identified worldwide to impact on illegal fishing and contribute to sustainable resource management is ‘co-management’. Broadly speaking, co-management is considered as a partnership arrangement between government, resource users and other stakeholders in which power, responsibilities and decisions are shared in order to manage a resource. The objective of this publication, which is the second phase of a research project funded by The Green Trust (WWF-South Africa), is to provide an overview and analysis of co-management arrangements in South Africa. Nine case studies, each comprising a chapter of the publication, have been identified around the coast of South Africa. They serve as a basis for a critical look at the feasibility and impact of implementing co-operative arrangements between resource users and the authorities. Additional chapters will include a critical analysis of the theoretical assumptions of co-management, a historical and legal framework for implementing co-management, and an overall analysis of the feasibility of co-management in South Africa. This book will be co-edited by Maria Hauck and Dr. Merle Sowman (Department of Environmental and Geographical Sciences, UCT).

1.2 Provincial Legislation Regarding the Wildlife Trade

Funded by the United Nations Foundation, this project was undertaken through a collaborative research initiative between the Institute and TRAFFIC-South Africa. Wildlife trade in South Africa is currently regulated in terms of a highly fragmented medley of provincial Ordinances, Acts, Decrees and Proclamations that are in many ways inconsistent, incomplete, outdated and overly complex. This confusing legislative structure, which is also evident at a national level, makes it extremely difficult for conservation authorities already facing budgetary and capacity constraints to carry out their work effectively and efficiently. Therefore, the objective of this project was to make recommendations for aligning legislation between the provinces, and ensuring the consistency of provincial measures with the development of national bio-diversity legislation. This was achieved through a comprehensive literature review to identify and assess all relevant national and provincial legislation and policy relating to wildlife trade. In addition, extensive fieldwork was conducted in all of the provinces, interviews conducted and a preliminary analysis for review was disseminated. Recommendations were developed to align provincial legislation and policies and ensure their compatibility with national legislation. Finally, a formal publication entitled, *An analysis of nature conservation legislation in South Africa with particular reference to the wildlife trade*, was completed and disseminated to provincial and national authorities and other key role-players to assist in amending, developing and drafting nature conservation and bio-diversity legislation.
1.3 Illegal Fishing & Subsistence Fisheries

A research project was developed by the Institute, in collaboration with the South African Environmental Project (SAEP), to investigate illegal fishing and subsistence fisheries. The SAEP facilitated the involvement of a PhD intern from Australia, whose research expertise is in the area of community-based resource management. The key objective of this project was to outline concerns and problems experienced by both the fishers and the authorities relating to the permits, rules and regulations, and monitoring and enforcement procedures related to subsistence fishing. The research was implemented in the coastal community of Kleinmond, where organised illegal fishing is rife and where both abalone and rock lobster subsistence permits were allocated. Subsistence fishers were recognised for the first time in South Africa in 1998 through the promulgation of the Marine Living Resources Act. Although considered high value resources, abalone and rock lobster were allocated as ‘subsistence’ resources in 2001. A number of management problems were explored in the research through semi-structured interviews with fishers, poachers, community leaders, government authorities and enforcement personnel. The research indicated that high levels of non-compliance were evident, which the fishers largely attributed to issues of both legitimacy and enforcement. An overview of the research results and theoretical implications relating to fisheries compliance has been completed and submitted to the international journal *Society and Natural Resources*.

2. Gender and Crime
— Lillian Artz, Penny Parenzee, Kelley Moult, Dee Smythe

2.1 Monitoring of the Domestic Violence Act

The Gender, Law and Development Project published its first report on its research activities in monitoring the Domestic Violence Act. The monitoring report is the first of its kind in South Africa. It presents the analysis of data collected from over 600 applications for protection orders (from three magisterial districts) as well as particular themes emanating from 60 interviews with criminal justice personnel. The research report highlights the trends relating to the application process, the service of orders, the granting of orders and the experiences of criminal justice personnel with the Act. It also focuses on special issues relating to the Act including the use of weapons, eviction, emergency monetary relief and custody. Interviews with criminal justice personnel point to critical barriers to implementation including the lack of training and resources, uncertainty with what to do when protection orders are breached, the lack of adequate tests to establish whether the state should absorb the costs of serving the protection order, and how the legislation should be interpreted. Of significance are the numerous ways in which poorly resourced police stations and courts are finding creative solutions to make the Act work. The report also gives a detailed analysis of:

- Trends in the kinds of abuses experienced by victims of domestic violence;
- The use of intoxicants and the use of weapons in incidents of domestic violence;
- Trends relating to the kinds of orders granted by magistrates in the Western Cape;
- Alleged abuses of the Act;
- Breaches of the protection order;
- Orders for evictions, emergency monetary relief and custody of children;
- Police and magisterial interpretation(s) of the Act;
- Access to justice and the enforceability of the legislation.

The project used the results of the research as the basis for a national workshop that included almost 150 criminal justice personnel. Another seminar for almost 100 participants, including criminal justice personnel and NGOs was conducted two weeks later. Other Domestic Violence Act work during 2001 has included:
• Working with the Department of Justice (Gender Directorate) on drafting a national budget for the implementation of the Domestic Violence Act.
• Submissions to Parliament on developing more effective mechanisms to improve the implementation of the Act.
• Presenting DVA monitoring work to numerous study groups from across the SADC region.
• Consolidating a working relationship with the Department of Health towards the development of a domestic violence screening protocol.
• Meeting with different levels of government to explain the implications of the DVA research for service delivery.
• Assisting the Department of Justice with a budget to present to parliament on resourcing the Domestic Violence Act.
• Using the First Report as a 'working tool' at the NDPP/Department of Justice’s annual National Workshop on Violence against Women and Children (Gauteng 19-21 August 2001).

2.2 National Training Manual on the Domestic Violence Act for the Department of Justice and the National Directorate of Public Prosecutions

This project was instrumental in the development of the Department of Justice/NDPP training manual on the Domestic Violence Act for magistrates, prosecutors, police and other government officials involved directly or indirectly by the Act. The training manual, called Integrated Training on Domestic Violence, takes a multi-disciplinary approach to training government departments on domestic violence. It includes chapters on the social context of domestic violence; laws and policies applicable to domestic violence in South Africa (including relevant international instruments); the roles and challenges of all role-players within the criminal justice system; support and safety planning; interviewing skills and trial advocacy.

2.3 Women on Farms and Domestic Violence

In an effort to understand the implications of legal reform in rural settings, the Gender Project embarked on an adjunct study with its new partner Women on Farms Project. The objective of the project was to identify the key criminogenic conditions that contribute to violence and that prohibit women from exercising their rights under the existing domestic violence law. To this end the researchers completed a wide-ranging literature review on gender, violence and development and explored a range of research indicators for the fieldwork. The literature review included:

- recent research around conditions on farms in the Western Cape
- violence against women on Farms
- farm workers and development
- gender, rural development and violence
- alcohol and substance abuse in rural areas
- poverty and violence
- rural policing.

With the assistance of the Women on Farms Project in Stellenbosch we negotiated access onto one farm in the Grabouw area, where meetings and interviews took place with the Development Committee and employees of the farm. Independently, we also interviewed a group of Xhosa-speaking seasonal workers, as well as the farm manager. We negotiated access through farm management and worker structures onto three additional farms, where 15 farm workers, three health care workers and a member of a management team (responsible for five large wine farms) were
interviewed. More informal discussions were held with a broad range of people - from farm management through farm dwellers and development workers - to gain a better understanding of the area and to build strategic relationships.

In addition to examining issues of access to justice, the research has also picked up issues relating to ‘community justice’ (the extent to which communities address violence broadly), ‘safety plans’ of women farm workers when domestic violence situations arise, and the role of alcohol in cases of domestic violence. The first draft of the research report on women on farms and domestic violence will be available in 2002.

2.4 Domestic Homicide

The results of our monitoring research showed that protection orders are not being granted with consistency or with due consideration of the lethality of domestic violence. We therefore embarked on a provincial study that began to examine the potential and real lethality of domestic violence. Negotiating a partnership with the Department of Forensic Medicine and Toxicology (UCT), we began to peruse the death registry from the Salt River Mortuary for records relating to domestic violence related homicides. The core of our study primarily lies in establishing the number and nature of domestic violence related deaths in the Western Cape from January 2000 – December 2000. These cases will eventually be cross-referenced with court applications under the Domestic Violence Act and police records.

In addition to a literature survey on domestic homicide, the researchers have examined and analysed the death registry — at the Salt River Medico-Legal Laboratory — of all homicides committed during the year 2000. These records were cross-referenced with the forensic records (autopsy reports) at the Department of Forensic Medicine and Toxicology. A database, containing 3 000 cases of ‘unnatural deaths’, has been compiled. Those cases which clearly conform to the category of ‘domestic homicides’ have been identified. Examination of police dockets and interviews with investigating officers will take place before the final research report is completed in 2002.

2.5 Working with Victims of Domestic Violence in Shelters and Places of Safety

While the first year of the Domestic Violence Act monitoring research focused on how agents of the criminal justice system experience the implementation of the Act, the second year has focused on the experience of complainants in accessing and using the Act. The researchers successfully accessed 3 shelters in the Western Cape. An average of four focus groups was run at each shelter. Our access bargain was in the form of providing shelter staff and clients with workshops and a ‘toolkit’ on the Domestic Violence Act. The shelter project included conducting research through focus groups, on the experiences of abused women in relation to the legal system, as well as one-on-one interviews with both shelter residents and shelter staff. The researchers also conducted training with shelter workers on the DVA as well as on the role that shelter workers can play in assisting their clients. Information booklets were developed to provide shelter clients and staff with information on the DVA and the legal process surrounding this legislation. A draft research report on the shelter project has been completed, the final draft of which will be published in 2002.

2.6 Magistrates Training: A Collaborative Initiative

A collaborative training initiative between the Law, Race and Gender Research Unit (LRG) and the Gender Law and Development Project was established in 2002. The LRG, which conducts social context training with magistrates, invited our project to become involved in both weekend training and sessional work with Magistrates across the province. The project has been asked to provide
workshops and seminars on the Domestic Violence Act as well as the legal issues relating to battered women who kill and the battered women syndrome.

These training sessions have taken place with magistrates from Wynberg, Goodwood, Mitchell’s Plain and a mixed group of magistrates from around the Boland and West Coast regions.

2.7 Advocacy, Public Information and Media Work

After publication of the Domestic Violence Act research, as well as subsequent media attention, the first 500 copies of the First Report were disseminated across the country. Requests for the report came from almost every province. In addition to the participants at the Western Cape and Gauteng workshops, we received requests for the research from ministers, directorates and portfolio committees from all the criminal justice ministries and the non-governmental sector. The project members have been invited to numerous NGO forums, conferences and workshops to discuss the results of the research.

A "press brief" of the results of the research was also disseminated widely to the press. Locally, the research was reported in The Argus, the Cape Times and the Mail and Guardian. Only two weeks after the launch of the research, National Police Commissioner Selebi stated that the DVA, 'like the new smoking legislation was unimplementable'. In response to Selebi’s comments Lillian Artz and Penny Parenzee wrote a letter to the print media. It was later published in numerous newspapers around the country and entitled 'Selebi’s Scandalous Stance'. Researchers also embarked on public information campaigns to 'set the record straight' about the Act and to discuss the results of our research on the Domestic Violence Act. Radio and press interviews relating to our research have taken place with The Argus, the Mail & Guardian, Bush Radio, Cape Talk, SAfm (the Law Report) and the Voice of the Cape.

3. Policing Research
— Elrena van der Spuy, Wilfried Schärf, Bill Dixon and Boyane Tshehla

3.1 Policing reform

In the first quarter of 2001 Elrena van der Spuy proceeded to take stock of shifts in governmental responses to crime in the context of South Africa’s political transition. Two distinct phases in the development of crime policies and operational practices were identified for the period 1994-2000. From 1994-1998 crime discourse and policies were shaped by the imperatives of nation building and the search for broad-based political legitimacy. From 1998 onwards, however, a shift in direction became evident as tough talk about the need for making 'war on (organised) crime' and 'urban terror' translated into a militarisation of governmental discourses and policing practices. During this phase the political terms of reference for governmental strategies were increasingly shaped by the imperatives of state-building. A paper on the topic was delivered at the Australian and New Zealand Society of Criminology that was held in Melbourne, Australia in February 2001.

South Africa and Northern Ireland have long been considered variations on the theme of divided societies. As such, there is much to be said for a comparative assessment of the trials and tribulations facing the reform of its policing systems in the context of political negotiations. During October 2000, Elrena van der Spuy participated in the British Council exchange programme between the Law Schools of UCT and Queens University. Participation in the exchange programme made possible an extended literature review of the last ten years of Northern Ireland policing debates. This proved very fruitful for purposes of a comparative assessment of the challenges facing policing in both societies. In addition, valuable contact was made with policing scholars such as Mike Brogden
and Graham Ellison - both of whom are attached to the Department of Criminology and Criminal Justice at Queens University. The comparison between policing reform efforts in Northern Ireland and South Africa suggested an increasing convergence in policing models and discourses towards the 'democratic norm'. In addition, a comparison between the two countries is well suited to capture the vibrant exchange of policing ideas and strategies from one post-conflict settlement to another.

The report, ‘Gangs, Pagad and the State: Vigilantism and Revenge Violence in the Western Cape’, researched and written by Bill Dixon and Lisa-Marie Johns for the Centre for the Study of Violence and Reconciliation (CSVR) last year (2000), was eventually published by the Centre as the second of three papers in its ‘Violence and Transition Series’. Bill Dixon was invited to speak at a seminar on ‘Guardians or Gangsters? Vigilantism during South Africa’s period of transition’ convened to launch the series at the University of the Witwatersrand in late June.

3.2 Informal policing and governance: Shacklords, Taxi Warlords, Vigilantes and Street Committees

This study commenced in mid-2000 under the joint convenership of Wilfried Schärf, Elrena van der Spuy and Johann Graaff (Dept of Sociology, UCT). The National Research Foundation-funded Four Case Studies on non-state ordering sought to understand why and how the four phenomena (taxi warlords, shacklords, street committees and vigilantes) exist in the form they do in the context of a post-transitional democracy. Further, the project aimed at analysing what regulatory or enabling framework is appropriate to ensure that these structures conform to the needs of the new democracy, and what process will get them there. During the course of the year under review field research for the study was brought to a conclusion. Draft papers on each of the case studies were presented at an in-house workshop. The finalisation of the research is scheduled for late 2002.

3.3 Comparative Justice Systems in Africa

During 2001 Wilfried Schärf continued with his research for a monograph on Comparative Justice Systems in Africa. The monograph will offer a critical examination of the justice systems of select countries in Africa. The main inquiry is to assess to what extent the African justice systems are appropriately structured and whether they to deliver what the poor majority of citizens need from a justice system. Various data gathering visits to a number of African countries (Nigeria, Malawi, Mozambique and Lesotho) were conducted by the researcher as part of a DFID funded research team.

3.4 Crime, violence and the delivery of health care services

A research grant awarded by the NRF was utilised to embark on an exploratory excursion into aspects of 'workplace violence' as it presented itself within a sample of state health care settings in the Western Cape. The phenomenon is one that has received frequent media attention in recent years as a social problem of considerable dimensions. A review of the international literature on workplace violence provided the broad conceptual parameters for the study. Both quantitative and qualitative research methods were utilised in this inquiry into the nature, prevalence and impact of crime and violence in a sample of health care institutions in the Western Cape. Semi-structured interviews with health officials and security management attached to PAWC (Provincial Administration Western Cape) and local government explored how management both perceived and engaged with workplace safety and crime — at both an institutional and inter-personal level — within the province. Through such interviews we captured the increasing reliance on fortification of health institutions and the drift toward privatisation of security more generally. Whilst such target hardening strategies (such as the installation of perimeter fencing, burglar bars, metal detectors, bullet-proof windows,
CCTV cameras as well the deployment of private security companies) have become fairly standardised, the effectiveness of such measures in terms of crime control or prevention cannot be assumed as a given. In the second instance the combating of risk arising out of crime and violence also follows the imperatives of *privatisation*. The outsourcing of security work to private security firms points toward the commodification of security services and a consequent decline in reliance on the public police as a guarantor of safety in the health sector.

The *structured questionnaire* was administered to 176 health workers at four health sites (GF Jooste, Mitchell’s Plain Day Hospital, Guguletu Day Hospital and the trauma and Emergency Unit at Groote Schuur Hospital). Some of the main findings include the following: The survey findings succeeded in contextualising the importance of crime and violence against a range of other pressing workplace concerns (amongst which are institutional decay, infrastructural overload, staffing shortages and fiscal drain). It also warned against ‘dramatising’ the importance of workplace safety vis-à-vis safety in other spheres (such as en route to work, in neighbourhoods, at home and in society at large).

Actual exposure to a range of *criminal victimisations* were explored. The results confirmed, much in line with other victim crime surveys, that worry about crime outstrips actual experiences of crime in the workplace; and that perceptions of risk amongst health care workers were shaped by location, time and space. Practices relating to reporting and opportunities for surveillance of troublesome incidents were examined, and management’s role explored. This research too confirmed the residual problem of incident underreporting. When probing into coping mechanisms and *preventative strategies* (both institutional and personal) deployed to contain risk, common health worker responses included pacification of troublemakers, avoidance strategies, and the internalisation of stress. The focus group interview yielded more nuanced information on the mobilising strategies developed by entrepreneurial subjects in the face of 'unacceptable' levels of risk in the workplace. Finally, the dual identities exhibited by health care workers themselves (as both victims and perpetrators of workplace violence) were captured.

### 3.5 Crime prevention: Building networks


At the request of the Institute for Security Studies, *Bill Dixon* held a two-day ‘refresher’ course on recent developments in criminology and criminal justice for research staff on the Institute’s criminal justice programme. The course was also attended by researchers from the other leading Gauteng-based NGO, the Centre for the Study of Violence and Reconciliation and covered a range of issues from criminological theory to policing and crime prevention.

### 4. Sentencing and Punishment

— *Dirk van Zyl Smit*

#### 4.1 Sentencing

The primary focus in the area of sentencing was *Dirk van Zyl Smit’s* comparative study of life imprisonment. This was completed in late 2001 and submitted to the publishers. The book will appear in 2002 under the title *Taking Life Imprisonment Seriously in National and International Law*.

*Dirk van Zyl Smit* also participated in a Human Rights and Criminal Law Colloquium organised by the
Centre for Penal Theory and Penal Ethics at the University of Cambridge in October 2001. The object of the Colloquium was to provide the intellectual basis for a possible protocol to the European Convention on Human Rights to entrench the principle of proportionality in sentencing. Further work on this project will be undertaken in 2002.

After the major activity around the Report of the South African Law Commission on a New Sentencing Framework, which was completed in late 2000, sentencing law reform was not as prominent in the work of the Institute as previously. Bill Dixon published a commentary on the Commission’s final report and recommendations in the *South African Journal of Criminal Justice*.

The Law Commission, through its Sentencing Project Committee, of which Dirk van Zyl Smit was a member but no longer chair, continued its work in 2001. It focussed its activities on an investigation into the feasibility of setting up a compensation scheme for victims of crime. In the course of the year a number of consultative meetings were undertaken around the country. A final report on this subject will be produced in 2002.

Sentencing remained of burning public interest in South Africa and there was considerable call for public comment on radio and television by members of the Institute on this issue. The sentencing of juveniles who commit serious crimes was of particular concern and Dirk van Zyl Smit wrote an article on this subject for the journal, *Article 40*.

### 4.2 Prison matters

The second edition of *Dirk van Zyl Smit* and Frieder Dünkel (eds.) *Imprisonment Today and Tomorrow: International Perspectives on Prisoners’ Rights and Prison Conditions* (The Hague, Kluwer) appeared in the course of 2001. This collection deals with the prison systems in 26 major countries, including South Africa. In addition, it considers the role of the United Nations and of NGOs in establishing standards and providing the impetus for prison reform. The book includes a lengthy concluding discussion of contemporary trends by the two editors.

Prison privatisation continued to be a subject of interest in 2002. Julie Berg, a recent graduate of the Institute, published an article on the subject in the *South African Journal of Criminal Justice*.

*Dirk van Zyl Smit* served as a member of the National Council on Correctional Services. This body not only advises the Minister of Correctional Services on the release of persons sentenced to life imprisonment, but must be consulted by the Minister before any major new policies are introduced in the field of prison or community penalties.

*Bill Dixon* was invited to be a panel speaker at a seminar organised by the Centre for Conflict Resolution in Cape Town on the organisation’s work with gang members imprisoned in Pollsmoor. A BBC television documentary about the programme was shown on SABC’s ‘Special Assignment’ and had provoked considerable debate about the power of the so-called ‘numbers gangs’ in Pollsmoor Prison and what could be done to break their influence on inmates held in often grossly overcrowded conditions.
5. Youth Justice
— Catherine Wood, Ros Koch, Lashias Ncube and Boyane Tshehla

5.1 SAYStOP (South African Young Sex Offenders Project)

This project is a joint initiative between the Institute of Criminology, NICRO Western Cape, Community Law Centre and RAPCAN. SAYStOP has developed a diversion programme for children accused of committing a sexual offence. During this year, SAYStOP further extended the operation of the diversion programme through the training and mentoring of additional probation officers in the facilitation of this programme in the Western Cape Province. The project also expanded into the Eastern Cape Province.

Towards the end of April, SAYStOP held a national evaluation meeting with experts in the field of criminal justice, sexual offences and victim empowerment so as to explore whether the project is an appropriate intervention programme and to look at national initiatives to address sexual offences committed by children. This meeting resulted in the go-ahead to finalise the SAYStOP diversion programme manual.

The Institute of Criminology is responsible for the research and evaluation of the project. In 2001, this has involved evaluating the training workshop held in June and October and the implementation strategy adopted. In addition, a database has been established and maintained for the purpose of collating information on all the children who are referred to SAYStOP diversion programmes. This information will be used to update and analyse the profile of children who attend the programme. The longitudinal study evaluating the outcomes and impact of the diversion programme has been initiated and will be completed in June 2002.

5.2 Child Justice Research

The Child Justice Alliance is a voluntary association that was established in February 2001 for the purpose of promoting informed debate and providing accurate information on the South African Child Justice system, particularly the law reform process that resulted in the Child Justice Bill. The Child Justice Alliance is directed by a driver group comprising of the following organisations: Community Law Centre (UWC); NICRO National; Institute of Criminology (UCT); Restorative Justice Centre; Crime Prevention Centre (CSIR); IDASA; and Lawyers for Human Rights.

