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The Impact of the International Human Rights Regime on Personal Security: A Comparative Study of South Africa and Saudi Arabia

Ragooloo, Prebashnee

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The Impact of the International Human Rights Regime on Personal Security: A Comparative Study of South Africa and Saudi Arabia.

By Prebashnee Ragooloo (9705153N)

A thesis submitted to the Faculty of Humanities
University of Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree:
Master of Arts (International Relations)

Supervisor: Doctor Natalie Zähringer

Declaration of Authorship

I declare that this thesis is my own, unaided work. It is being submitted for the degree of Master of Arts in International Relations at the University of the Witwatersrand, Johannesburg.

Name: Prebashnee Ragooloo

Signature: 

Date: 31 March 2023

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Abstract

Personal security has become an important issue area to the international community since its differentiation as an aspect of human security (United Nations Human Development Report 1994, 25). The protection of the personal security of people is reliant on international and domestic criminal justice systems. The personal security of people within territories of democratic forms of government are expected to be more protected. Using a comparative method of analysis, South Africa and Saudi Arabia have been selected for this study due largely to the different types of government to determine the degree of personal security that people have in the respective countries. Unexpectedly, Saudi Arabia offers a greater protection of personal security to people within its territory due to the harsh punishments it administers to perpetrators of violent crime. The findings of the study indicate that democracies do not offer greater protection to people from physical violence as a result of its compassionate criminal justice laws. On the other hand, while authoritarian forms of government such as Saudi Arabia is viewed negatively, it affords people within its territory greater protection from violent crime. This study has found that a non-democratic regime (Saudi Arabia in this case) is found to be better a ensurer of personal security than a democratic regime. A key recommendation for future study could be that of comparing a greater number of democratic and non-democratic regimes and to gauge what a bigger sample of comparison could deliver.

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Chapter 1

Introduction

Human security has long featured as a key transnational issue within the international arena. The concept has largely been linked to concerns about territorial security, the 'protection of national interests' in relation to foreign policy and protection of states from nuclear threats (United Nations Human Development Report 1994, 3-25). However, according to the United Nations 'Human Development Report 1994', the concept has been 'narrowly interpreted' and this report thus offers a new dimension to the concept. It acknowledges the various threats to human security and offers a broad differentiation of these threats into seven categories (United Nations Human Development Report 1994, 25). Among these differentiations is the category of 'personal security' in the area of focus of human security which is key to this research paper. Threats to personal security bear implications on the degree of personal security that people have within a particular territory and therefore determines this aspect of human security within the country.

Purpose of Study

The purpose of this study is to determine the impact of the international human rights regime on the personal security of people under different types of governments. There is an assumption that people have greater protection from physical violence under democratic government types as compared to authoritarian ones. Based on the findings of the research conducted in this study, the assumption that democratic government types provide greater protection than autocratic ones is far from the truth. The countries of comparison are representative of the above government types and the comparative analysis conducted indicates that the international human rights regime does not impact the enforcement of international human rights policies in domestic environments in spite of a country being an actor within the regime. The protection from physical violence is referred to as 'personal security' and is an aspect of security within the broader human security framework. The 1994 United Nations Human Development Report defines threats to personal security as: "Threats from other groups of people (ethnic tension); Threats from individuals or gangs against other individuals or gangs (crime, street violence)"; Threats directed against women (rape, domestic violence); and "Threats directed at children based on their vulnerability and dependence (child abuse)". This new dimension of human security refers to an interpretation of the concept that relates to the everyday lives of ordinary people. As defined above, amongst the variations of concerns that

could affect the daily lives of ordinary people is the issue of crime. Crime is of particular interest to this study in the way that it poses a threat to the daily lives of people and in so doing, it compromises a dimension of human security, that is, 'personal security' (1994 United Nations Human Development Report). From the different threats to personal security outlined above, this research focuses on violent crime such as robberies, murders, and rape, amongst others, as threats to people's personal security within specific territories. Hence, the key research question can be summarised as: "How does the International Human Rights Regime impact on the personal security of residents in South Africa and Saudi Arabia?" This study will not explore non-violent crime such as cybercrime, neither will it focus on threats from the state such as physical torture or from other states for example war. Also excluded are threats to self, such as suicide or drug use.

As mentioned in the section above, the relationship between the international human rights regime and personal security of people in different countries will be a key focus of this study. The hypothesis formulated for this study is: "*the more a government has internalised human rights, the greater the level of personal security for residents within its territory*". It therefore follows that this relationship has various implications for people under different government types as not all governments prioritise human rights in their domestic policies. There is an argument that the interface between human security and human rights is 'mutually reinforcing' (Abass 2010, 6). In this regard, there are widespread claims that democratic forms of government are more supportive of universal human rights promotion than other forms of government. This view has incited disputed opinions from scholars (Evans 2001, 623). While supportive claims have strongly dominated human rights academic research, opposing views by scholars have raised debates on whether these claims hold validity. This study seeks to explore the degree of personal security afforded to people as a result of human rights promotion within the regime.

Since the United Nations is the largest international organization that deals with international human rights issues and has a variety of government types under its umbrella by virtue of their membership in the organization, the organisation is pivotal to this study and the focus on the international human rights regime. In view of exploring the relationship between human rights and security within the regime, this study examines the impact of the rule of law on the personal security of people in South Africa and Saudi Arabia given their different types of government and both countries' membership to the United Nations. As mentioned earlier, acts of crime

against people within a specific territory are considered a compromise to the personal security of people. *Prima facie*, Saudi Arabia has less of an issue with crime against people within its territory, while South Africa has more of an issue with it. As mentioned above, these two countries' have very different forms of government. This paper therefore argues that the statement by Abass as mentioned earlier is counterintuitive. South Africa and Saudi Arabia could be no different from each other given the different types of government in these respective countries. There are many variations of the five basic types of government around the world, that is, authoritarian, democracy, monarchy, oligarchy and totalitarian (Basic Types of Government), and the selected countries are at opposite ends of the spectrum. The government of South Africa is characteristic of a constitutional democracy and the country prides itself as a global advocate of human rights (Freedom House 2022).. On the other hand, the government of Saudi Arabia is described as an absolute monarchy firmly entrenched in Islamic theology and law, a country that implements restrictions on 'almost all political rights and civil liberties' (Freedom House 2022). Islam is the religion of Saudi Arabi, and the Holy Qurán and the Sunnah are the constitution of this state (Saudi Embassy 2023). The rules of law between these countries can be assumed to as comparably different. This paper looks at the impact of violent crime on the personal security of people within South Africa and Saudi Arabia in relation to its domestic laws surrounding crime and punishment. Given that both of these countries bear membership to the UN, it additionally evaluates these countries' compliance (or lack of) with its international obligations (if any) to the protection of human rights within its respective territories. Summarily, this study examines South Africa and Saudi Arabia within the context of the international human rights regime and its respective domestic application of human rights laws that protect the personal security of its people. Two human rights treaties considered to be the most relevant and important, have been selected for this study. These are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights. Furthermore, the degree of internalization of each of these treaties at the domestic level will be examined for both cases.

Case selection

The cases selected are examined broadly within the international human rights regime, and narrowly on the domestic laws and enforcement pertaining to the personal security of people within each state's jurisdiction. Furthermore, this study analyses the domestic laws in force (if any) within South Africa and Saudi Arabia with regard to the personal security of residents within its respective territories. The cases were selected on the basis of the vast differences that

exist in each country's form of government to illustrate by way of comparison its impact on the personal security of people within its respective territories. A general overview of the case selection enable the comparison to determine whether South Africa being a constitutional democracy offers greater personal security to people within its borders than Saudi Arabia which is an absolute monarchy with extensive limitation on rights. It further examines the enforcement (if any) of these rules as an underlying reason for the observed crime if applicable, within each case study.

Research Method

The assumption that democratic oriented states are more secure than autocratic states is evaluated in this research study. While this evaluation does not assume that democratic states have lower crime rates, it also does not assume that non-democratic states have lower crime rates. This research is a mixed method research design that uses two countries as case studies, that is, South Africa and Saudi Arabia. The case selection was made on the basis that due to South Africa being a democratic state, there is an assumption that there would be greater level of personal security for people within the country's boundaries, while Saudi Arabia is a non-democratic state which would imply that the level of personal security to people within its boundaries would differ to those in democratic states. By using these two case studies, it was anticipated that a counterfactual argument would be presented which would result in countering the assumption that an autocratic state would have less security levels while a democratic state would have greater security levels.

The application of international human rights laws domestically differs within these states due to the different forms of government of each country. The independent variables (IV) identified for this study is the internalisation of human rights at the domestic level of the International Human Rights Regime; the dependent variables (DV) is the level of personal security afforded to people within the respective territories.

According to available crime statistics, South Africa far exceeds Saudi Arabia in relation to crime (World Population Review 2021). The type of crime committed within each country further reflects differences between the countries. Violent crime such as attacks, assault, murder, rape, and robbery, amongst others, has been used as a means to measure personal crime inflicted on people. This study excludes crime related to the looting of shops, confinement to

the house, 21-hour work day without intervals, physical or sexual abuse by employers, amongst others.

Conceptual and International Legal Framework

This section provides definitions of key terms used within the study. The terms that will be defined are democracy, autocracy, international human rights regime, human rights treaties, crime, personal crime, murder, assault, rape, robbery.

Democracy vs Autocracy

Research suggests that a '*democracy*' and an '*autocracy'* are complete opposites. It would naturally follow that the government types of South Africa (democratic government) and Saudi Arabia (autocratic government) would be significantly different to each other. The term 'democracy' is defined as: "a system of government in which all the people of a country can vote to elect their representatives" (Hornby 2010, 388). Its characteristics relate to fair and equal treatment of everyone" (Hornby 2010, 388). An autocracy on the other hand is defined as: "a system of government of a country in which one person has complete power (Hornby 2010, 83). Its characteristics relate to people of a country obeying a single ruler without any consideration to the formers feeling or opinions (Hornby 2010, 83) In view of the above, the study draws comparisons on the personal security that people have under these types of government in these countries.

As mentioned earlier, this study explores a counterfactual argument on the assumption that a human rights-oriented state would be more focused on personal security. The two case studies, that is South African and Saudi Arabia will be evaluated to determine whether they are equally committed to the transnational issue of human security domestically in comparison to their international obligations (if applicable). In the case of Saudi Arabia, where neither human rights treaty has been ratified, there is a study of whether the personal security of people within its territory is compromised due to its abstention of ratifying the treaties. In the case of South Africa that has ratified both treaties, it signed the International Covenant on Civil and Political Rights in 1994; and the International Covenant on Economic, Social and Cultural Rights in 1994 (United Nations Treaty Collection: "Human Rights"). In this regard, the study additionally looks at whether the ratification and internalisation of these treaties have been conducive to the personal security of people within the South African territory.

Perceptions that the type of government has direct implications on the level of personal security for people within its territory remains an ongoing debate. This study aims to contribute to existing literature on the level of personal security afforded to residents within a country due to its form of government, specifically focusing on South Africa and Saudi Arabia's domestic domains and its cooperation with or lack thereof with the international human rights regime. This study uses as a framework the assertion that "democracy and human rights are usually thought of as symbiotic" (Evans, 2001). Also incorporated in the framework is the assumption that "The relationship between human security and human rights can be seen in two ways that are best characterised as complementarity and interdependence" (Dersso 2008). While the concept of human security has invoked contesting debates about the conceptualisation of the term, this paper identifies with human security as 'the security of people in their homes, jobs and community' (Baldwin 1997, 23). The paper further seeks to ascertain the distinction between human rights and human security within the broader international human rights regime.

International Human Rights Regime

The creation of the International Human Rights Regime is viewed as a global response to human rights issues. Human rights scholars share the view that the realisation for the need of the regime occurred post-World War II. There was an awareness that international consensus would allow for greater protection of human rights (Landman 2001, 3). According to Haggard and Simmons (1987, 4) a '*regime*' is understood as a term to "group a range of state behaviors in a particular issue-area". The term also relates to principles, norms, rules, decision-making in international relations on a particular issue-area (Stephan and Simmons 1987, 4). As can be deduced from the information presented above, the International Human Rights Regime therefore refers to the norm-bound interactions on human rights issues.

Following from the above section, the accepted 'norm-bound interactions' within the regime would require agreement by international actors on human rights issues. The question then arises – what are norms? Finnemore and Sikkink (1998, 891) define a norm as "*a standard of appropriate behavior for actors with a given identity*." The creation of a norm entails a three-stage process or lifecycle which is norm emergence (first stage), norm acceptance (second stage) and internalization (third stage) (Finnemore and Sikkink 1998, 895). How then does this result in international norms? The first stage '*norm emergence*' is the result of persuasion by norm entrepreneurs to influence a large amount of states on a new norm. These states are norm

leaders. The second stage is where the norm leaders try to influence other states to follow this norm, in other words this is referred to as the socialising of other states, where they would become *'norm followers'*. The third stage is when the norms are accepted or internalised by states which shapes states' behavior and state identity (Finnemore and Sikkink 1998, 891-902). According to Krasner (cited in Donnelly 1986, 602), the accepted "norms and decision-making procedures" on an issue area define an international regime when acknowledged by international actors. Of interest to this study is the International Human Rights Regime, which refers to the "universal" or UN- centred regime (Donnelly 1986, 605). According to Donnelly (1986, 614), the international human rights regime is a "strong promotional regime" though it is not strong in international implementation. He further argues that it "rarely goes beyond information exchange and voluntarily accepted international assistance for the national implementation of international norms. There is no international enforcement." (Donnelly 1986, 614). As is the nature of international law, states are left to decide for themselves whether to accede to an international regime or not and furthermore, to what extent the principles are incorporated into the domestic fabric of society. In view of this argument, Dugard (2019, 1) offers an understanding of the manner in which international law operates. International law entails rules and principles which have a binding effect between states. These may be sub-divided into 'general' and 'particular' where *general* is applicable to all states, while *particular* is applicable to those who have voluntary signed treaties with each other on a certain issue (Dugard 2019, 1). Based on the voluntary entry into agreements by states, there is no obligation by those that have not entered into these agreements to adhere to the legal stipulations of particular agreements. Furthermore, the absence of a central legislative body to enforce international law on all states does not allow for uniform and effective implementation of international law (Dugard 2019, 3).

