

# The Service Charter for Victims of Crime in South Africa

## **FACT SHEET**

- The Victims Charter is the Service Charter for Victims of Crime, 2004
- The Victims Charter was approved by Cabinet on 1 December 2004
- The Victims Charter was developed with the Minimum Service Standard for Victims of Crime, 2004 (also referred to as the Minimum Service Standards)
- The Victims Charter is a consolidation of rights from the Constitution and other legislation
- The Victims Charter contains SEVEN rights;
  - Right to dignity and privacy
  - Right to offer information
  - Right to receive information
  - Right to protection
  - Right to assistance
  - Right to compensation
  - Right to restitution
- The Victims Charter is a government programme led by the Department of Justice and Constitutional Development
- Other departments such as; Social Development, Health, Correctional Services, National Prosecuting Authority, South African Police Services, are responsible for implementation
- Each Department is responsible for:
  - Social Development - Victim Support, Shelters and NGOs
  - NPA - Prosecution, Thuthuzela Care Centres (TCCs)
  - Justice - Court Management, Court Facilities
  - Health - Forensic services (Medico-legal examination), Hospital and Clinics
  - Correctional Services - Parole and Parole Board Hearings

### **Additional Information: Concepts**

- Who is a victim?
  - A victim of crime is defined as a person who has suffered harm, including physical or mental injury, emotional suffering; economic loss; or substantial



- impairment of his or her fundamental rights, through acts or omissions that are in violation of our criminal law.
- Victim also includes, where appropriate, the immediate family or dependent of the direct victim.
- A person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between perpetrator and the victim.
- Victim are inclusive of all without prejudice of any kind on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- **What is secondary victimization?**
  - Secondary victimization as the 'victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim'. United Nations Centre for International Crime Prevention
- **How many countries in the world have Victims Charters?**
  - Austria, Australia, Canada, Denmark, Finland, Germany, Hong Kong, France, Japan, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Britain, Northern Ireland, United States
- **What is the international instrument (document) that informs the Victims Charter? (Where does the Victims Charter emanate from?)**
  - The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 (the UN Declaration)
- **What is victim compensation?**
  - Victim's compensation is provided for in Section 297 and 300 of the Criminal Procedure Act 51 of 1977. This is a right afforded to victims to claim compensation for loss or damages to property suffered as a result of crime committed against you.
  - The prosecutor makes an application for compensation order during sentencing
  - The clerk of the court will provide assistance with enforcement of compensation order.

