



WHAT THE VICTIMS CHARTER CAN DO FOR YOU

You will always remember the day and what you were doing a second before it happened. Nothing you ever read or heard prepares you for the moment you become a victim of crime. Months later when the scars have healed and you can sleep with the lights off, you will debate, like most South African do, what can we do about crime? As a victim of crime, you may feel anger towards 'those people' who violated you, in your home, in your car, in a shopping mall. Somewhere in the debate, you might venture an opinion about services provided by government for victims of crime. If you were fortunate to experience crime in an urban area, you may have gone to a police station with a private room, where your statement was taken. If, like so many South Africans living in rural areas, you would probably not want to report the crime because of the distance you may have to travel to the nearest police station. As you give your opinion, others may react with anger towards 'the government'. As a victim of crime, and more importantly as a government employee, what would your response be?

As employees, particularly of the Department of Justice and Constitutional Development, it is your responsibility to be able to respond to the debate about crime, with accurate information about government services or interventions for victims of crime. Your first line of defence should be to provide information about the Service Charter for Victims of Crime, also referred to as the Victims Charter.

As Justice Department employees, we are the custodians of the Constitution. Simply, this means that we are responsible for the administration and enforcement of the Constitution. Understanding the Constitution is our responsibility. The Victims Charter, which contains seven rights, is based on Constitutional rights, for example, the right to fairness and dignity, the right to dignity, the right to protection and right to information.

This brief article aims to provide information on the Victims Charter, so that we can be empowered enough to participate in debates about crime, from an informed perspective.

The Victims Charter may seem like a foreign concept – like the sound you heard in the middle of the night, and then spend hours trying to determine whether you really heard a 'bump' or whether the sound is a remnant from your memories of the attack.

A History Lesson

All law students began their lesson with a background that dates back to 1852. The Victims Charter's history began in 1996, when government approved the National Crime Prevention Strategy (NCPS) which introduced a victim-centred approach to the criminal justice system. The aim of the NCPS was to reduce crime through four interventions (or pillars)

- Criminal justice processes
- Community Values and Education
- Environmental Design
- Transnational Crime

Victim empowerment and support was located in the first intervention – the criminal justice processes. The Department of Social Development is the lead agency for provision of victim support services.

The era of post democracy included the finalisation of the Constitution, followed by various pieces of legislation which attempted to ensure a victim centre approach. The Department of Justice and Constitutional Development was responsible for the enactment of several laws such as the Domestic Violence and Maintenance Acts in 1998.

South Africa also signed different international laws, treaties and declarations that affirmed victims' rights. One of these was the United Nations Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985. South Africa, through the Department of Justice and Constitutional Development, was responsible for developing its own Victims Charter in line with the UN Declaration.

The Victims Charter is not 'new' as it consolidates existing rights and is part of government's victim empowerment programme.

Using the Constitution, section 234, which gives Parliament authority to enact Charters, the Victims Charter was developed by a group of stakeholders; government departments, chapter nine institutions (the Human Rights and Gender Commissions), and NGOs in 2004. The Victims Charter contains seven rights that should be implemented to assist victims of crime. The rights are:

- Right to be treated with fairness and with respect to your dignity and privacy
- Right to offer information
- Right to protection
- Right to assistance
- Right to compensation
- Right to restitution



The Victims Charter and Minimum Standards for Services for Victims of Crime were approved by Cabinet on 1 December 2004. This was significant because it was approved on International AIDS Day, during the 16 Days Campaign on No Violence against women and children, and (most importantly) in the year of South Africa's ten year democracy anniversary. South Africans could finally put away the notion that the country's legal system favoured criminal over victims.

A new era – giving life to paper tigers

The period from 2004 to 2007 (for the Victims Charter) can be viewed as the testing ground for giving life to the Victims Charter. What does the Victims Charter mean for a victim of crime? In response, the Department of Justice and Constitutional Development translated the Victims Charter and Minimum Standards into all official languages, including Braille.

In addition to translation, the department conducted an education awareness programme using local radio stations, and conducted training for different government department's front line staff.

Other departments such as the National Prosecuting Authority (NPA) have gone as far as setting up Thuthuzela Care Centres which are one-stop centres for victims of sexual and domestic violence.

The Department of Correctional Services, for the first time in South African history, introduced victim participation in parole hearings. Fifty two (52) parole hearing centres were set up throughout the country.