The Institute of Criminology is responsible for the execution of a number of the research projects designed for the purpose of generating information on child justice matters that will facilitate informed debate on the Child Justice Bill. This has included the collation and categorisation of the international and local research used in the process of investigating and drafting the Child Justice Bill into an annotated bibliography. A report identifying and prioritising research gaps in the area of developing a new child justice system for South Africa was then produced. Information packs, summarising key aspects of the Child Justice Bill in user-friendly language, and a number of fact sheets around central child justice discussion issues, have also been produced. Finally the institute has undertaken two research projects in response to the research gaps identified. The first project entails the documentation of the life histories of children who have had contact with the criminal justice system, focussing on exploring their experiences within the criminal justice system, from their first encounter to the present day. The second project is a case study into managerial and feasibility issues associated with the activities of Stepping Stones One-Stop Youth Justice Centre, Port Elizabeth, and the Durban Referral and Assessment Centre. In particular, this research will aim to promote clarity around assessment and preliminary inquiry procedures, and to establish whether such procedures will have the anticipated spin-offs for children accused of committing offences.
A further related research project that the Institute of Criminology is conducting for UMAC/The Western Cape Child Justice Forum entails a case study analysis of district-level Child Justice Monitoring Committees in the Western Cape Province. The purpose of this study is to determine the best practices to employ when establishing and developing sustainable and efficient district-level child justice monitoring committees.

5.3 The politics of youth crime and youth justice in South Africa

During the course of the year, Elrena van der Spuy and Wilfried Schärf undertook an historical review of twentieth century debates on youth crime and youth justice in South Africa. The paper was organised into four parts. The first part provides a brief discussion of the deficiencies in the official crime data throughout most of the century. Part two refers to the aetiology of youth crime constructed from successive criminological excursions, liberal and conservative, among the dominant white section. The third section attempts to demonstrate that penal policy with regard to youth cannot be simply dismissed as the unreflective product of a colonial society. On the contrary, this historical enquiry illustrates that humanitarian and welfarist ideas were particularly salient in the development of the legal machinery pertaining to children in need of care and in conflict with the law. The force of local circumstances however, dictated that such ideas and principles were applied unevenly. In the final section of the paper the focus shifts to current reform initiatives which aim at crafting a child justice system against the larger background of transitional politics and a concomitant rise in patterns of violent crime. Once completed, the research paper will form part of a comparative text – the Blackwell Companion to Criminology – to be edited by the British criminologist, Colin Sumner.

5.4 Youth Violence, Activism, and Citizenship - Boyane Tshehla

Boyane Tshehla has been granted funding by the Social Science Research Council (SSRC) and the National Research Foundation (NRF) for a project which will focus on 'The Involvement of Youth in Non-state Social Ordering'. This project, which officially took off in November 2001, is scheduled to last for eight months. The aim of this research is to explore the form, content, rationale for and consequences flowing from the involvement of African youth in non-state forms of social ordering structures and processes. It is in the processes relating to social ordering that one finds youths participating in multiple capacities, i.e. as victims, perpetrators, active mediators, etc. Such participation in non-state dispute resolution and ordering processes is a critical facet of their political activism and an integral component of active citizenship. Over and above this main focus of the research, other related issues will be looked at. For instance, the ever elusive and often culturally informed definition of ‘youth’ calls for some attention, at least as far as the researched youths define themselves and are defined by others as such. Some work has been done on the role of youths in non-state ordering during the apartheid era as well as during the transitional period. This research aims to provide an indication of the role and place of youths in the non-state ordering structures in post-apartheid South Africa. To this end structures in which youths are involved in a significant way are targeted for further study.

5.5 Networks

Members of the Institute working in the youth justice area maintained working relationships with the following organisations and government agencies: Child Justice Project; Child Protection Unit; Community Law Centre (UWC); Crime Prevention Centre (CSIR); Directorate of Public Prosecution; Eastern Cape Department of Welfare and Social Services; IDASA; Lawyers for Human Rights; NICRO; RAPCAN; Rape Crisis; Restorative Justice Centre; Safeline; South African Law Commission; Stepping Stones One-Stop Youth Justice Centre; UMAC; Western Cape Department of Welfare and Social
Services; and the Women’s Legal Centre.

We also participated in the work of the following structures: Child Justice Alliance; Children and Violence Forum; Centre for the Study of Violence and Mental Health; Perpetrators Management Network; SAYStOP; and The Western Cape Child Justice Forum.

6. Special Projects: New Directions in Criminology
— Bill Dixon

Readers of last year’s Annual Report may recall that the ‘New Directions’ initiative co-ordinated by Bill Dixon consisted of two closely related projects, the main purpose of which was to establish the Institute as South Africa’s leading provider of academically rigorous and socially relevant postgraduate education in criminology.

The focus of the first project was to develop the Institute’s teaching to meet the needs of a democratic South Africa and the challenges of the global marketplace in tertiary education. Its central concern was how the Institute might contribute to UCT as a ‘world class African university’ by delivering courses that meet the highest international standards and equip students to engage with South African realities.

A report, ‘Teaching Criminology: The Future of Criminology at UCT’, on this aspect of the ‘New Directions’ initiative drafted by Bill Dixon was presented to the Institute and the Department of Criminal Justice in April. The report came up with a number of conclusions and recommendations which can be summarised as follows:

1. A statement of purpose (suggested in draft form in the report) should be adopted to inform all teaching in criminology at UCT.
2. The main emphasis of criminological education should continue to be on postgraduate teaching.
3. A coherent marketing strategy for UCT’s criminology courses should be adopted, implemented and backed with increased financial support for low-income students.
4. A revised programme of postgraduate teaching (also suggested in draft form) should be drawn up and adopted, to be consistent as far as possible with the programme structures of the Faculty of Humanities Graduate School and the School of Advanced Legal Studies.

Since the completion of the report, the Department of Criminal Justice has assumed the overall responsibility for considering these recommendations, and for seeking ways of infusing the ideas into future post-graduate teaching in the fields of criminology and criminal justice.

The second project was designed to complement the first by providing students in criminology, criminal justice and cognate disciplines in the social sciences and law with a critical analysis of some key criminological issues from a distinctively South African perspective. After much delay, agreement was reached with the Adult and Higher Education Division of Juta & Co. to publish a volume of critical essays in criminology under the working title, ‘Crime and Justice in Transition’. The book will also be published in the United Kingdom for distribution outside southern Africa by Willan, a small but growing niche publisher in criminology.

The book will provide a contextualised and theoretically informed introduction to most, if not all, of the most important issues in contemporary South African criminology. Bill Dixon, Wilfried Schärf and Elrena van der Spuy will edit the volume and contributions will be written largely but not exclusively
by current or former members of the Institute’s staff. The book is due to be published in South Africa in May 2003.

7. Social Justice Resource Project
— Elaine Atkins and Sindiswa Dlikidla

SJRP provides an information service, and a research and reference library in the criminal and social justice fields. We currently house the resources of both the Institute of Criminology and the Law, Race and Gender Unit of the Faculty of Law. SJRP has a comprehensive collection of material on policing and crime control, sentencing and punishment, administration of justice; gender issues; youth at risk and ecological criminology. Our resources are used by students, academics, researchers, social and criminal justice agencies, judicial officers, Provincial and National Government, visiting overseas scholars as well as members of the public.

We are involved in disseminating information on criminal justice issues and provide an electronic information service where requests for information are answered by e-mail. We network widely with other Institutions involved in criminal and social justice issues and facilitate resource sharing. One of the primary functions of the SJRP is to support the various research projects undertaken within the Institute of Criminology and to disseminate the work of the Institute through the Institute webpage.

Through our four computers and extensive Internet networks, we are involved in skills development and capacity building and facilitate the development of electronic research skills among researchers and students in the field of criminal and social justice.

Services we offered during 2001 promoted access to information, resource sharing and skills development. These included the following:

- **Resource Centre Activities**

  - Answering requests for information, including literature searches, posting, faxing or e-mailing documents. Over 400 users were assisted with information this year.
  - Providing an up-to-date resource collection of criminal and social justice resources. Our web based online database can be found on our website [www.uct.ac.za/depts/sjrp](http://www.uct.ac.za/depts/sjrp). Access is available from the SJRP computers to other local, national and international databases via the Internet.
  - Housing the resources of the Law, Race and Gender Unit and managing the online database of these resources which can be found at [http://pc055.lcu.uct.ac.za/law/](http://pc055.lcu.uct.ac.za/law/).
  - Housing the resources of the Child Justice Alliance on literature used in drafting the Child Justice Bill.
  - Providing researchers at the Institute with a current awareness service, alerting them to information and events relevant to the range of research programmes.

- **Developing access to electronic information, skills development and capacity building**

  - During 2001 we ran electronic research skills tutorials for 23 criminal and social justice students and researchers. This played an important role in student development and capacity building and facilitated the use of all the electronic resources available via the Internet. A working paper 'A guide to Criminology on the Internet' was produced and the tutorial is available on the Institute website at: [http://www.uct.ac.za/depts/sjrp/tutintro.htm](http://www.uct.ac.za/depts/sjrp/tutintro.htm). We plan to widen the scope of this project in 2002 and are offering workshops to a wider audience of Criminal Justice...
• Personnel such as magistrates and researchers in Provincial and Local government.

• We promoted access to criminal justice research through the Institute of Criminology WebPages (http://www.uct.ac.za/depts/criminology). These were greatly improved this year and provided a good platform for the Institute’s research projects to network with other partners in the criminal justice field and to share information about our activities as well as providing access to full text publications. The site ensures that the research of the Institute is disseminated to all and is accessible to our user group as well as users in Africa and overseas.

• Capacity building of students and researchers was also developed by providing an opportunity for four students from the Work Study Programmes Office’s Programme DTET at UCT to develop research and office skills.

8. Seminar Series

During 2001 the Lunchtime Seminar Series continued in good form, providing individuals linked to the Institute of Criminology with the opportunity to debate pertinent issues within the field. The forum has the dual purpose of both inviting in external speakers and providing an opportunity for Institute researchers to present their current research material. During 2001, the following seminars were convened:

André Standing, Dynamics of illicit commodity economies, Institute of Criminology, UCT.

Bill Dixon, Exclusive Societies: Towards a critical criminology of post-apartheid South Africa, Institute of Criminology, UCT.


Elaine Salo, Gangsterism and masculinities: Research findings from the Cape Flats, African Gender Institute, UCT.

Boyane Tshehla, Manifestations of non-state dispute resolution mechanisms – insights from the Western Cape, Institute of Criminology, UCT.

Sylvia Tamale, Feminist approaches to socio-legal research, Department of Law and Jurisprudence, University of Uganda.

Penny Parenzee, Domestic Violence Act: Critical Reflections, Institute of Criminology, UCT.

Neil Boister, Transnationalisation of Criminal Law, University of Nottingham, UK.

Elrena van der Spuy and Ricky Röntsch, The politics of crime – Reflections from the health sector, Institute of Criminology, UCT.

Dirk van Zyl Smit, Punishment and Human Rights, Institute of Criminology, UCT.
9. Research Associates

— André Standing: Honourary Research Associate

Over the last year I have been working on two interrelated projects. The first concerned developing a methodology for the study of illicit commodity economies. This was being designed primarily to assist the environmental NGO, Traffic International, with efforts to monitor the global trade in illegal ivory. Traffic has been asked to develop this capacity by the International community through the secretariat of the Convention on International Trade in Endangered Flora and Fauna (CITES). In July of last year I visited the African headquarters of Traffic in Harare to work on the monitoring system known as ETIS (elephant trade information system). I presented the theory of illegal market dynamics used to inform this monitoring system at an International conference in Greece in May 2001. However, further work on this project is on hold for the time being due to the slow progress of the international debate on the legal status of ivory trade. My involvement with ETIS should resume at a later date, although most likely after the end of my associateship here at the Institute.

The second project is concerned with the evolution of illicit enterprise in transitional economies and is the core theme of my PhD thesis. The theoretical background to this work stems from contrasting theories of the role and development of organised crime. Conventional wisdom portrays organised crime as a societal virus that requires aggressive extermination, whilst a radical neo-liberal perspective portrays organised crime as a necessary and beneficial force for the development of a healthy capitalist economy. In exploring these debates I am focussing on the Western Cape as a case study. Primary research is in progress and relies heavily on newspaper articles and interviews with various local experts including representatives of the SAPS, Scorpions, civil society, NGOs and relevant researchers and academics. Work on this topic will be ongoing for the remainder of my associateship with the Institute.

Rob Turrell: Research Associate

Rob Turrell continued as a research associate of the Institute until August 2001. During the course of the year he continued to conduct research in the areas of homicide and rape. As a contributor to the collection of essays on *Crime and Justice in South Africa* he will be exploring farm murders in the context of, first, an historical reconstruction of racial relations of subordination on the land and, second, of the property clause in the Constitution.

PUBLICATIONS, CONFERENCES AND CONSULTANCIES

Publications

BOOKS


ARTICLES


**CHAPTERS IN BOOKS**


PUBLISHED CONFERENCE PROCEEDINGS


CONFERENCE ABSTRACTS


CONFERENCES and WORKSHOPS ATTENDED


- Schärf, W. 2001. Coping with gangs in the Western Cape. One-day workshop organised by the Western Cape Department of Community Safety.
- Schärf, W. 2001. Launching the implementation of the Cape Renewal Strategy. Organised by the Department of Community Safety, Western Cape.

UNIVERSITY PUBLICATIONS AND PUBLICATIONS OF A POPULAR NATURE


CONSULTANCY AND OTHER ACTIVITIES BASED ON EXPERTISE DEVELOPED IN RESEARCH

- Artz, L. 2001. Presentation to the Mental Health Working Group (Western Cape) on feminist research methods and ethics.
- Artz, L. 2001. Member of the Research Focus Group of the Western Cape Network on Violence against Women.
- Parenzee, P. 2001. Member of the Executive Committee of the Western Cape Network on Violence Against Women.
- Wood, C. 2001. Member of Centre for the Study of Violence and Mental Health Advisory Board.

**FUNDING**

**List of Funders**

- Ford Foundation
- Institute for Justice and Reconciliation
- Kinderen in de Knel
- Law, Race and Gender Unit
- Marine and Coastal Management
- MobileTelephone Networks (Pty) Ltd (MTN)
- National Research Foundation (NRF)
- Open Society Foundation
- U Managing Conflict (UMAC)
- University Research Committee, UCT
- University of the Western Cape, Child Justice Alliance