There are two key legislative pieces upon which the regime was founded, these are the 1945 United Nations Charter and the 1948 Universal Declaration of Human Rights (Landman 2001, 3). Many additional instruments were subsequently developed, some of which are more stringent and binding. Two of these instruments worth noting are: the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights (Landman 2001, 3). Both of these covenants will be drawn upon during this study.

United Nations Charter

The United Nations Charter is an important document to the United Nations as it defines the terms upon which the organisation was established (United Nations: United Nations Charter).

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a United Nations General Assembly resolution that was proclaimed on 10 December 1948 (United Nations: Universal Declaration of Human Rights). It is a document that consists of all universal fundamental human rights that ought to be protected according to the UN General Assembly (United Nations: Universal Declaration of Human Rights). The preamble of this declaration states that: "*The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."*(United Nations: Universal Declaration of Human Rights). As can be deduced from the above text as quoted from the declaration, there is a responsibility on member states to observe and protect the human rights laws that the declaration considers.

Human Rights Treaties

In view of the Covenants mentioned above, selected Articles within each Covenant will be used during this study. For example, in regard to the Covenant on Civil and Political Rights, Article 2 (of Part II) and Article 6 (of Part III) will be used as a further instrument to frame this study. Sub-paragraph 1 of Article 2, Part II is defined as: '*Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*.' (OHCHR 1966, 2). Sub-paragraph 1 of Article 6, Part III is defined as: '*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*.' (OHCHR 1966, 4). Another Article that is important to this study is the first sentence of Article 9 sub-paragraph 1 which states: '*Everyone has the right to liberty and security of person*." (OHCHR 1966, 6). Article 17 of this covenant will be drawn on as it forms an integral part of this study. This Article states in

its first sub-paragraph: '*No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation*', and in its second sub-paragraph that '*Everyone has the right to the protection of the law against such interference or attacks*.' (OHCHR 1966, 10). Furthermore, another article of importance to this study is Article 23 of this covenant which states that '*The family is the natural and fundamental group unit of society and is entitled to protection by society and the State*.' (OHCHR 1966, 12).

In the International Covenant on Economic, Social and Cultural Rights, important to this research is the emphasis in the Preamble that the State Parties that have ratified the covenant recognise the inherent dignity of humans and that in accordance with the Universal Declaration of Human Rights that the '*the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights*' (OHCHR 1966, 1).

Crime

The impact of violent crime on people as a determining factor of the level of personal security of individuals is important to this research study. The term '*crime*' as defined by the International Classification of Crime for Statistical Purposes (ICCS) is "*the punishable contravention or violation of the limits on human behaviour as imposed by national criminal legislation. Each criminal offence has a perpetrator — person, corporation or institution — which is liable for the criminal behaviour in question."* (UNODC 2017). Another definition of crime is "*the intentional commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited, and punishable under criminal law*." (Britannica 2023). Violent crime is a sub-category of crime and is defined as an act "*that results in detrimental force being used or threatened against a victim*" (Nurse 2021). Some of the acts of violent crime include: "murder, manslaughter, rape, sexual assault, robbery, arson, kidnapping/abduction, endangerment, negligence, terrorism, assault/battery, and domestic violence" (Nurse 2021). Due to the physical impact of violent crime on people, the term '*personal crime*' is important in this study as it is the type of crime that impacts on the personal security of people. Personal crimes are: "*committed by an offender against another person. Examples of these crimes include homicide, manslaughter, assault, battery, rape, sexual assault, and more*." (Study.com 2020). These crimes could be physical, mental or emotional in nature and it impacts victims directly (Study.Com 2020).

The acts of violent crime that this study will focus on are murder, rape, robbery, assault, amongst other in order to evaluate the impact of violent crime on personal security of people within particular territories. The term 'rape' is understood as "*sexual intercourse without valid consent"* according to the UN Crime trends survey questionnaire, (Harrendorf eds., 2010). The term is also defined as: "*Sexual penetration without valid consent or with consent as a result of intimidation, force, fraud, coercion, threat, deception, use of drugs or alcohol, abuse of power or of a position of vulnerability, or the giving or receiving of benefits*." (UNODC 2017, 51). The term '*murder*' is defined as "*Murder is unlawful death inflicted upon a person with the intent to cause death or serious injury, including when premeditated and/or with malice aforethought.*" (UNODC 2017, 32). The World Bank data website defines intentional homicides as: "*unlawful homicides purposely inflicted as a result of domestic disputes, interpersonal violence, violent conflicts over land resources, intergang violence over turf or control, and predatory violence and killing by armed groups. Intentional homicide does not include all intentional killing; the difference is usually in the organization of the killing."* (World Bank, 2023) The term '*robbery*' is "*Unlawfully taking or obtaining property with the use of force or threat of force against a person with intent to permanently or temporarily withhold it from a person or organization.*" (UNODC 2017, 55). The term '*assault*' is defined as "*Intentional or reckless application of physical force inflicted upon the body of a person*." (UNODC 2017, 36).

This chapter has differentiated personal security as an aspect of human security which is an issue area of focus in this research paper. It has provided an overview of the framework that is used for the study and how it will be used to determine the impact that the international human rights regime has on the personal security of people under different government structures, such as South Africa and Saudi Arabia. Furthermore, a comprehensive list of key terms used throughout the research has been defined. The next chapter will examine South Africa within the context of the broader research question.

Chapter 2: A case study of South Africa

This chapter will examine South Africa's type of government, its international law obligations and its domestic laws in the context of the impact that the international human rights regime has on the personal security of people within the country. It will evaluate the degree of personal security that people within South Africa have in relation to acts of violent crime which threatens their safety.

South Africa is a country located on the south of the African continent, and is bordered by countries such as Namibia, Botswana, Zimbabwe, Mozambique, Swaziland and with Lesotho enclaved in the eastern part of the country (Britannica 2023).

Background

The following section aims to provide a background of South Africa's political history, its related systems of government and transitions in order to understand the current type of government. In view of South Africa's political history, there were significant changes to the country's type of government as it transitioned to democracy. South Africa's pre-democratic state was characterised by colonial rule and an 'authoritarian race-based autocracy' (Brand et al. 2016, 5). The National Party (NP), a 'dominant white majority party', ruled the country by centralising power under the State President who controlled legislative and executive spheres (Brand et al 2016, 15). The political ideology was that of Afrikaner Nationalism, where the white minority government ruled the country to the exclusion of the black majority (Brand et al 2016, 3-15). The country was divided into territories that were self-governing (Brand et al 2016, 14). There were three separate Houses of Parliament, that is, for White, Indians and Coloured to deal with their 'own affairs' (Brand et al 2016, 14). The African majority were managed differently, where they were separated ethnically into homelands. While the Bantu Authorities Act (1951 and 1959) is the legislation that created these homelands, they were managed by the Chiefs through a system of indirect rule where the Chiefs reported directly to the State (Brand et al 2016, 14). The division became known as 'apartheid' which was a system of governance that divided society and created conflict, injustice, and violated human rights, amongst other atrocities (Brand et al 2016, 15). The term 'apartheid' meant separateness that was legally enforced through legislation that divided the population into racial groups (van Rooyen 1993, 739). As a result, the different races lived in different areas as designated by the apartheid authorities. This separateness was applied socially, politically, and economically, amongst other areas. Non-compliance with the authorities led to punishment based on the

severity of the acts. This section has attempted to provide a brief summary of South Africa's historical background under the apartheid state. The next section will elaborate on the how this system of division was managed by the apartheid state.

In the previous section, apartheid is said to have caused conflict, injustice and human rights violations. This section looks at how the system was implemented. Research suggests that "*Apartheid was mainly enforced by operation of the criminal law, through action by police and by Black Affairs inspectors*." (van Rooyen 1993, 740). Mandatory or compulsory punishment for 'ordinary' criminal law, including corporal punishment, took the form of whipping. Apart from this method of punishment, there was a draconian state security machine that was known as the Drastic Process (van Rooyen 1993, 741). Under this method of punishment, lies secrets to date that have not been revealed. Detention under this method was common, and was closely associated with deaths and torture (van Rooyen 1993, 741). The death penalty was a form of punishment implemented by apartheid state as a form of punishment for the following crimes: murder, treason, rape, kidnapping, child stealing, terrorism, robbery, housebreaking (van Rooyen 1993, 743). While the death sentence was mandatory for murder (subject to certain circumstances), it was also a form of punishment which could be applied for the other seven crimes. Furthermore, this punishment was also applied to crimes that fell under South African military law (van Rooyen 1993, 743).

As discussed in the previous section, due to its repressive form of governance and the atrocities conducted by the apartheid state, there was increased resistance to system as led by liberation movements (Brand et al 2016, 16). The apartheid state intensified its security apparatus and became more oppressive which led to increased resistance by liberation movements that were not well accepted by the state (Brand et al 2016, 16). During the 1980s the increasing conflict within the country between the state and those seeking liberation led to the realisation that disaster was imminent unless the conflict was countered (Brand et al 2016, 18). As a result, South Africa's political leaders negotiated a peaceful transition from the apartheid state to a democratic state (Brand et al 2016, 18). During this transition, important legislation was formulated that would later find presence in the current Constitution of South Africa (Brand et al 2016, 19). Due to the contentious political history, the drafting of the constitution was considered an important task to the political formations as it was vital to the transition. A Declaration of Intent was signed when CODESA talks begun, this reflected the common view as agreed by the NP and ANC as a guide for the deliberations (Brand et al 2016, 19). In 1992

the slow progress made at the CODESA talks caused the ANC to walk out resulting in the Multi-Party Negotiating Forum (MPNF) replacing CODESA. The Interim Constitution was adopted by the MPNF and was later ratified by the NP Parliament (Brand et al 2016, 19). Following South Africa's first democratic elections in 1994, and due to the ANC not achieving a two-thirds majority vote which was required to write a new constitution, a public participation programme and political discussions were held to allow for a consultative negotiation process in light of the interim Constitution. There were amendments that were effected following this process as handed down by the Constitutional Court for purposes of aligning the text to the negotiated Constitutional Principles (Brand et al 2016, 25). The final version of the Constitution was signed by President Nelson Mandela in 1996 (Brand et al 2016, 25). The above section has provided an overview of the background leading to the signing of the final 1996 Constitution of South Africa which forms part of the next section.

Type of government

In view of the discussions in the previous section, this section aims to examine South Africa's type of government. Following South Africa's transition to a democratic state, there were many changes, in theory and in practice. One of the changes was the type of regime which was previously an autocratic, rules based, racist state with centralised power at the apex of Parliament. The change to the democratic dispensation was viewed as a major transition towards a better country for all people. As referred to earlier, the 1996 Constitution of South Africa lay out the purpose to: "*create(s) a sovereign democratic state founded on the values of human dignity and the advancement of equality, non-racialism and non-sexism, the supremacy of the Constitution, the rule of law, universal suffrage and a multiparty system of democracy* …" (Brand et al 2016, 26). It is important to note that there is a written legal framework and that other laws are subjected to the provisions contained within it. Any laws inconsistent with the provisions of the Constitution are deemed invalid (Brand et al 2016, 26). The state is founded upon the following values of which are *'a'* and *'c'* are applicable to this study. These are: *"(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms. (b) Non-racialism and non-sexism. (c) Supremacy of the constitution and the rule of law."* (The South African Constitution: Founding Provisions). The Constitution comprises of various chapters that are specific to different areas of how the country should be governed. The chapter that is key to this study is Chapter 2: Bill of Rights. Within this chapter there are several prescriptions that are relevant to this study. Some of these prescriptions include: "*Everyone is equal before the law and has the right to equal protection and benefit of*

the law; *Everyone has inherent dignity and the right to have their dignity respected and protected*; and *Everyone has the right to life* (The South African Constitution: Bill of Rights). An additional clause that is relevant to this study is "*Everyone has the right to freedom and security of the person*." This particular clause is universally accepted, appearing in various human rights policies, both on the continent and internationally (Constitutional Assembly Report). For example, it is a right protected by the 1981 African Charter on Human and People's Rights. It is also a right protected by the UDHR, and the International Covenant on Civil and Political Rights (Constitutional Assembly Report) as becomes apparent in the next section.

South Africa's International and Regional obligations to promoting Human Rights

This section evaluates South Africa's United Nations membership and its related obligations to the international human rights regime. It will also look at South Africa's regional obligations to human rights. In regard to South Africa's international affiliations, it is one of the founding members of the United Nations, gaining its membership on 7 November 1945 (South African History Online 2023). Its membership was suspended in 1974 due to the UN's condemnation of the apartheid policies (SAHO). However, following South Africa's transition from apartheid to democracy in 1994, the United Nations General Assembly re-admitted the country (South African History Online 2023).

The human rights regime is founded on the UN Charter and the UDHR. By virtue of South Africa's membership to the UN, therein lies its international obligations to human rights protection. South Africa has also signed the the International Covenant on Civil and Political Rights (ICCPR) in October 1994 which was ratified in January 2015 (United Nations Treaty Collection). With regard to the Optional Protocol to the International Covenant on Civil and Political Rights, South Africa ascended to it in August 2002 (United Nations Treaty Collection). This Protocol allows individuals of countries that have committed to both the ICCPR and the Protocol to approach the UN Human Rights Committee through written communication if they claim violation of their rights under the ICCPR (United Nations Treaty Collection, 1). There is also an Optional Second Protocol to the International Covenant on Civil and Political Rights which aims to abolish the death penalty to which South Africa ascended to in August 2002 (United Nations Treaty Collection)

With regard to the International Covenant on Economic, Social and Cultural Rights (ICESCR), South Africa signed this treaty in October 1994 and it was ratified in December 1998United Nations Treaty Collections. However, it has not signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (United Nations Treaty Collection). The two treaties, ICCPR and ICESCR are known together as the 'international bill of human rights' (Human Rights Watch).

This section will look at how the two international human rights covenants mentioned above impacts on personal security within South Africa. Operating within the regime, South Africa has obligations to adhere to the prescriptions of these covenants. The ICCPR is built around a series of articles within the covenant. The Preamble of the covenant notes the obligations that State Parties have in relation to international civil and political rights. By way of its ratification of the treaty, South Africa is obliged to protect and preserve these rights domestically. Of the Articles and related sub-sections mentioned in chapter 1, Article 6 of Part III which is re-stated as follows for ease of reference: '*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*.' (United Nations Office of the High Commission for Human Rights 1966, 4) is one of the more relevant articles to this study. The word 'inherent' is defined as "*basic or permanent part of …that cannot be removed*" (Hornby 2010, 771). The definition of 'arbitrary' is: "*of an action, a decision, a rule,, etc.. not seeming to be based on a reason, system or plan and sometimes seeming unfair"* (Hornby 2010, 62). In relation to the Article mentioned above, this means that every human being has a basic right to life that one should not, by an unreasonable act of will, be deprived of. Additionally, physical violence can be considered as an unreasonable act of will as it is not a natural act. Therefore, physical violence that threatens people's personal security in any way is in contravention of this particular prescription. What this means is that there is a legal responsibility on the state to protect individuals from any threats to their personal security.

Another relevant reference to the protection of personal security of people is Article 17 sub-paragraph 1 states that: '*No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation*' (United Nations Office of the High Commission for Human Rights 1966, 10) . Part of this article has direct implications on the personal security of people that may be threatened due to 'arbitrary or unlawful interference' that could include violent crime such as murder, assault, rape and robbery, amongst other acts.

The regional approach to addressing broader issues of human security on the continent of Africa is integrated in the Southern Africa Development Community (SADC) policy frameworks (Hendricks 2006). There are institutional apparatus, policies, protocols and even frameworks that have been developed for this purpose. It is anticipated that a centralised regional approach would yield better results, and in this regard the SADC created various clusters to deal with human security issues. From the various clusters that have been established, the Organ on Politics, Defence and Security Co-operation is responsible for issues of peace and security in the region (Southern African Development Community (1) 2022). This organ oversees the following areas: Politics and Diplomacy; Defence; State Security; Public Security; Regional Peacekeeping; and Police in the SADC (Southern African Development Community (1) 2022). South Africa is a member state of the SADC since April 1994 (Southern African Development Community (2) 2022). In the area of Politics and Diplomacy, the Regional Indicative Strategic Development Plan (RISDP) emphasises that member states should maintain a democratic culture in its governance structures and uphold the 'respect for the rule of law', amongst other guidelines (Southern African Development Community (3) 2022). In the area of Public Security, the RISDP for the 2020-2030 period emphasises its commitment to: "*Enhanced human security in Member States, particularly for the most vulnerable and marginalised populations.; Enhanced elimination of gender-based violence.*" (Southern African Development Community (4) 2022). In view of the above information, the issue of personal security would fall under the umbrella of the SADC member states commitment to enhance human security. Furthermore, its emphasis on upholding the rule of law indicates that it is committed to respecting the domestic laws of member states.

When looking further at the regional approach to human rights protection, South Africa is a state party to the African Charter on Human and Peoples' Rights (African Charter) (Brand et al 2016, 676). There are 55 African Union (AU) member states to the Charter (The African Union Commission). The African Court on Human Rights enforces 'civil, political and socio-economic' rights as contained in the African Charter (Brand et al 2016, 676). Some of the articles relevant to the protection on human rights are Article 3 (subsection2) which states "*Every individual shall be entitled to equal protection of the law*"; Article 4 that states: "*Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right*"; and Article 6 which states: "*Every individual shall have the right to liberty and to the security of his person. No one*

may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained." (African Commission on Human and Peoples' Rights 1986). The Articles mentioned above that are found in the African Charter indicate the African region's commitment to personal security protection. In the following section, there will be an evaluation of South Africa's domestic laws relating to this regime.

South Africa's Domestic law on the protection of human rights

This section will look at how the separation of powers in South Africa's government is intended to protect the provisions of the Constitution and the human rights of people. As mentioned earlier, power was centralised during apartheid, where the state President controlled the legislative and executive spheres. To prevent a repeat of the abuse of power as was prevalent under the apartheid government which was characteristic of centralised power, a clause was included when the interim Constitution was being drafted. This clause required that the final Constitution include a "*system of separation of powers*" (Brand et al 2016, 63). This became known as the three spheres or branches of government in South Africa, that is, the executive (president/prime minister and cabinet), the legislative (parliament), and the judiciary (the courts) (Brand et al 2016, 61). The executive branch is responsible for formulating policy, implementing and administering law, and making appointments; the legislative branch is responsible for enacting law and holding the executive accountable; and the function of the judiciary is to interpret and adjudicate legal disputes, and to declare invalid law (Brand et al 2016, 61). By virtue of the separation of powers, there is a distribution of power which seeks to avoid the concentration of power in any particulate branch or office. This is regarded as "*the protection of the human rights of all and the prevention of the abuse of power*." (Brand et al 2016, 60). Stemming from the experiences under the apartheid regime, an additional purpose of the separation of powers in South Africa is to protect individual and collective rights of people in the country. This is achieved by the three arms of state holding each other's power in check (Parliament of South Africa, 3). The executive branch is unable to make laws or court judgments, the legislative branch cannot make court judgments or take executive decisions though it is able to make laws, and the judiciary is unable to make laws or take executive decisions, though it is able to make judgments on legislature and executive's actions (Parliament of South Africa, 3). The above section has aimed to discuss how the separation of powers is intended to prevent the abuse of power and to protect human rights of people within the country. In this regard, it is important to note for purposes of this paper that the legislation surrounding crime and punishment also changed under the democratic dispensation.

Following from the previous section, this section will look at some of the changes that were effected to the laws on crime and punishment under the democratic dispensation. Drawing on Cameron's article, he refers to South Africa's criminal justice system as the 'minimum sentencing regime' (Cameron 2020, 2). This approach was adopted as a result of the perception that prisoners are deserving of more human rights and means that: "*A transition from a punitive to a restorative justice approach was heralded by the change in mandate, legislation, and policies towards prisoners*" (Cameron 2020, 2). In 1998, Professor Barney Pityana, Chairperson of the South African Human Rights Commission, stated in a report that a prison system that is consistent with international norms and standards and the new Constitution needed to be established (Cameron 2020, 2). This statement followed after research was conducted on the prison system in South Africa. Bearing in mind that many political prisoners were the new leaders (Cameron 2020, 2) and their experience within prisons influenced their decision-making on how prisoners ought to be treated. These opinions were filtered into the sections of the Constitution that referred to the treatment of prisoners where it was specified that prisoners are to be treated with human dignity, that prisoners are to be protected from harsh forms of punishment, amongst other provisions (Cameron 2020, 2).

In 1995, just before the end of apartheid, the Constitutional Court abolished the death penalty and implemented life sentences in place of the penalty. Previous crimes that were awarded the death penalty were to now receive life sentences (Cameron 2020, 3). Furthermore, the Criminal Law Amendment Act 105 of 1997 restricted judges' powers and instead "*provided minimum sentences for certain serious offenses*" (Cameron 2020, 4). Some of these serious offenses include: "*premeditated murder; murder of a law enforcement official, or a potential state witness; murder connected to a rape or robbery with aggravated circumstances; rape committed more than once by the accused or others; gang rape; and rape of a minor under 16*" (Cameron 2020, 4). All of these changes were made on the premise that apartheid was the reason for the high crime rates (Cameron 2020, 2). The above section has outlined the changes to legislation on how criminals should be treated. It has further outlined how the punishment related to serious crimes has been reduced to mere life sentences instead of the death sentence that would have applied to certain crimes. This section indicates how liberal the laws on crime and punishment have become for serious offenses. In view of this paper, some of the serious crimes mentioned in this section is considered as violent crime which, as stated in the previous chapter, compromises the personal security of people within South Africa. The next section

looks at the crime prevention strategy employed in South Africa that is intended to serve as a protective measure for the people.

South Africa's National Crime Prevention Strategy

This section will now consider how South Africa manages issues of crime through its National Crime Prevention Strategy (NCPS). The issue of crime is a concern domestically and internationally, albeit to varying degrees. In South Africa the problem has escalated to a major matter of concern that the South African government had to change its initial approach to the problem (Newham 2005, 1). While South Africa's initial approach to the problem was to reduce crime in the country, following deliberations for a long-term strategy to address the problem, it had anticipated that an approach that went beyond a criminal justice system was required (Newham 2005, 1). The 'crime prevention' approach was added as there was a realisation that this was insufficient to deal with the realities of the problem. In an attempt to benchmark with international practices to resolving issues of crime, South Africa added international practice to its National Crime Prevention Strategy that was launched in May 1996 (Newham 2005, 1). The following section will discuss the developments surrounding the international 'crime prevention' approach from which South Africa drew content for the development of its strategy.

To provide insight to developments in the international arena to dealing with crime problems, this section will provide a brief overview of the transition that occurred. According to research, crime problems in the developed world throughout the 1970s were addressed by the criminal justice system (Newham 2005, 1). This meant that the solution to resolving crime matters were dependent on criminal justice systems. As a result, resources were directed to criminal justice institutions to strengthen law enforcement mechanisms. There was a subsequent increase in recruiting police officials and an increase in law enforcement training expenditure (Newham 2005, 2). Newham states that: "*It was assumed that having a police force would be a deterrent to criminals as they would fear the sanctions they could face once caught*." (Newham 2005, 2). However, the rise in crime led analysts to realise that this approach was merely reactive to crimes that were committed, though it did not address the underlying reasons for crime (Newham 2005, 2). This realisation led to a change in the manner that crime was dealt with in the developed world. A new approach was adopted in May 1996, that is, a 'crime prevention' approach which is essentially deterring the causal factors of criminal acts (Newham 2005, 1-3). Research shows primarily three factors that were identified as having close links to crime:

"*a combination of powerful social, economic and demographic forces and dynamics*." (Newham 2005, 2). The crime prevention approach is divided into three categories which are primary, secondary and tertiary programmes (Newham 2005, 3). The primary programme refers to environmental factors that may have caused the crime to occur; the tertiary programme looks at people as a group as opposed to on an individual basis, who could be either offenders or victims; and the secondary programme looks at situations where crime has already been committed (Newham 2005, 3). A theory that is viewed as summarising the 'crime prevention' approach is: "…*all crimes require victims, offenders and locations. Intervening in any of these three elements can prevent the crime from otherwise occurring."* (Newham 2005, 3). This was also known as the 'problem analysis triangle' (Newham 2005, 4). The benefit of the crime prevention approach is considered to be cost effective as these interventions (for example, social development of children, amongst others) have a return on investment as opposed to investment in the criminal justice system. This by no means excludes the role of the criminal justice system in addressing crime problems though and the criminal justice system is tasked with dealing directly with criminals and their activities (Newham 2005, 4). This section has provided an overview of how the crime prevention approach in the international arena developed, an approach that was incorporated in South Africa's NCPS as a way of reducing crime in the country.

The role of the South African Police Service in Personal Security

The following section examines the role that the Police Service in South Africa plays in the application of law enforcement as a means of ensuring the personal security of people in the country. Since South Africa's transition to a democratic state in 1994, the National South African Police Service (SAPS) became responsible for the policing of all of South Africa under the new Constitution (South African Police Service 2014). According to the Police Officials 'Code of Conduct', they hold the responsibility of creating 'a safe and secure environment for all people in South Africa' (South African Police Service 2014). To achieve this environment these officials are expected to be committed to addressing the sources of crime that occurs in communities; by counteracting any activities that would compromise the safety and security within communities; and by conducting investigations on criminal activities and ensuring that the perpetrators are brought to justice (South African Police Service 2014).

This section explores some of the professional expectations that police officials are meant to meet while in their line of duty. Through the Code of Conduct, they have committed to defend

the Constitution by virtue of completing their duties lawfully; recognise the needs of communities when fulfilling duties; acknowledge the South African Police Service as their employer when completing work activities; and perform duties in synergy with the different levels of government, the community and other relevant actors (South African Police Service). Furthermore, according to the Code of Conduct, these police officials are expected to apply themselves with integrity in their duties so as to render a high quality of service that is made available to all citizens; to use the resources at their disposal with accountability; to defend people's basic rights; to diligently perform duties to avert corruption and to hold perpetrators accountable for actions in light of justice (South African Police Service 2014). The information presented above indicates the intricate professional and personal qualities required from these officials while they perform their duties as part of the SAPS.

This section will review some of the roles that SAPS officials are tasked with in the broader context of the SAPS which is vital to contributing to the personal security of people within the country. The SAPS is responsible for crime prevention, crime investigation and bringing suspected criminals to justice (South African Government 2022). There are various organs of state or bodies that are involved in the criminal justice system in South Africa. These include but are not limited to the SAPS, the National Prosecuting Authority, the courts, the Department of Justice and Constitutional Development, and the Department of Correctional Services (DCS) are amongst the most important. It is the calibre of officials that determines the output of deliverables by the above listed organs of state. From the information presented above, it is clear that the role of police officials cannot be understated in the context of the crime prevention framework. Expectations for their professional work ethic and moral fibre cannot be undervalued.

Role of the National Prosecuting Authority in Crime Management

This section will look at the role of the National Prosecuting Authority (National Prosecuting Authority of South Africa [NPA]) in crime management. According to the NPA, its description of its vision states the following: "*Our vision is justice in our society, so that people can live in freedom and security*." (National Prosecuting Authority 2023). The NPA is mandated by section 179(2) of the Constitution of South Africa to: "*to institute criminal proceedings on behalf of the State and to carry out any necessary functions incidental to instituting criminal proceedings*." (The Constitution of the Republic of South Africa 1996). The NPA operates within South Africa's criminal justice system by conducting criminal prosecutions by virtue of

police investigations (National Prosecuting Authority 2023). It is expected that the Authority would conduct its work in a manner that expresses objectivity, is transparent and is void of fear (National Prosecuting Authority 2023). The key deliverable of the Authority's work through the criminal justice system strives to allow "*people to live in freedom and security*" (National Prosecuting Authority 2023). Furthermore, it strives to conduct its works while maintaining integrity which ultimately reflects in the South African criminal justice system (National Prosecuting Authority 2023).

Implementation

Next is an examination of the South African implementation of the prescriptions as contained in the ICESCR. According to research, due to the absence of an international socio-economic legal system in South Africa, international law in South Africa was concentrated on human rights law (Brand et al 2016, 675). Due regard is given to the various human rights bodies and monitoring mechanisms that have influenced socio-economic rights in the country which has resulted in the Constitution reflecting aspects of the ICESCR and the covenant being an important source of information for South Africa's jurisprudence (Brand et al 2016, 675). The Committee on Economic, Social and Cultural Rights (Committee on ESCR) operates in a manner where it received reports from the State and in conjunction it receives 'shadow' reports from non-governmental organisations (NGOs) to measure the performance of states (Brand et al 2016, 676). However, it is argued that there are no effective enforcement mechanisms by the Committee on ESCR and this has impacted negatively on enforcement of international socio-economic law at the domestic level given the separation of powers in South Africa (Brand et al 2016, 677). This section has discussed the absence of an international socio- economic legal system on the implementation of human rights as contained in the ICESCR.

With regard to the regional achievements related to human security, research suggests that in spite of progress made with a number of challenges, there are some human security issues that remain common and unresolved (Hendricks 2006, 5). One of the reasons is that perhaps human security is prioritised second to state security; and that the lack of policy implementation and related systems to monitor and evaluate implementation are conducive to the ongoing human security problems (Hendricks 2006, 5). While a strategic direction in dealing with these concerns has been achieved, it is clear that the lack of implementation of policies has an adverse effect on the objectives of the policy frameworks.

The domestic implementation of human rights protection as reflected in the Bill of Rights resides with South African courts who are expected to interpret 'civil, political, social and economic rights' in accordance with international law (Brand et al 2016, 677). Some of these rights relate to the personal security of people in the country. Concerns regarding crime and its impact on personal security of people remains a serious challenge in South Africa. To many, the high levels of crime and the constant fear of being victims of this crime, means that a fundamental human right is being denied. It is argued that: "*To live in a safe city free from harm and danger should be the right of every citizen*." (Singh 2019, 6). In this regard, the responsibility of maintaining communities' safety and citizen security resides arguably with the state. The overpopulated urban communities in South Africa which resulted from the unplanned migration into cities post-democracy, has subsequently caused socio-economic challenges within these communities. The inequalities among citizens has amounted to its unsafe environments that are now ridden with "*crime, violence, personal peril and individual danger*." (Singh 2019, 6). These studies indicate that the personal security of people is not guaranteed by the South African criminal justice system nor implementation of effective government socio-economic policies and programs.

Conclusion

This chapter has provided an overview of the type of government that South Africa is characteristic of. It has evaluated the country's international obligations to human rights protection, regional commitments and domestic laws on ensuring the personal security of people within South Africa. The chapter explored whether the international human rights regime has any impact on the personal security of people in the domestic domain. The South African Crime Prevention Strategy, the role of the South African Police in combatting crime and the role of the National Prosecuting Authority in crime management was reviewed for purposes of highlighting the many mechanisms South Africa has to manage issues of crime in the country to ensure personal security, which also includes meeting socio-economic needs of the population.

Chapter 3: A case study of Saudi Arabia

This chapter will examine Saudi Arabia's type of government, its international obligations and its domestic laws in the context of the impact that the international human rights regime has on the personal security of people within the country. It will evaluate the degree of personal security that people within the Saudi territory have in relation to acts of violent crime which threatens their safety.

The modern Kingdom of Saudi Arabia was established in 1932 by Abdul al-Aziz bin Abd al-Rahman al Saud (CIA 2023). The country has its origins in the Arabian Peninsula where there were two regions namely, the Hejaz and Najd, that were unified as the Kingdom of Saudi Arabia (Britannica 2023). The Kingdom of Saudi Arabia is located in the Middle East, that borders the Persian Gulf and the Red Sea (CIA 2023). Border countries include Iraq, Jordan, Kuwait, Oman, Qatar, United Arab Emirates, and Yemen (CIA 2023).

Background

The Kingdom of Saudi Arabia is widely known as the place of origin of Islam (CIA 2023). It is a place considered sacred in the Islamic world due to it being home to Islam's two most holiest shrines (CIA 2023) which are: "Makkah *the Blessed* and Madinah *the Radiant*" (Saudi Embassy). The Ka'abah is the holiest shrine and is found in the Holy Mosque, in Makkah (Saudi Embassy). Prophet Muhammed was born in Makkah, his burial place which is known as the Prophet's Mosque is located in Madinah (Saudi Embassy). The country is dedicated to care for these holy cities and continuously maintains its infrastructure as an effort to serve the large numbers of worshippers that is receives (Saudi Embassy). The country has been significantly modernised from 2005 to 2015 by King Abdallah bin Abd al-Aziz Al Saud (CIA 2023). He introduced many progressive reforms and initiatives, which continue to expand under the leadership of King Salman bin Abd al-Aziz since 2015 (CIA 2023).

According to the teachings of Islam, the Prophet Muhammed is considered an important messenger of God. As stated earlier, the Prophet Muhammed was born in Saudi Arabia. He was religious in character and often retreated to conduct meditation (Saudi Embassy). During one of his meditation sessions, the Angel Gabriel passed on a message to him from God (Allah) (Saudi Embassy). This was the first of many revelations that he had received over a period of twenty-three years (Saudi Embassy). These revelations have been documented in its original

words as passed on by the Angel Gabriel from God and is known as the Qur'ān (Saudi Embassy). By way of the Prophet Muhammed preaching the word of God that he had heard from the Angel Gabriel, he eventually attracted a small following of people who accompanied him in spreading the word and establishing Islam (Saudi Embassy). The next section will look at how the Saudi Arabian government type is integrated with Islamic law.

Type of Government

The type of government system employed in the Kingdom of Saudi Arabia is categorised as an absolute monarchy (CIA 2023). The Kingdom's founder, that is, King Abdul-Aziz Bin Saud, his sons and their sons, inherit the throne by virtue of a hereditary monarchy (Al-Mehaimeed 1993, 31). The people of Saudi are expected to confer the Kingship on who is considered the 'most virtuous' from the royal family. This Kingship is based on the prescriptions of both the Qur'ān and the Prophet Mohammed's words (Al-Mehaimeed 1993, 31). The state is governed by religious law, solely Islamic law, and is considered an Islamic state. From the information presented above, it is evident that the relationship between the monarchy, the Qur'ān and the words of Prophet Mohammed is intertwined. This leads to the discussions in the next section which seeks to explain the difference between the Qur'ān and the words of Prophet Mohammed to contextualise the relationship mentioned above.

The Qur'ān is widely accepted by Islamists as sacred scripture reflecting the actual words of Allah (God), while the Prophet Mohammed's words (also known as the 'Hadith') are considered as an Islamic guideline (Study.com 2022). The difference between the Qur'ān and the Hadith is that the former is considered the actual words of God delivered through the prophet Muhammed, whereas the Hadith is the words of the Prophet Muhammed (Study.com 2022). Therefore, the Qur'ān is considered sacred scripture while the Hadith is considered an Islamic guideline (Study.com 2022). As a point of clarity, the term 'Hadith' is often used synonymously with 'Sunnah'. While some research makes a clear distinction between the two terms, these terms will be used synonymously within this paper to refer to the Prophet Mohammed's words and practices (Islam 2013, 1).

Saudi Arabia's International and Regional obligations to Human Rights

This section will analyse the Saudi Arabian government's compliance or lack thereof with the international human rights regime. According to research when the United Nations (UN) was established in 1945, Saudi Arabia had been one of the countries that was a founding member

(Duncan, 1998, 240). Upon its membership to the UN, the country had committed to the promotion and encouragement of human rights and freedoms, which were not explicitly detailed in the Charter. Nonetheless, international law, as adopted by the General Assembly (GA) of the UN, has defined these parameters in various conventions and resolutions (Duncan 1998, 240).

Despite being a charter member of the UN, Saudi Arabia has not ratified any of the international human rights treaties which are aimed at enabling human rights protection laws. The international community has widely criticised the Saudi government for the harsh punishments that it administers. In fact, Peiffer (2005, 507) argues that: "*Although Islamic criminal law is based on ideals such as justice and due process, the international community generally understands Islamic law to be harsh, characterized by brutal punishments and inhumane treatment of defendants and those who are convicted*." These punishments are considered gross violations of human rights of which public opinion has not halted its practice by Saudi Arabia.

In view of the section above, it is necessary to draw on some of the clauses within the '*International Covenant on Civil and Political Rights'* that refers to international laws surrounding the use of the death penalty. Sub-paragraph 2 of Article 6, Part III states: "*In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court*." (United Nations Office of the High Commission for Human Rights 1966, 4). Another clause referring to the death penalty is found in Part III under Article 6, sub-paragraph 4 which states: "*Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases*." United Nations Office of the High Commission for Human Rights 1966, 4). United Nations Office of the High Commission for Human Rights 1966, 4). Additionally, sub-paragraph 5 of Article 6, Part III states: "*Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women*" and sub-paragraph 6 states: "*Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant*." (United Nations Office of the High Commission for Human Rights 1966, 5). The Covenant makes explicit reference to the

international laws on the use of the death penalty. The clauses quoted above offer a degree of protection for defendants who are faced with punishment by death.

From a regional lens, it is important to note that many countries in the Middle East are Islamic countries that have incorporated the Islamic religion in their systems of governance as a result of their devotion to Islam. Islamic law is focused on protecting a society through its observation of God's words. In this regard, all Muslims are expected to avoid crime by upholding the five commandments of Islam which comprise of the following acts: "*believing in God, believing in the Prophet Muhammad (PBUH), praying five times a day, fasting and giving to the poor*" (Alfaraj 1995, 1-54). This form of devotion re-instates religious beliefs amongst Islamic followers on an almost constant daily basis. Religion therefore becomes a way of life and this is a practice in many countries within the Middle Eastern region. Therefore, any deviation from the religious law is viewed as going against the will of God. In this case, crimes that are awarded the death penalty would be viewed as an acceptable form of punishment by countries within the Middle Eastern region. The above sections have looked at Saudi Arabia's non-participation in the international human rights regime by virtue of not ratifying any of the treaties in spite of the country being a UN charter member. Due to the Saudi use of the death penalty, the section has looked at some of the clauses within the '*International Covenant on Civil and Political Rights'* that refers to how countries that are implementing the death penalty should be using that form of punishment. Additionally, the section has looked the region's perception of the use of this punishment.

Islamic Law

In order to analyse Saudi Arabia's domestic laws on crime and punishment, it is crucial to understand how Islamic law is derived, and how it guides Islamic criminal law for purposes of evaluating how the personal security of people within the Saudi territory is protected. This section provides an overview of the foundations of Islamic law by drawing extensively on Peiffer's work as it sets out clearly the details of Islamic criminal law which forms an integral part of this study.

Islamic law is considered to be the actual word of *Allah* according to believers of Islam. According to Lawrence (2013, 9) the literal meaning of the word '*Allah'* means "The God." And it is also the name that is used to refer to God in the Koran (herein referred to as Qur'ān). The basic principle of Islamic law is found in the text of the Qur'ān (Peiffer 2005, 507).

According to Peiffer (2005, 507-508), the Qur'ān is believed to direct more the relationship between man and God, than that between people. It does not contain legal prescriptions but its content is intended to standardise what is regarded as acceptable behaviour (Peiffer 2005, 508). The terms used to refer to the Islamic legal system are the *Sharia* laws or in Arabic it is known as *Shari'ah* laws (Britannica). This is the aspect of Islamic law that is useful for purposes of examining how threats to the personal security of people within the Saudi Arabian territory are managed, therefore Islamic penal law will be examined in the section that follows.

Islamic penal law is the aspect of law that deals with threats to the personal security of people within Saudi Arabia. Amongst the extensive verses that the Qur'ān comprises of, approximately 30 verses concern the penal law (Peiffer 2005, 508). Islamic penal law therefore holds immense significance to countries that have endorsed Islamic law in its criminal legal system as it is derived from the Qur'ān (Peiffer (2005, 507). The death penalty is a mechanism of punishment found in Islamic criminal law, and has received widespread attention, albeit negative attention amongst human rights activists and the general international community (Peiffer 2005, 538). Even though it is commonly assumed that the death penalty is strongly prescribed by Islamic law for a vast amount of criminal activities, some research suggests that this is not entirely the case. The reasoning informing this argument is that implementation of the death penalty should be in accordance with the provisions reflected in the Qur'ān. The provisions include 'evidentiary requirements and other means for avoiding imposition of the punishment." (Peiffer 2005, 508). Moreover, it is argued that the Qur'ān is clear about the right to life as documented in the 33rd verse of chapter 17 (Verse 17:33) of the Qur'ān. The text reflects: "*Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand qisas or to forgive): but let him not exceed bounds in the matter of taking life; for he is helped (by the Law)*" (Quranic Arabic Corpus 2009.). Amongst other reasons, the use of the death penalty is condemned by some Islamic followers for the above reasons, and is also condemned by human rights activists at large who acknowledge the 'right to life' as a universal right that the death penalty limits.

As far as Shari'ah criminal law is concerned, there are three categories of crimes (Peiffer 2005, 508). These categories are known as *Hudud crimes, Qisas*, and *Ta'zir* crimes. Hudud crimes are those that pose a threat to Islam and the related punishment is intended to deter the perpetrator(s) from acts of crime against the Islamic society (Peiffer 2005, 508). Qisas crimes are those which relate to any acts of crime that includes murder or physical injury. These are

personal claims as opposed to any threats to Islam. The third category is Ta'zir crimes are offenses outside the periphery of offenses categorised as Hudud and Qisas crimes (Peiffer 2005, 518).

The first of the categories of crimes that will be discussed is *Hudud* crimes. Hudud crimes are subjected to Islamic law. There is fixed punishment for Hudud crimes which does not allow for judges to exercise discretion when an individual is deemed guilty (Peiffer 2005, 508). There are seven Hudud offenses that include adultery, apostasy, armed robbery, rebellion, amongst others, of which only four are punishable by death penalty (Peiffer 2005, 507-514). In the case of these punishable crimes, there is proportional application of punishment in relation to the harm caused (Peiffer 2005, 513). Of these punishable by death penalty, '*armed robbery*' (Hirabha) is applicable to this current research paper, and will therefore be discussed in the next section.

Armed robbery is considered one of the threats to personal security. As mentioned earlier, robbery is an aspect of violent crime that poses a threat to one's personal security and is a type of crime, personal crime, that affects the daily lives of people. Similarly, in Islamic law, armed robbery is a punishable crime and could necessitate the implementation of the death penalty. Islamic jurists refer to it as: "troubling of the security of roads [in order] to acquire property by menace," (cited in Peiffer 2005, 513). This indicates that this crime is also considered as a threat to personal security under Islamic law. The text of the Qur'ān refers to this kind of crime. Due to the vagueness of the wording in the Qur'ān on the crime and punishment of armed robbery, Islamic jurists have established essentially four ways to determine contravention of the laws on armed robbery (Peiffer 2005, 513). The variations include the scenario where the victim is assaulted with an intention to obtain his or her property but does not achieve this result; the second scenario is when the victim is assaulted in order to obtain the property though the victim is not killed; the third scenario is when the victim is assaulted and eventually killed with the intention of taking the property though the property is not taken; and the fourth scenario is when the victim is assaulted to obtain the property and the victim is killed and the property is taken (Peiffer 2005, 513). While the scenarios for contravening this law are now clearer, according to Peiffer, the implementation of punishment for this crime is not uniformly applied by the different schools of Islam (Peiffer 2005, 513). For some schools the punishment for the so called 'troubling of roads' includes either banishment or the death penalty and application is in proportion to the harm caused (Peiffer 2005, 513). For other schools, the

punishment has varying implications for offenders, ranging from banishment, imprisonment, implementing a ta'zir punishment, amputation, execution, or even crucifixion (Peiffer 2005, 513). In spite of the degree of punishment awarded to the crime by various Islamic schools, it is apparent that armed robbery is regarded as a serious crime under Islamic law. This can be deduced from the harsh punishments associated with the crime. This punishment is intended to protect the security of people which can be seen by the use of the word 'security' by Islamic jurists in "troubling of the security menace" referred to earlier. The death penalty is linked to safeguards as per Islamic law. These include specific requirements for implementation of the penalty, that is, that two witnesses testify to the crime or that there is a confession (Peiffer 2005, 513). There is also a way of avoiding this punishment if one commits the crime, and that is if the offender concedes to the authorities and regrets his or her actions. Furthermore, if the robbery was conducted by more than one offender, the death penalty may apply only if all the perpetrators qualify for the punishment. This is said in reference to the punishment of minors who the death penalty does not apply to, in which case, none of the involved perpetrators would receive '*hadd*' punishment (Peiffer 2005, 514) A *'hadd'* crime is when a perpetrator goes against the will of 'Allah' and the related punishment is "execution, or crucifixion, or cutting off of hands and feet from opposite sides, or exile from the land" (Peiffer 2005, 512).

The second category of crime to be evaluated is *Qisas* crimes. The Qur'ān allows for vengeance towards those who have committed Qisas crimes (Peiffer 2005, 516). There is an inclination towards an element of forgiveness for committed Qisas crimes, though there is general agreement that the death penalty must be applied where killings are unfair and the murder was deliberate (Peiffer 2005, 517). The related punishment also includes a family right to accept payment (*diya*) for their loss instead of implementing punishment. This option would result in a reward in heaven for the Muslim who chooses payment over punishment (Peiffer 2005, 517). The final consideration on Qisas crimes is on the sex and religion of both the perpetrator and the victim. It recognises that blood-money between men and women differs (man's blood-money is double that of a woman). As a result, if a man kills a woman, the deceased woman's family is expected to compensate the difference when choosing the punishment for the perpetrator (Peiffer 2005, 518). This is not uniformly applied by all schools, it is a practice mostly by the *Twelver Shi'te* school. A further variation is that by the *Hanafi* school which permits retaliation against a Muslim when a non-Muslim is killed by a Muslim, with the exception of the victim being either Christian or Jewish (Peiffer 2005, 518).

The third type of crime under traditional Islamic law is Ta'zir crimes for which the punishment is determined by a judge who exercises discretion to decide the punishment (Peiffer 2005, 518). According to Peiffer, most schools do not implement the death penalty for Ta'zir crimes. The purpose of the punishment is to restrict these crimes from reoccurring, to serve as a deterrent to others' and to provide a means of reform to those who commit crimes of this nature (Peiffer 2005, 518). The sovereign may at the request of a Ta'zir crime victim, implement pardon or grace to the perpetrator and not exercise punishment (Peiffer 2005, 518). The four scenarios that qualify for Ta'zir punishment is when the crimes are external to the categories of Hudud or Qisas crimes; scenarios where hudud crimes are identified though the circumstances are extenuating; crime that the Qur'ān or Sunna condemns or that is unacceptable in the interests of public welfare (Peiffer 2005, 518). It is important to remember that under Islamic law most acts of crime are considered as Ta'zir crimes (Peiffer 2005, 519). A codified system for acts of crime and punishment has not been created as a result of the discretion that judges are permitted to exercise in these crimes (Peiffer 2005, 519).

To conclude this section, legal rulings based on *Shari'ah* as determined by scholars is known as Islamic jurisprudence, or the *Fiqh* which identifies broadly three categories of crimes (Peiffer 2005, 508). According to Sebar and Ismail (2021, 89), there are three categories of punishment under the Islamic penal system. These punishments are known as: 'prescribed, retribution, and discretionary' (Sebar and Ismail 2021, 89). The majority of the punishments fall within the Ta'zir category, some of which comprise of the following: "imprisonment, fines, death penalty, and whipping." (Sebar and Ismail 2021, 89). The literature drawn on this section identifies three types of crimes under Islamic or *Shari'ah* law. It confirms that Islamic criminal law is derived from the words of God, and that there remains an uncodified system that defines crimes and punishment at the discretion of various judges, creating disparities and often confusion.

Saudi Arabia's Domestic law on the protection of human rights

Saudi Arabia is condemned for the manner in which it punishes perpetrators for criminal offenses. In order to understand the harsh punishments, this section examines Saudi criminal law, fully rooted in Islamic law, that is implemented in the country. As an Arab Islamic state, Saudi Arabia implements Islamic law as aligned to the Qur'ān and Sunna which forms the basis for the government and legal system in the country (Peiffer 2005, 519-520). Peiffer refers to the Constitution that is the 'Basic Law of Government' as passed in 1992 (Peiffer 2005, 519).

Similarly, Sebar and Ismail refer to it as the 'Basic Law of Governance (1992), and state that is it the primary source of Saudi law, second to Shari`ah law, and is also considered as '*de facto* Constitution of Saudi Arabia' (Sebar and Ismail 2021, 93). It is also exclusively the Saudi codified legislation ((Sebar and Ismail 2021, 93). This was passed when the country's law is reported to have transitioned from 'a traditional monarchy to a constitution' (Peiffer 2005, 519). However, in spite of this transition, the country maintains a fixed adherence to Islamic law that is not open to deviations (Peiffer 2005, 520).

Of key interest to this study are the prescriptions and implementation of criminal law within the country. This aspect of the law is referred to in the Constitution, specifically Article 38 which states that criminal law is subjected to the provisions set by 'Shari'ah law or organizational law'. Further emphasised is that the crime and related punishment should be pre-determined before any implementation of punishment (Peiffer 2005, 520). Saudi criminal law emanates from the country's Law of Criminal Procedures, Article 1 specifically (Sebar and Ismail 2021, 92). According to this article, criminal law is derived from Shari`ah law and indicates that any contradictions to the principles of Shari`ah law is nullified by the rules of Shari`ah.

Death Penalty in Saudi Arabia

Of particular concern is the use of the death penalty in Saudi Arabia which remains a contentious area of discussion in the international community. The general view within the international community is unfavourable on both Saudi and Islamic law as the punishment is considered 'harsh' (Duncan 1998, 243). This form of punishment is viewed as an absolute violation of human rights. According to Duncan (1998, 243), the Western world is reported to lack understanding of the reasons for the implementation of these kinds of punishments.

In view of the above, we draw reference to the International Covenant on Civil and Political Rights in relation to Saudi Arabian laws on crime and punishment. As quoted from the above covenant, Article 6 of Part III reads as: '*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*.' (United Nations Office of the High Commissioner for Human Rights, 4). The use of the death penalty in Saudi Arabia is in direct contravention of this particular Article. However, the covenant also makes provision to protect individuals who would be receiving the punishment. This can be seen in Article 6 of Part III sub-paragraph 2: '*In countries which have not abolished the death penalty,*

sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.' (United Nations Office of the High Commissioner for Human Rights, 4). In fact, according to Duncan the above Article is one of the articles in the said Covenant that protects individuals who are to receive capital punishment (Duncan 1998, 241). As mentioned earlier in this paper, the second optional protocol on the ICCPR abolishes the use of the death penalty.

Use of Flogging in Saudi Arabia

Another punitive measure that is frequently used by Saudi Arabia for various types of crimes is 'flogging'. The term 'flogging' also referred to as '*whipping or caning, a beating administered with a whip or rod, with blows commonly directed to the person's back.*' (Abott 2014). According to research, Islamic penology uses flogging as one of its most popular types of corporal punishment (Sebar and Ismail 2021, 77).

The implementation of flogging is prescribed for three Hudud punishments and is an optional punishment for some of the Ta'zir crimes (Sebar and Ismail 2021, 97). According to Sebar and Ismail (2021, 97), within the Saudi judiciary: '*flogging is the punishment for various small and capital offenses. It can be a single punishment, or can be combined with another complementary punishments, such as imprisonment or a fine, and can be implemented publicly and privately*.' According to research, it is assumed that Shari`ah law is implemented by the Saudi legal system (Sebar and Ismail 2021, 97).

The implications of this particular system of governance is that the people would comply to the legal prescriptions due to its source and the belief that it is the will of God.

Saudi Arabia is one of the countries whose legal system is under constant scrutiny by the international community as it is considered a human rights violator (Peiffer 2005, 507). The deliberate inclusion of some text on criminal law and exclusion of related important text from Islamic law as found in the Saudi legal system is viewed as a compromise to the personal security of people within the Saudi territory. The so-called "safeguards" which are not included suggests a misinterpretation of Islamic criminal law.

The Role of the Saudi Court System in Implementing Criminal Law

The Saudi legal system is rooted in the Hanbali school of Islamic jurisprudence (Peiffer 2005, 520). There is use of a judge, also known as a *Qadi,* who qualifies based on training and commitment to Islam. The court system is divided into three levels which are '*Musta'jalah'* courts which are local courts that do not oversee matters involving the death penalty. *Hudud* and *qisas* crimes are within the jurisdiction of the 'High Courts of Shari'a Law' which are also known as '*kubra*'. In matters where there are hearings involving the death penalty, there is a panel comprising of three judges whose role is to investigate, conduct examinations of witnesses and deliver decisions or verdicts (Peiffer 2005, 520). In matters where the death penalty could be issued, defendants are allowed to appeal to the 'Court of Cassation' even though the facts will not be examined during review but allows for the '*point of objection*' to be heard. All death penalty matters are reviewed by the Supreme Judicial Council, though the King makes the final decision. In the case of Hudud crimes for which the punishment is the death penalty, the penalty may not be changed as only the guilt is reviewed (Peiffer 2005, 521).

Implementation

Some research suggests that the implementation of Saudi Arabia's uncodified criminal legal system has become a serious cause for concern. The absence of a codified penal code has presented many inconsistencies in the criminalization of acts and its related punishments (Hawawsheh 2020, 916). Acts of crime and related punishments are determined by the judiciary, without uniformity between the judges, and similarly without uniformity between the courts (Hawawsheh 2020, 917). This is said to cause confusion due to the varying discretions of judges on similar matters which results in conflicting court rulings, and breaks down the trust in courts (Hawawsheh 2020, 917). Furthermore, rulings may differ to the rulings in other Arab countries for similar or the same incidents (Hawawsheh 2020, 917). In sum, the application of discretion by judges and the lack of uniformity in punishment has emphasised the negative impact that the uncodified Saudi penal code has on the personal security of people within the country.

On the other hand, alternative research looks at some of the reasons that the Saudi criminal justice system is highly effective. One of the main arguments is that the Saudi Arabian society is considered to be stable (Bash as cited in Alfaraj 1995, 9). Some of the reasons for drawing this conclusion includes: firstly, the people respect the country's operational institutions; secondly, the government is highly stable; thirdly, the punishment awarded for committing

crimes are harsh and public; fourthly, people believe that crimes are committed against God and not against people; fifthly, the Saudi society has a great level of respect for the police as they are viewed as protecting God's law and by virtue of that, protecting the people; and lastly, it is a result of the morality of people that emanates from Islamic law which primarily involves ethics and moral evaluations instead of legal rules (Bash as cited in Alfaraj 1995, 9).

In view of the opposing views presented above, it is necessary to emphasise that the international community does not agree with the Saudi criminal justice system. In spite of it being considered as harsh, it appears to create an environment of safety for people within the Saudi territory who are protected from the physical violence linked to violent crime.

Conclusion

This chapter has provided an overview of Saudi Arabia's type of government, its international obligations, and its domestic laws surrounding crime and punishment that affects the personal security of people within its territory. It has also provided insight into Islamic law which informs Saudi laws of which the penal laws are of focus in this study. The two punishments that are highlighted are the death penalty and flogging. This section has also provided insight on how the Saudi court system implements criminal law.

Chapter 4: Comparative study of South Africa vs Saudi Arabia – presentation of crime statistics

This chapter will examine the statistics of violent crime committed against people within each country's territory. The objective is to evaluate to what extent people within the territories of South Africa and Saudi Arabia are protected from physical violence in these countries, and by virtue of this evaluation, to provide insight to the personal security that people in the respective territories have. Additionally, this chapter presents an overview of the personal security that people within these countries in relation to the broader framework of the international human rights regime.

Importance of Statistics

The purpose of this section is to consider the role of country specific crime statistics reporting and its subsequent implications for the personal security of people within those countries. The term statistics is defined as: " *a collection of information shown in numbers*" (Hornby 2010, 1458). Statistics bear significant importance to the measurement of any particular information area. In the area of crime, statistics would be used to determine whether or not mechanisms and policies in this area are effective (Berg and Schärf 2004, 57). While there may be countries that do not accurately report on crime statistics, the data that is available gives an indication of the rate of crime in the country. Specific to this study is statistics on violent crime for purposes of determining the level of personal security that people within a specific territory have. As mentioned earlier in this paper, crime poses a threat to the daily loves of people and compromises their personal security. Therefore, high levels of crime reduces the personal security of people.

This study uses secondary data such as websites, journal articles and media reports to evaluate the prevalence of violent crime in the selected countries. The following websites were used to retrieve crime statistics for the two countries: Human Rights Watch which is an international organization that aims to advance human rights and dignity by investigating and publicising abuses (Human Rights Watch: About Our Research); the World Population Review which is an independent organization based in the United States that provides information on countries and their related demographics (Crunchbase 2023); and NationMaster which is a statistics database providing indicators covering, economic, demographic, amongst other information areas and retrieves its information from various reputable sources (for example international

organizations such as the United Nations bodies, the World Bank, and many other popular organizations as well as governments national statistics agencies). The use of the same website to retrieve data for each country is to ensure consistency when drawing comparisons.

South Africa

This section provides an overview of the crime statistics in South Africa while noting South Africa's political history and the related changes that occurred. According to Berg and Schärf (2004, 57), prior to South Africa's transition to a democratic state, there was constant publication of crime statistics. This practice has reportedly declined post-apartheid in spite of there being an obligation by the democratic government to be transparent and accountable (Berg and Schärf 2004, 57). The democratic government has devised mechanisms to monitor the crime and produce the related statistics. Some of these mechanisms include working with Business Against Crime to produce accurate statistics, the Integrated Justice Project to report on the criminal justice process structures, amongst other mechanisms (Berg and Schärf 2004, 58). In view of the mechanisms devised to manage crime post-apartheid, the following sections look at the various reporting platforms on crime in South Africa.

International Crime Statistics on South Africa

The World Bank Data: South Africa

The following section presents crime statistics from an international perspective using the data from a credible international database known as the World bank data website.

Table 1: Intentional Homicide (per 100 000 people) in South Africa

Year	Number of Intentional Homicides (per 100 000 people)
1999	51
2000	48
2001	47
2002	47
2003	42
2004	40
2005	39
2006	39
2007	37
2008	36
2009	33
2010	31
2011	30
2012	31
2013	32
2014	33
2015	34
2016	34
2017	36
2018	36
2019	36

(Source: World Bank 2023)

The data presented above depicts the intentional homicide numbers in South Africa per 100 000 people for the 1999 to 2019 period. The figures reflected indicate the number of homicides per 100 000 people for each respective year.

Human Rights Watch

According to the Human Rights Watch narrative on South Africa, South Africa experienced most violent attacks during apartheid. Since apartheid was abolished, the country has experienced the vast number of violent attacks in 2021 (Human Rights Watch 2023). These attacks include riots, looting, damage to property all of which occurred at the time former President Zuma was to face imprisonment (Human Rights Watch 2023). Additional rights issues that were mentioned in the narrative included gender-based violence and xenophobic violence. In an article published in November 2021, disappointment was expressed on the South African government's acknowledgment of high levels of gender-based violence though inadequate steps were taken to address the problems surrounding this issue of violence (Human Rights Watch 2023). The article claims that while the issue of gender-based violence was a pressing issue that had resulted in the South African government promising to address the issue through its National Strategic Plan, the problem increased during the COVID-19 pandemic. Yet despite this no substantial progress has been made (Human Rights Watch 2023).

World Population Review

According to the World Population Review (2023), South Africa is listed as number three of the ten countries having the highest rape rates in the world (World Population Review, 2023). The statistics for the year 2019 indicate that the country experienced 42,289 rape incidents at a rate of 72.10 per 100,000 people (World Population Review, 2023).

NationMaster

Background information on South Africa reflected on the NationMaster database indicates: "*South Africa is one of the least lawful countries on earth, with the 5th highest number of total crimes reported in 2002. Some 32,000 of the 2.6 million crimes were murders with firearms, placing the country top of the global table, and 11,000 are manslaughters, the 2nd highest number."* (NationMaster 2023).

There are several crime indicators, though due to the focus of this study only those that are considered violent crime will be discussed. In 2014, South Africa ranked 6th out of 93 countries with 86.27% for *crimes levels* which mean that the higher the number, the more serious respondents felt about the high crime rates in the country (NationMaster 2023). Violent crimes were divided into several categories reflecting related statistics. The statistics ranked lowest indicate that the country has a high level of crime. For violent crime '*Gun crime*', South Africa

ranked 48th out of 170 countries in 2014; for '*Intentional Homicide*' South Africa ranked 4th out of 14 countries in 2012; for '*murder rate'* South Africa ranked 3rd out of 86 countries in 2010; and for '*rapes*' South Africa ranked 2nd out of 57 countries in 2010 (NationMaster 2023). Based on these statistics, South Africa's has extremely high violent crime rates as compared to other countries that were ranked and is listed as one of the countries with the highest crime levels.

Domestic Reports on Crime

South African Police Service Crime Statistics

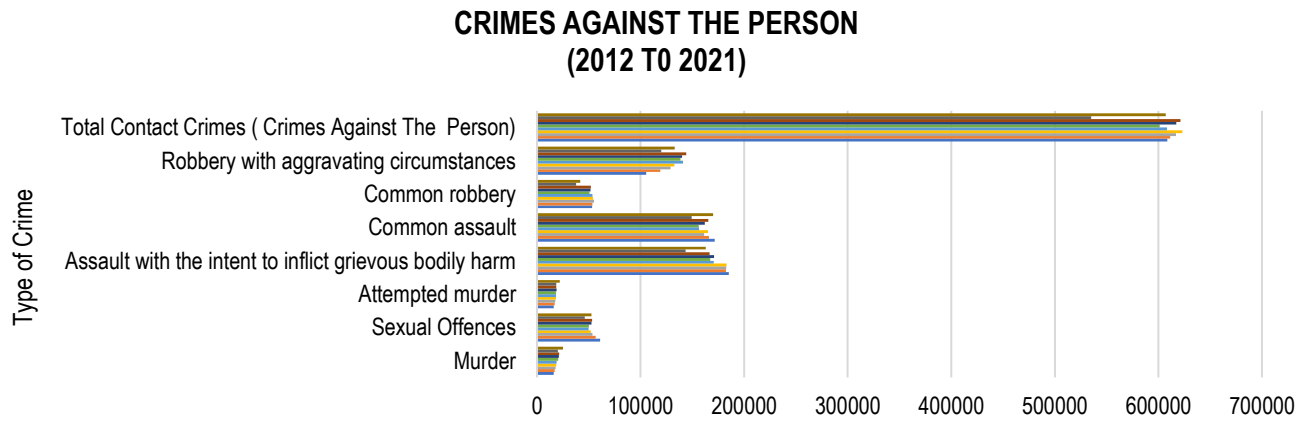
Table 2: SAPS statistics for 1994/1995 to 2003/2004

Period	**Number of Murders**	**Robbery with aggravating circumstances**	**Assault with the intent to inflict grievous bodily harm**	**Old rape and attempted rape**
1994/95	25,964	84,785	215,664	0 -not reported
1995/96	26,876	77,167	223,095	0 -not reported
1996/97	25,470	66,163	231,495	0 -not reported
1997/98	24,486	73,053	234,815	0 -not reported
1998/99	25,127	92,630	237,816	0 -not reported
1999/00	22,604	98,813	261,802	0 -not reported
2000/01	21,757	113,716	275,288	0 -not reported
2001/02	21,405	116,736	264,012	54,293

2002/03	21,553	126,905	266,321	52,425
2003/04	19,824	133,658	260,082	52,733

Source: ISS Africa

Figure 1: Statistics of Crimes against the Person for the 2012 to 2021 period in South Africa



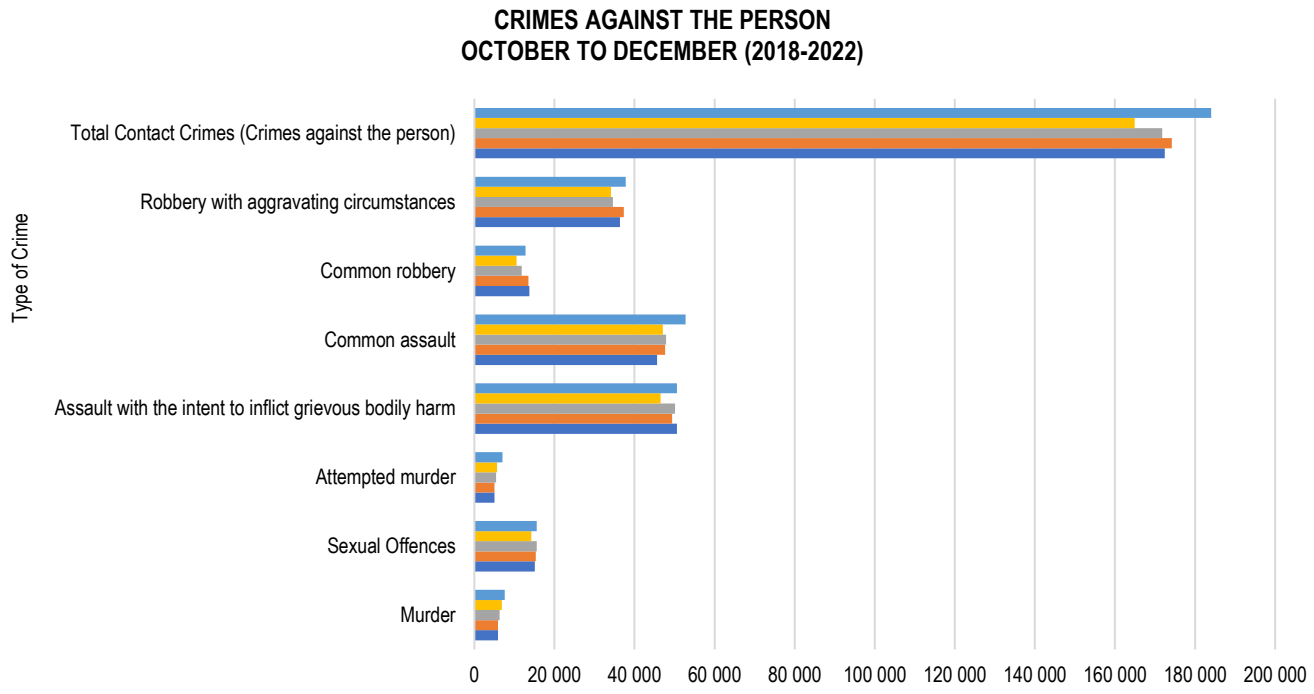
	Murder	Sexual Offences	Attempted murder	Assault with the intent to inflict grievous bodily harm	Common assault	Common robbery	Robbery with aggravating circumstances	Total Contact Crimes (Crimes Against The Person)
2021/2022	25181	52694	22095	162842	169963	41600	132788	607163
2020/2021	19972	46214	18707	143393	149442	37648	119841	535217
2019/2020	21325	53293	18635	166720	165494	51825	143990	621282
2018/2019	21022	52420	18980	170979	162012	51765	140032	617210
2017/2018	20336	50108	18233	167352	156243	50730	138364	601366
2016/2017	19016	49660	18205	170616	156450	53418	140956	608321
2015/2016	18673	51895	18127	182933	164958	54110	132527	623223
2014/2015	17805	53617	17537	182556	161486	54927	129045	616973
2013/2014	17023	56680	16989	182333	166081	53505	118963	611574
2012/2013	16213	60888	16236	185050	171653	53196	105488	608724

Source: South African Police Service

Figure 1 above depicts the statistics reported by the South African Police Service for 'crimes committed against the person' for the period 2012/2013 to 2021/2022. The numbers indicate a general increase in crime statistics across the years for most crime categories. However, there was a decrease in reported crimes from 2019/2020 to 2020/2021 period for the following categories: murder, sexual offences, assault with the intent to inflict grievous bodily harm, common assault, common robbery, and robbery with aggravating circumstances. The number of total crimes against the person decreased during the above period which coincides with the onset of the COVID-19 pandemic. On the contrary, the 2021/2022 period reflects an increase in the total crimes against the person. There was an increase in the crime figures in the

following categories for this period: murder, sexual offences, attempted murder, assault with the intent to inflict grievous bodily harm, common robbery, and robbery with aggravating circumstances.

Figure 2: Statistics of Crimes against the Person for the period between October to December (2018-2022) in South Africa



	Murder	Sexual Offences	Attempted murder	Assault with the intent to inflict grievous bodily harm	Common assault	Common robbery	Robbery with aggravating circumstances	Total Contact Crimes (Crimes against the person)
October 2022 to December 2022	7 555	15 545	7 016	50 582	52 741	12 752	37 829	184 020
October 2021 to December 2021	6 859	14 188	5 645	46 513	47 081	10 524	34 143	164 953
October 2020 to December 2020	6 297	15 595	5 452	50 124	47 875	11 822	34 599	171 764
October 2019 to December 2019	5 908	15 325	5 014	49 428	47 599	13 531	37 352	174 157
October 2018 to December 2018	5 918	15 130	5 060	50 583	45 660	13 722	36 348	172 421

Source: South African Police Service

Figure 2 above depicts a comparative analysis of crime statistics for the period between October to December over a five-year duration from 2018 to 2022. The most recent South African Police Service crime statistics available is from October to December 2022. For this reason, the same months for the previous years that is, 2018, 2019, 2020, and 2021 are included for the analysis. As can be seen there has been an increase of violent crime figures as the years progressed from 2018 to 2022 during the October to December months. The violent crime depicted in the graph includes robbery with aggravating circumstances, common robbery,

common assault, assault with the intent to inflict grievous bodily harm, attempted murder, sexual offences, and murder.

Impact of Crime in South Africa on Tourists

This section looks at the level of personal safety that tourists have in South Africa. Prior research suggests that there are no studies on the impact of crime on tourists. Instead, research focuses on the impact of crime on the tourism industry (Perry and Potgieter 2013, 104). Nevertheless, the same research emphasises that South Africa has become an unsafe tourist destination:

> "…*South Africa has developed a reputation for being an unsafe place to visit and has been labelled the "crime capital of the world". Crime remains one of the key challenges facing South Africa in the post-apartheid era*…" (Perry and Potgieter 2013, 101).

In view of the above, tourists and tourism cannot be separated. If South Africa is considered an unsafe destination, then to what extent are tourists safe in the country? An unsafe destination would imply that the personal security of people in the territory is compromised due to a particular reason, in this case, the high levels of crime. Low crime levels, on the other hand, are viewed as a 'global indicator of social stability and integration.' (Perry and Potgieter 2013, 101). In a country with high crime levels the implication would be social instability and divisions.

South Africa, in this regard, can hardly be considered a socially stable country. In October 2002, a British couple was followed from a restaurant to their hotel and attacked while on holiday in the Kruger National Park area (Carroll, Rory 2002). According to the article the woman was killed while the husband was shot in the face during an attempted robbery when the attackers demanded money (Carroll, Rory 2002). Another media report on crime committed against tourists in South Africa is the example of the German tourist that was shot and killed in his vehicle en route to the Kruger National Park in November 2022 (Mthethwa 2022). Another article states that this incident appears to be an attempted hijacking as "*The gunmen demanded that he open the doors but he locked them and then he was shot*" (Magome 2022).

The crime statistics presented above illustrate the high levels of violent crime that occurs in South Africa on a daily basis. There are high levels of violent crime in South Africa as depicted in statistics found on international databases. Human Rights organisations reporting on South

Africa indicate high levels of crime in the country in recent years. The high figures of rape statistics in South Africa place the country as 3rd out of ten countries with the highest figures globally. The country is furthermore ranked as 5th globally with the highest crime rates. Domestic statistics reports show that statistics were 'not reported' from the 1994/5 period up (just when apartheid ended) until the 2001/2 period. Statistics reported in later and recent years show that violent crime in South Africa is on the rise and is now also impacting tourists negatively.

Law enforcement in South Africa

As stated in Chapter 2, law enforcement begins with the South African Police Service officials. Media reports suggest that there is a general mistrust by South Africans in the police (The Conversation 2022). According to a survey conducted by the Human Sciences Research Council, public opinion on policing shows low trust levels by South Africans in their police (The Conversation 2022). Data suggests a static level of trust in the police for the period between 1998 and 2010. However, there was a decline in trust levels from 2011 to 2013, whereas there was a fluctuation between the period between 2016 to 2020 (The Conversation 2022). The 2021 statistics indicate a decrease in trust levels in the police. Some of the underlying reasons that influences South Africans trust in its police includes 'experiences of crime' where people could have been victims, 'fear of crime' where for example, high levels of crime would result in low levels of trust in the police, 'experiences of policing' where dissatisfactory or negative experiences with police officials results in low levels of trust in the police ; 'well publicised instances of police abuse or failure' results in a negative perception of the effectiveness in police and decreases the level of confidence of the public in the police; 'perceptions of police corruption' impacts negatively on South Africans confidence in police officials; and 'perceived fairness and effectiveness' where there is an expectation by the South African public of police to uphold these qualities and any deviation from this results in a perception that police officials are untrustworthy (The Conversation 2022).

Saudi Arabia

This section provides an overview of the crime statistics in Saudi Arabia using international sources as domestic information was not available.

International Crime Statistics on Saudi Arabia

The World Bank Data: Saudi Arabia

Table 3: Intentional Homicide (per 100 000 people) in Saudi Arabia

Year	Number of Intentional Homicides (per 100 000 people)
1999	1
2000	1
2001	1
2002	1
2003	1
2004	1
2005	1
2006	1
2007	1
2008	No reportings
2009	No reportings
2010	No reportings
2011	No reportings
2012	No reportings
2013	No reportings
2014	No reportings
2015	No reportings
2016	No reportings
2017	No reportings
2018	1
2019	1

(Source: World Bank 2023)

The data presented above depict the intentional homicide numbers in Saudi Arabia for the 1999 to 2019 period. The figures reflected indicate the number of homicides per 100 000 people for each respective year. There is no reporting of intentional homicides for the period between 2008 and 2017.

Human Rights Watch

According to a Human Rights Watch article published in January 2023, the Saudi Arabian authorities are continuously repressing the voices of human rights activists, journalists, and academics, amongst others in an attempt to minimise public knowledge of the ongoing abuses within the country (Human Rights Watch, 2023). According to the article, these people are targeted, harassed, under surveillance, detained arbitrarily, tortured and often disappear – all of these scenarios are due to the conduct of the authorities. Based on the above information, it can be deduced that the Saudi regime is committed to silencing dissidents by administering some of the harshest punishments. The activists are expressive of varying voices ranging from 'political and rights reforms' to the discrimination of women and religious rights for minority groups, amongst others (Human Rights Watch, 2023). Any statistics that is available may not be accurate or reliable as the state is withholding the actual statistics.

World Population Review

A google search was performed on this website in an attempt to retrieve crime statistics on Saudi Arabia, however, there was no information found.

NationMaster

Background information on Saudi Arabia as found on the NationMaster website indicates: "*As a strongly Islamic nation, Saudi Arabia exercises very strict laws, a fact that is reflected in its high number of executions annually. In 2007, they were had the 3rd highest in the world, with 143, though that was some way behind Iran (317) and China (470). Nevertheless, they still have a prisoner population of more than 28,600, but over half of these are foreign prisoners."* This narrative on Saudi Arabia could mean that the locals are faced with executions due to deviating from the laws, while foreigners whose conduct deviates from the laws has resulted in large numbers of foreign prisoners. In this case, the authorities do not proceed with punishment by execution of these foreigners due to the international community's position on the use of the death penalty.

The NationMaster website was used to retrieve the ranking of crime levels in Saudi. The lower the number in the ranking indicates a higher level of crime, while the higher the number in the ranking shows a lower level of crime. The indicator on '*crime levels*' show that Saudi Arabia was ranked 79th out of 93 countries in 2014 (NationMaster 2023). The country was ranked 1st out of 43 for capital punishment in 2014. For 'robberies' Saudi Arabia was ranked 10th out of

11 countries. For violent crime the statistics was as follows: for "*Gun Crime*' the country ranked 6th out of 170 countries in 2014; for '*intentional homicide*' the country ranked 86th out of 95 countries in 2007; for '*murder rate*' Saudi Arabia ranked 59th out of 131 countries (NationMaster 2023). There was no indicator to report on '*rapes*' in the country. These rankings show low levels of crime in the country, and high level of enforcement of capital punishment. The country was ranked 1 out of 43 countries on capital punishment, the statistics show that it had implemented highest number of this form of punishment in 2014. The harsh punishment for crimes could serve a preventative measure to reduce crime levels in the country by indirectly instilling fear in people who, as a result, do not commit these crimes.

Domestic Reports on Crime

A search was conducted to retrieve crime statistics published by the Saudi government, however, there was no success. The Freedom House website depicted some key information to how the government of Saudi operates. The scores below rank from lowest to highest meaning the highest score for each question shows a higher commitment by the Saudi government on the issue are. As depicted on the website under the section on the '*Functioning of Government*' is a question "*Does the government operate with openness and transparency?"* with a related score. The score for this question is 0 out of a maximum score of 4. The narrative indicates that the Saudi government operates in a non-transparent manner (Freedom House 2022). Furthermore, on the subject of media there is a question: "*Are there free and independent media?*" and the related narrative states that: "*The government controls domestic media content and heavily influences regional print and satellite-television coverage. Journalists can be imprisoned for a variety of vaguely defined crimes.* The score for the question is 0 out of a maximum of 4 (Freedom House 2022). As can be deduced, there is lack of compliance by the Saudi government in providing information on its domestic functions.

The crime statistics presented on Saudi Arabia depict low levels of violent crime that affects the daily lives of people within the country. International database statistics show low levels of crime or in some cases, there are no statistics available. With regard to human rights organisations, the country is reported as a repressive state due to some of the harsh actions taken by its authorities for acts it deems contrary to its domestic laws.

Conclusion

This chapter has provided an overview of the crime statistics in South Africa and Saudi Arabia by looking at various data websites and some journal and media articles. Based on the statistics, the violent crime rate in South Africa far exceeds that in Saudi Arabia. In fact, the violent crime levels in Saudi Arabia are very low. Given that the country has some of the harshest punishment related to criminal activities conducted within its territory, one would assume that the levels of crime are excessive, though this is not the case. The personal security of people within the Saudi territory is more protected due to the stringent punishments for violent crime which serve as a deterrent to potential perpetrators.

In the case of South Africa, the crime statistics are extremely high, making it one of the countries with the highest violent crime rates in the world. The democratic principles found in the justice system has been filtered into the criminal justice laws which have resulted in mild punishment for some of the harshest crimes. The fact that the punishments for violent crime are not severe gives perpetrators an added advantage to manipulating the law as they are aware that the implications of punishment are not extreme. The personal security of people within South Africa is fundamentally compromised due to South Africa's relaxed laws on crime and punishment.

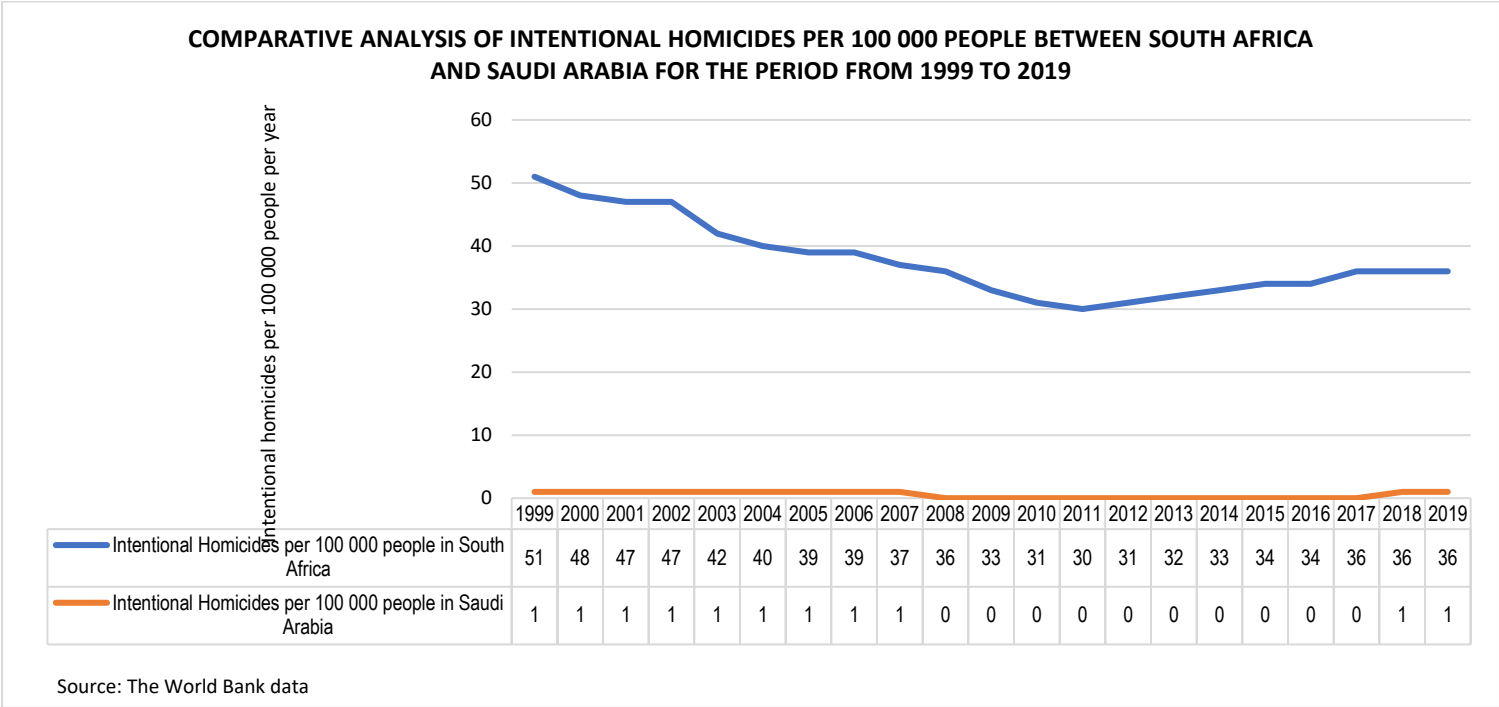
Chapter 5: Findings, analysis and conclusion

This chapter aims to analyse the data presented in Chapter 4 and to draw conclusions on the findings in an attempt to answer whether the international human rights regime has an impact on the personal security of people in South Africa and Saudi Arabia, each country having different types of governments.

Analysis of international reporting on crime

As presented in the previous chapter, the following data on crime statistics in South Africa and Saudi Arabia is used in the graph below to illustrate the differences between the two countries.

Figure 3: Comparative analysis of intentional Homicides between South Africa and Saudi Arabia for 1999 to 2019 period



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Intentional Homicides per 100 000 people in South Africa	51	48	47	47	42	40	39	39	37	36	33	31	30	31	32	33	34	34	36	36	36
Intentional Homicides per 100 000 people in Saudi Arabia	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	1	1

Source: The World Bank data

Figure 3 above illustrates the vast difference of intentional homicide statistics between South Africa and Saudi Arabia as found on the World Bank data website. The number of intentional homicides is measured per 100 000 people. South Africa has high numbers reflecting the high levels of violent crime that people within the country are exposed to. On the other hand, Saudi Arabia has extremely low figures which illustrates the low levels of violent crime that is prevalent in the country. Surprisingly, South Africa's figures far exceed that of Saudi Arabia given that South Africa's type of government is more acceptable to the international community. Intentional homicides are only an aspect of violent crime of which the statistics for these countries are indicative of the compromises to people's security within the two countries due to their forms of government.

The Human Rights Watch assessments of each country suggests that South Africa's violent crime is mostly looting, riots, and property damage due to political motivations. Additionally, gender-based and xenophobic attacks occur frequently. The timeline for these crimes are reported to have occurred in the year 2021. In the case of Saudi Arabia, the narrative addresses human rights limitations due to the government's repressive laws. The Saudi authorities are criticised for administering harsh punishments, limiting women and religious rights as well as political reforms. As can be seen, South Africa's physical violence is caused by the people, whereas in Saudi Arabia it is the state that controls the people by implementing strict punishment for crimes under its domestic laws.

The World Population Review 2023 lists South Africa has the third highest of ten countries having high levels of rape globally. There is no information listed on Saudi Arabia's profile.

The NationMaster website reported South Africa as the 5th highest country having a total of 2.6 million crimes of which 32 000 were murders with firearms which was the highest globally in this category of crime. The country was ranked 2nd highest out of 57 countries for rape incidents. In the case of Saudi Arabia, the country's ranking for murder, gun crime, intentional homicide indicating low levels of these forms of crime. Statistics for rape is not included. The country is however, ranked as having the highest number of capital punishments out of 43 countries. Based on the statistics presented here, the personal security of people within South Africa is less protected as compared to the people within Saudi Arabia.

Analysis of domestic reports on crime

South Africa's crime statistics as reported by the South African Police Service indicate an increase as the years progress. During the 1994/95 to 2003/04 period the number of murders decreased, the number of 'robbery with aggravating circumstances' increased steadily, and the number of 'assault with the intent to inflict grievous bodily harm' increased significantly. The number of rape cases were only reported for the 2001/02, 2002/03 and 2003/04 periods, there were not reporting on rape for the 1994/05 to 2000/01 period. This can be seen in the numbers reflecting for the 2012/2013 to 2021/2022 periods. Due to annual statistics for the full 2022/23 period not being currently available, a comparative analysis of statistics was conducted for October to December 2018 to 2022. These statistics reflects an increase in the following categories of crime: murder, sexual offences, attempted murder, assault with the intent to inflict grievous bodily harm, common assault, common robbery, and robbery with aggravating circumstances.

Saudi Arabia's authorities control the media content and publication of information, no domestic reports on crime statistics was available.

As stated earlier, there is a general assumption that democracies are more protective of the personal security of people within its territories by virtue of its human rights laws. This implies greater protection from physical violence such as violent crime in its various forms (robberies, murders, rape, amongst others). Based on the crime statistics presented on South Africa in Chapter 4, it is clear that this assumption is far from the truth. While South Africa has several pieces of legislation and instruments that promote human rights protection, the success of these are dependent on its enforcement. The media reports suggest that the enforcement of domestic laws around crime and punishment are compromised due to corruption with the law enforcement officials.

Conclusion

This study has aimed to evaluate personal security as an aspect of human security in South Africa and Saudi Arabia. This was conducted by examining the levels of violent crime in each country as it has a direct impact on the personal security of people within each country. The study also analyses the impact that the international human rights regime has on the personal security of people within each country. This is done by ascertaining each country's UN Membership and whether the countries have committed to international human rights treaties,

specifically the ICCPR and the ICESCR. In the case of South Africa, it is a UN member and has ratified both of the human rights treaties that forms the international bill of human rights. South Africa has further ascended to the protocols to the ICCPR covenant, the second of which abolishes the use of the death penalty. While Saudi Arabia has not ratified any of these treaties or its related protocols, it is a Charter member of the UN. Bearing in mind, both countries have a responsibility to observe human rights are specified in the UDHR.

For South Africa, its regional commitments to human rights protection has not positively impacted on the levels of violent crime in the country. Regional commitments are more focused on state security when reviewing the issue area of human security. South Africa has not internalised international human rights laws with regard to personal security at its domestic level of crime is too high. Therefore, the level of personal security that people are afforded within South Africa has been compromised. There is a need for the concept of personal security as an aspect of human security to be explored within the region's commitment to human rights protection. In view of the above information, this research draws on the work of Finnemore and Sikkink (1998) on norm-bound interactions'. South Africa has indeed been socialised in human rights and can certainly be regarded as a human rights 'norm follower' in terms of its international human rights obligations and domestic human rights laws. However, for some reason, the country falls short on the internalisation/enforcement of some human rights norms. From the information presented in Chapter 4, the reasons could be due to the minimum sentencing implemented by the South African authorities on punishment for violent crime and also the ineffective enforcement of laws by officials tasked with this responsibility. Furthermore, as mentioned previously, there is no international central legislative body that enforces the implementation of international laws.

Saudi Arabia is not signatory to any of the international human rights treaties even though it is a charter member of the United Nations. It has no obligation to implement international human rights laws in its domestic domain as it would if it had fully committed to the promotion of human rights protection by ratifying the human rights treaties. As a Charter Member though it is obligated to the UDHR which proclaims the protection of all universal human rights, such as human rights and freedoms, that ought to be protected by member states and people within its territories. The Saudi Arabian criminal law is intertwined with its religious prescriptions. Crimes committed that are in contravention of Islamic criminal law are considered as going against the word of God. The country's domestic laws do offer the protection of human rights,

for example, ‘the right to life’ as mentioned in Chapter 4. Due to laws and the word of God being intertwined, any deviation from the laws surrounding crime and punishment are viewed as acts against the will of God. Taking the same stance, the authorities are stringent on following these laws as it is a way of honouring the will of God. Perhaps due to the religious inclinations of Islamic law, it has been able to influence the large majority of people within the Saudi territory who are God fearing and are committed to following the path of Islam. The punishment for violent crime is severe even though there are means of forgiving perpetrators of crime to avoid implementing the harsh laws. Nevertheless, the will of God is deeply internalised amongst the people in the country, most of whom are followers of Islam. As a result, people within the territory are inclined to want to be stringent followers of law which has been the reason for the low acts of criminal activities by the people.

What remains a common thread that is found in the international human rights treaties, South Africa’s domestic laws and the Saudi Arabian laws is the ‘right to life’. Though limitations to this right are found in Saudi Arabia’s domestic laws. While South Africa does not in any way authorise the use of the death penalty, its liberal laws on crime and punishment have allowed for minimal punishment of perpetrators of violent crime that has caused death. This in itself is advantageous to perpetrators of violent crime as the punishment awarded is merely sentencing without any harsh penalties implemented by the state. It can be deduced that for this reason the statistics for violent is excessively high in comparison to that of Saudi Arabia. It could be that the use of the death penalty in Saudi Arabia instils a sense of fear in its people which prevents them from conducting acts of violent crime.

This study endeavours to contribute to existing literature that considers democracies to be more conducive to the protection of the personal security of people as compared to autocratic rule in countries. The findings of this study present a counterfactual argument to the hypothesis that “the more a government has internalized human rights, the greater the level of personal security for residents within its territory.” It has overturned the assumption that an autocratic state would have less personal security levels while a democratic state would have greater personal security levels. South Africa indeed has lower levels of personal security due to the high levels of violent crime that occurs in the country. Saudi Arabi on the contrary affords people higher levels of personal security due to the low levels of violent crime in the country and a possible fear by the people on the harsh punishment implemented by authorities for acts of violent crime. The domestic rules of law within countries determines the degree of personal security that

people are afforded within those territories. The international human rights regime does not have a significant impact on the level of personal security within countries that operate within the regime, for example South Africa. In spite of a country operating officially within the international human rights regime, there is no guarantee that the personal security of people within its territory are protected from violent crime.

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