The Department of Social Development continued to support all victim empowerment programmes and provide funding to Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) to provide counseling and support to victims of crime.

The South African Police Services (SAPS) established victim friendly facilities in five hundred and eighty three (583) police stations.

Currently in 2007, the Department of Justice and Constitutional Development has completed drafting national implementation plans for the Victims Charter. The implementation plan shares how each department is to continue giving life to the Victims Charter.

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UKUZWISISA UMTLOLOMALUNGELO WABONGAZIMBI

Uzakuhlala ukhumbula njalo ilanga lelo begodu nanokuthi wawusenzani ngalowo mzuzwana ngaphambi kobana kwenzeke isehlakalo lesa. Isehlakalo lesa akekho owakhe wafunda namkha wezwa ngaso okumenza azilungiselele lesa sikhathi sokuba ngungazimbi wobulelesi. Emva kweenyanga lapho iimbazi sezipholile sewulala ucimile, uzazibuza njengawo woke amaSewula Afrika, singenzani ngobulelesi? Njengongazimbi wobulelesi, ungabazonda abantu abakugebenga, emzini wakho, ekoloyini yakho, eenthabathabeni zeentolo. Nawusazibuzako, ungathola umbono ngemisebenzi karhulumende enikelwa abongazimbi wobulelesi. Nangabe ube netjhuu lokubona ubulelesi emadorobheni, ungabe uye esitetjhini samapholisa esinendlwana yokukhulumela ngeqadi, lapho kuthathwa khona isitatimende sakho. Nangabe unjengamaSewula Afrika amanengi abahlala emakhaya, ungeze wafuna ukubika ubulelesi ngesibanga sobude bendlela okumele uyikhambe nawuya esitetjhini samapholisa. Nawubeka umbono wakho abanye bangasilingeka ngorhulumende lo. Njengongazimbi wobulelesi, khulukhulu njengomsebenzi karhulumende, ungaphendula uthini?

Njengabasebenzi, khulukhulu bomNyango wezoBulungiswa nokuThuthukiswa komThethosisekelo, kusibopho sabo sokobanyana baphendule eenkulumiswaneni lezo eziphathelele nobulelesi, ngelwazi elinembeko eliphathelene nemisebenzi karhulumende namkha ngokungenelela kukarhulumende malungana nabongazimbi wobulelesi. Okokuthoma ongakwenza ukubavikela kukubanikela ngelwazi eliphathelene nemiSebenzi yomTlolomalungelo waboNgazimbi wobulelesi, ube udzubhule nemTlolomalungelweni waboNgazimbi.

Njengabasebenzi bomNyango wezoBulungiswa, sibelusi bomThethosisekelo. Lokho kutjho bonyana sifanele ukuqinisekisa ukulawula nokusetjenziswa komThethosisekelo. Kumele thina ngokwethu siwuzwisise umThethosisekelo loyo. UmTlolomalungelo waboNgazimbi, omumethe amalungelo alikhomba, udzimelele emalungelweni womThethosisekelo, isibonelo, ilungelo lokubanamaqiniso kunye nesithunzi, ilungelo lokuvikeleka kunye nelungelo lokuthola ilwazi.

Umtlolo omncazana lo unqophe ukunikela ngelwazi ngomTlolomalungelo waboNgazimbi. Ukwenzela bonyana sibe nolwazi elaneleko ukuze sizibandakanye eenkulumiswaneni eziphathelele nobulelesi, ngehlangothini lokwaziswa.

UmTlolomalungelo waboNgazimbi ungabonakala njengomqondo wakelinye ilizwe- njengemidumo oyizwako phakathi nobusuku, uqede isikhathi eside uzibuza bonyana uzwe ukuqhulana namkha umdumolowo mdumo owasalela emkhumbulweni wakho ngokusahlelwa.

ISIFUNDO SOMLANDO

Boke abafundi abafundela umthetho bathoma ngesendlalelo somnyaka ka-1852.

Umlando womTlolomalungelo waboNgazimbi uthome ngo-

1996, lapho urhulumende abeka ngokusemthethweni iQhinga lokuVikela ubulelesi esiTjhabeni I- National Crime Prevention Strategy (NCPS) leyo eyafaka indlela eqalelele abongazimbi khulukhulu erhelweni lobulungiswa kwezobulelesi. Umnqopho we-NCPS kukuphungula ubulelesi ngeendlela ezine (ezisisekelo).

- