



CONCEPT PAPER
CRIME VICTIMS RIGHTS WEEK 2011

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CRIME VICTIMS RIGHTS WEEK

Introducing a National Integrated Campaign for the Justice Crime Prevention and Security Cluster

19 – 23 September 2011

'It is therefore very pleasing to note that the rights of the Victims Charter are being translated into reality within the CJS as a whole.'

President Jacob Zuma, 10 December 2009

1. INTRODUCTION

To mark the official launch of Heritage Day, 24 September 2011, former President Nelson Mandela stated, "Our varied cultural heritage has a profound power to build our new nation." For many South Africans, crime is a reality that questions whether government has a culture of tolerance towards criminals. South Africans and those living in this rich cultural land, should be inspired by government's (particularly the CJS) intolerance towards crime. Offenders and victims should be able to experience a CJS (hereafter abbreviated as CJS) that is premised on public service cultural value of *ubuntu*. For many South Africans, their perception of crime is often based on negative media reporting or personal encounters with personnel within the CJS. The question on how to correct this perception is presented in the form of an integrated campaign for the Justice Crime Prevention and Security Cluster (hereafter abbreviated as JCPS) known as Crime Victims Rights Week.

The inception of Crime Victims Rights Week (hereafter abbreviated as CVRW) drew inspiration from national departments of the JCPS Cluster's approach to programme implementation. Dating back to 2007; the Department of Justice and Constitutional



Development (hereafter abbreviated as DOJ &CD) facilitated annual planning sessions to implement the Service Charter for Victims of Crime, 2004 (hereafter referred to as the Victims Charter). Throughout the planning sessions, JCPS departments would collectively ask – *what intervention could be undertaken to demonstrate an integrated and collaborative approach to implementation of projects on the Victims Charter?* JCPS Departments would ask what project could demonstrate the vision of the Victims Charter; that of the centrality of the victim within the CJS. The answer to these questions was a national campaign that linked community awareness, activism and accountability and a demonstration of criminal justice (public) service cultural adherence to *ubuntu* and *batho pele* principles for all victims of crime.

In 2008, JCPS departments, taking a leaf from the wealth of international experience, replicated, for the first time in South Africa, a campaign that focused on victims rights. CVRW was introduced, symbolically, like a flickering flame of hope for victims of crime – acknowledging their experiences and advocating for community awareness of victims rights. CVRW was the first attempt wherein public servants took accountability for making visible the commitment of the CJS towards implementation of victims rights.

The national committee of JCPS departments tasked with implementation of the Victims Charter presents this concept paper for stakeholders within the CJS. The concept paper sets out;

- Background on CVRW – with references to international experiences of CVRW and South African CVRW
- Argument for why the campaign was introduced without ‘endorsement’ of political principals
- Argument for why the campaign now requires political endorsement
- Significance of CVRW to the JCPS Programme of Action 2011/2012, and



- Proposal for 2011 CVRW

Overall, the concept paper seeks to present CVRW to stakeholders; particularly political and administrative heads of JCPS Departments (national, provincial and local government departments) and its secondary intent is to advocate for the *institutionalization* of CVRW within South African society.

2. BACKGROUND ON CVRW

The answer to a question on why South Africa should implement CVRW lies in the political commitment made by government to implementing the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985¹ (hereafter referred to as the UN Declaration). In terms of a statement released by the United Nations²(after country endorsement of the UN Declaration), the UN Declaration ‘reflects the collective will of the international community to restore the balance between the fundamental rights of suspects and offenders, and the rights and interests of victims’.

In order to ensure consistent implementation of the UN Declaration, member States are expected to conduct ‘Public education (including awareness-raising campaigns) on victim rights’ as well as ‘Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information’³. The

¹ (General Assembly resolution 40/34, annex, of 29 November 1985)

² 29 November 1985

³ ‘Policy Guide: Implementation of United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985’ United Nations Office for Drug Control and Crime Prevention Centre for International Crime Prevention (UNODCCP), New York, 1999



achievement of both public awareness and information to victims of crime was to be presented in the form of a national campaign known as *crime victims rights week*.

2.1 International Experience

The United States and Canadian governments', through their respective Department of Justice, provide case studies on country implementation of CVRW.

With over thirty years of experience implementing national crime victims rights weeks, the former United States President Ronald Reagan, during the signing of a proclamation, declaring April 1981 as month for awareness on victims rights, stated, 'the protection of our citizens – to guard them from becoming victims, is the primary purpose of our penal laws. Each new victim personally represents an instance in which our system has failed to prevent crime,' thus placing collective social responsibility to protecting victims. The United States took the lead to focus on awareness of victims rights prior to the drafting of the UN Declaration, thus offering a wealth of experience for implementation of CVRW. Through efforts of former President Reagan, the Department of Justice established an Office for Victims of Crime that has since 1981, partnered with various stakeholders to hold annual CVRW.

In the United States, CVRW is marked in the year of a nation as a week of remembrance for victims who died as a result of crime, raising awareness about legislative developments advancing victims rights, campaigning for political, administrative and financial commitment to support victims of crime, and paying tribute to 'victims champions' in government and civil society. Through annual Presidential proclamation, CVRW calls on the American nation to focus one week in the year to crime victims – demonstrating every citizen's commitment to supporting crime victims. President



Barack Obama's speech during the proclamation signing in April 2011, succinctly affirmed CVRW as a time to 'renew our commitment to assisting those who have been victimized by crime and supporting those who help survivors rebuild their lives.'⁴

Similar to South Africa (in terms of limited experience in years), the Canadian government has since 2006 implemented CVRW which is held in the month of April. CVRW is managed through the Canadian Justice Department and each year, a particular theme informs activities held throughout the week. An overview of the Canadian experience is presented in Table 1 below:

Table 1: Canadian CVRW

Year	CVRW Theme
23 – 29 April 2006	People, Service and Laws: Did you know?
22 – 28 April 2007	Victims Rights: Every victim Every time
13 – 19 April 2008	Finding the way together
26 April – 2 May 2009	Supporting, Connecting, Evolving
18 – 24 April 2010	Every victim matters
22 – 28 April 2011	Many voices, many paths

From Table 1, some observations can be made with regard to dates (flexibility but maintaining consistency in terms of month of April) and themes. Interesting, the United States 2011 theme (held on the same dates; 10 – 16 April) was 'reshaping the future and honoring the past' which carries a similar vision of 'movement' with the Canadian theme – forward and backward reflection as well as recognition of 'many paths'.

⁴ Presidential Proclamation – National Crime Victims Rights Week, 10 – 16 April 2011, White House Statement



The examples presented above provide South Africa with pointers in terms of how to implement CVRW. Importantly, both the United States and Canadian experiences show that South Africa can ‘customize’ its CVRW to reflect national interests and priorities, particularly as articulated in the JCPS Programme of Action.

2.1.1 Lessons

Lessons that can be learnt from other countries using CVRW are not unknown in South Africa, particularly with our history of socio-political mobilization. Civil society organizations; from trade unions, faith based and youth groups have often worked with government in affect social change. One of the more successful campaigns that continuous provided ‘lessons’ that improved annual outcome that is a partnership between government and civil society is the 16 Days Campaign on No Violence against women and children.

Some examples of lessons that should inform continuous improvement of CVRW include;

- Maintaining momentum throughout the year – CVRW must not be viewed in isolation from other campaigns
- A focus on victims rights awareness campaign is critical even in the context of existing and established campaigns. In the United States national campaigns include; national child abuse prevention month, national volunteer week, national sexual assault awareness month and national youth service day, and CVRW serves as a reminder of the importance of victims rights in a broad sense.
- A focus on rights and the CJS – both Canadian and United States CVRW experience use concepts such as “seeking rights”, “asserting rights” and “owning rights” to emphasize empowerment of victims and communities



Overall, the international experience as reflected by established practice (United States) and relatively new implementation (Canada) offer lessons that ensure South Africa's compliance with international obligations as defined in the UN Declaration.

Similar to both countries, a CVRW could demonstrate our government's coordinated response to victim's rights, thus changing perceptions, strengthening efforts at criminal justice reform and crime reduction, and instill in all citizens an understanding of rights and responsibilities.

2.2 CVRW in South Africa

2.2.1 CVRW within government programme on victim empowerment

The foundational framework for CVRW is the Victims Charter and the National Victim Empowerment Policy Guidelines, 2009. Both documents guide and inform content (in terms of focus and information provision) of CVRW. The Victims Charter sets out seven rights that all victims of crime are afforded when they encounter the CJS;

- Right to fairness, dignity and privacy
- Right to offer information
- Right to receive information
- Right to protection
- Right to assistance
- Right to compensation
- Right to restitution



Through the Victims Charter, the Victim Empowerment Programme articulates 'rights-based services' that government departments are to put in place to give 'meaning to rights'. Victim empowerment services from various departments include;

- Victim friendly facilities and specialist police services (FCS Units) – SAPS
- Court preparation support and specialist integrated services (TCCs) – NPA
- Direct support to victims in the form of counseling, provision of shelters and provision of one stop centres – DSD
- Court support and assistance – DoJ&CD
- Victim participation and empowerment: Parole board hearings, Restorative justice – DCS
- Victim assistance – DOH

The content and focus of CVRW is primarily the Victims Charter, but each department is required to represent its departmental specific implementation of the Victims Charter and Victim Empowerment Programme.

2.2.2 Key Features on Implementation of CVRW

Planning CVRW is the responsibility of the National inter-departmental committee on the Victims Charter (hereafter abbreviated as IDC). Since 2008, the IDC has planned CVRW in line with the JCPS Cluster Programme of Action. During planning, different themes are presented, debated and agreed to. The IDC also identified provinces where they will provide support and attend events. Provincial selection is informed by a criteria that includes; 'track record' of provincial implementation of the Victims Charter programme, functioning of the Provincial Victim empowerment forum and whether national support was provided in previous year.



Provincial IDC are tasked with developing their own CVRW activities in line with overall theme. Activities are defined as; community meetings, training workshops, information sessions and ‘community’ activities such as prayer (religious) services for victims, etc.

Post CVRW, the IDC facilitates a Review session with provincial departments. The review session in 2009 and 2010 provided continued to raise the importance of political ‘buy-in’ for implementation of CVRW.

2.2.3 CVRW 2008

At the first CVRW event in 2008 which was held in Mathafeni township, Nelspruit, Mpumalanga, the SAPS Mpumalanga Provincial Head: Visible Policing, Director S Mashiyane, set the tone for provincial implementation of CVRW, ‘The aim of the event was to acknowledge Victims Rights Week by sensitizing and empowering the community on the Victims Charter. We achieved our goal and this is a significant highlight for 2008, for the province and for the department.’ In line with the theme, “[justice for victims, justice for all](#)” CVRW highlighted the fact that crime can affect anyone, thus highlighting the inclusivity of the problem of crime.

Achievements of the first CVRW in 2008 is presented in table 2 below:

Table 2: 2008 CVRW events

Province	Lead Department	Rural community/ Township	Estimated community members in attendance
Mpumalanga	SAPS	Mathafeni	2 000
Eastern Cape	DCS	Libode, Nyandeni	1500
	DOJ &CD	Keiskammahoek	500
		Ngwetsheni, Mount Frere	200
		Hofmeyer, Queenstown	250
		Qintsi, Cofimvaba	600



		Mdantsane, East London	100
Free State	DOH	Zastron	1500
	DCS	Moqhaka, Kroonstad	200
	DOJ&CD	Matjhabeng, Welkom	150
		Maluti A Phofung, Qwa Qwa	500
North West	DSD	Madikwe	110
	DOJ&CD	Mogwase, Sifikile	90
	DOH	Potchefstroom	50
	DOJ&CD	Maquasi, Leeudoring	200
		Ratlou, Masamane	150
Northern Cape	DOJ&CD	Griekwastad	200
	DCS	Upington	150
	SAPS	Rebone Village, Mogalakwena	100

With the enthusiasm of both national and provincial department teams, implementation of 2008 CVRW proved to be a success despite limited funds for implementation. The review session held in the beginning of year in 2009 provided national and provincial teams with a sense of accomplishment and a determination to implement lessons learnt in planning 2009 CVRW.

2.2.4 CVRW 2009

In 2009, CVRW theme was “[Respect, Empower and Restore Crime Victims Rights](#)” – highlighting the “rights-based” to victim services and programmes as defined in the Victims Charter.

2009 proved to be challenging year for implementation of CVRW with the DOJ&CD non participation in some of activities such as facilitating training in Mpumalanga. Despite this challenge, CVRW received much needed financial and technical support through the United Nations Office on Drugs and Crime (hereafter abbreviated as UNODC) and



government partnership on 'Support to South Africa's Victim Empowerment Programme' AFS 2007/ 146 – 944. Technical support was provided by the UNODC national (Gauteng) and provincial (Kwa Zulu Natal) offices in the form of writing newspaper articles on CVRW.

Achievements for CVRW 2009 are provided in table 3 below:

Table 3: 2009 CVRW

Province	Lead Department	Rural community/ Township	Estimated community members in attendance
National	DOH	Staff (DOH, DOJ&CD, DCS and SAPS) Information Session	70
Kwa Zulu Natal	SAPS	Ezingolweni	350
	DSD	Kwa-Makhutha	500
Western Cape	DOJ&CD	Paarl – Information Desk at Courts: Wolseley, Ceres, Wellington, Stellenbosch and Tulbagh	200
		Oudtshoorn – Information Desk at Courts: Uniondale, Murraysburg, Calitzdrop, Ladismith and Worcester	250
Mpumalanga	DSD	Training Workshop: Intersectoral (Provincial Departments and NGOs)	35



Northern Cape	DCS	Platfontein	60
	DSD	Barkley West	45

Two highlights stand out for 2009 CVRW; the provision of ‘service delivery point’ as parallel activity during the community meeting in Kwa Zulu Natal. Provincial departments set up ‘offices’ in the community hall where the meeting was taking place. Community members were invited to visit the offices where department representatives would provide ‘one-on-one response’ to cases. This ‘new’ innovation proved a huge success with community members who were able to address complaints and queries after listening to presentations on the Victims Charter during the meeting.

The second highlight was the involvement of traditional leaders in CVRW. As the Amakhosi Mavulindlela of Cele Region (Kwa Zulu Natal) noted in his speech, ‘support Crime Victims Rights Week and you will learn that victims rights should go with responsibilities.’

2.2.4 2010 CVRW

In 2010, South Africa hosted the International Soccer World Cup and this resulted in many departments working to ensure a success sporting event. CVRW proved challenging, particularly during planning phase, with national departmental committee representatives not available to attend meetings. Despite this, some activities took place.

The theme for 2010 was *‘Building a safe and responsive community by providing practical assistance to victims of crime’*. Activities that took place are reflected in table 4 below



Table 4: 2010 CVRW

Province	Lead Department	Rural community/ Township	Estimated community members in attendance
National	DOJ&CD	Staff (DOH, DOJ&CD, DCS and SAPS) Information Session	25
Western Cape	DOJ&CD	Intersectoral Training Workshop	40
Mpumalanga	DSD	Training Workshop: Intersectoral (Provincial Departments and NGOs)	35
Limpopo	NPA	Tzaneen	100

With limited activities held in 2010, a new approach is proposed for 2011 that includes political support for CVRW.

3. PUBLIC AWARENESS WITHOUT POLITICAL PRINCIPALS

The national IDC, as a team of representatives from various departments, has worked together since the launch of the Victims Charter. One of the IDC's experiences of implementing the Victims Charter programme was the change in political leadership in 2008 and 2009. The impact of this change seemed to 'destabilize' implementation of the Victims Charter – new political principals often bring new priority projects that are often informed by personal areas of focus. The sense of 'destabilization' and the need to consistently maintain momentum of public awareness informed the implementation of CVRW without political principals. Another factor that influenced this approach was the



need to provide a senior administrators with ‘first- hand account’ of challenges communities face in realizing their rights within the CJS.

At provincial level, implementation of CVRW has received support from political principals. Examples include; Former Premier North West, Edna Molewa, Former Premier Eastern Cape, Mbulelo Sogoni, and Former MEC Health, Free State, Mr ST Belot. In addition to provincial political principal support, local government political principals in the form of mayors and councilors have participated in community events as guest speakers.

With some form of political ‘endorsement’, arguments have been presented during Review sessions for inclusion of all levels of political principal endorsement.

4. NEW APPROACH – ARGUMENT FOR POLITICAL ENDORSEMENT

The United State presidential annual proclamation of CVRW has cemented the week in the national identity of the country. Through the symbolical signing of the proclamation, all stakeholders are given ‘leverage’ to ‘compete’ with other national events, news, interest that hold sway in the minds of the nation. At the highest level of political endorsement, CVRW draws association with all initiatives undertaken by the President throughout the year that address crime, legislation and policy and victims issues.

In contrast with the United State, President Zuma’s acknowledgement of the Victims Charter in his closing address to the 16 Days campaign on No violence against women and children,

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may not have been suffice to create awareness for all victims of crime. Making reference to the Victims Charter in the context of a campaign that focuses on women and children could be viewed as exclusionary to male victims. CVRW focuses on rights of all victims of all crimes and in this regard we would advocate for President Zuma to lead implementation of the Victims Charter and victim empowerment. This advocacy work should begin with political principals of the JCPS Cluster.

5. SIGNIFICANCE OF CVRW FOR THE JCPS PROGRAMME OF ACTION

The trajectory of government's legislative and policy interventions for inclusion of victims in the CJS is remarkable. From Constitutional guarantees to policy such as the National Victim Empowerment Policy Guidelines 2009, we can stake a claim as leader among the world's nation. However, like many democracies, we fall short of implementation and monitoring of rights. In order to address this, we need to ensure that legislation and policy are "living documents". One attempt to achieve this objective is to ensure that communities "own" rights.

CVRW presents an opportunity for South Africans to focus on the effects of all forms of crime on victims, communities and the nation. Through CVRW, we can show progress made by the JCPS Cluster. Victims who are informed of their rights and responsibilities can assist in conviction rates, influence parole board decisions and participate in restorative justice, thus building communities.

Importantly, a CVRW also presents an opportunity for consolidating all of government and civil society's campaigns on crime and victims. All current campaigns focus on specific target groups (See Box 1) and in the process some victims are not catered for. The week will not detract from the momentum of individual campaigns; on the contrary,



it will highlight and enhance gains made by government and civil society in victim's rights and services. It will provide for all victims of crime.

Box 1: Current Interventions on crime and victims

Intervention / Campaign	Government / Civil Society	Focus
National Anti-Crime Campaign	Government	Citizens fighting crime
16 Days Campaign on No Violence against women	Government and Civil Society	Women and children
365 Days – National Action Plan on Gender Violence	Government and Civil Society Government and Civil Society	Women victims (although gender is both female and male)
Anti-Rape Strategy – IDMT	Government	Victims of sexual violence
One in Nine campaign	Civil society	Women victims of sexual violence who speak out
The Bus Campaign	Civil society	Women and children victims of domestic and sexual violence
Children's Rights Week	Government	Children
Movement for Good	Government and Civil society	Citizens Linking campaigns together

What distinguishes CVRW from other awareness campaigns is "rights-based" to victim services and programmes as defined in the Victims Charter and Victim empowerment policy.



5.1 Linking CVRW with Outcome 3 of JCPS Programme of Action

The JCPS Programme of Action 2010/2011 has implications for CVRW in terms of achieving Outcome three (3) which states that “All people in South Africa are and feel safe.” In its development of outcome 3, the JCPS Cluster identified factors that informed the outcome (and relevant to CVRW):

- The apparent lack of care for victims of crime intensifies sense of insecurity;
- The prevalence of crimes against women and children disproportionately influence feeling of being unsafe; and
- The combating and prevention of crime is a multi-agency responsibility across the CJS, but also in partnership with communities.

Through CVRW, the JCPS Cluster is presented with an opportunity to go into communities and address experiences and feelings of insecurity. CVRW therefore requires support from a political principal to strengthen its importance and engender the sustained buy-in of all role-players.

6. IMPLEMENTATION PLAN FOR 2011 CVRW

The following proposal was developed by the national IDC in its planning meeting;

Theme: Building safe communities and teaching victims rights

Dates for the week: 19 – 23 September 2011

- Launch: 14 September 2011 (Wednesday)
- Programme Intervention: 19-23 September 2011 (Monday-Friday)

Pre-CVRW: July – August 2011

- Information Session for JCPS Departmental Staff



The Service Charter for Victims of Crime in South Africa

- Training Workshop with NGOs and Stakeholders

Provincial Events supported by National IDC

Provinces	Event	Dates
Limpopo	Community Meeting and Service Delivery Point	19 Sep 2011
Free State	Inter-Denominational Religious Group Meeting	20 Sep 2011
Mpumalanga	Community Meeting and Service Delivery Point	20 Sep 2011
Gauteng	March through street and laying of wreath for victims of 'corrective rape'	21 Sep 2011
Northern Cape	School Debate	23 Sep 2011

Provincial 'Launches' supported by National Political principals

Province	Lead Department	Rural community/ Township	Projected community members in attendance
National	DSD	Staff (DOH, DOJ&CD, DCS and SAPS) Information Session	100
Limpopo	DOJ & CD	Modimolle	250
Gauteng	SAPS	East Rand township	500
Free State	DCS	Parys	100
Northern Cape	NPA	Jan Kempdorp, Frances Baard	300



LIST OF ACRONYMS

DCS	Department of Correctional Services
DOH	Department of Health
DOJ&CD	Department of Justice and Constitutional Development
DSD	Department of Social Development
FCS	Family Violence, Children and Sexual Offences Unit
JCPS	Justice, Crime Prevention and Safety Cluster
IDC	Inter Departmental Committee
NPA	National Prosecuting Authority
NGOs	Non-Governmental Organizations
SAPS	South African Police Service
VC	Victims' Charter
UN	United Nations
UNODC	United Nations Office on Drugs and Crime



IDC CONTACTS:

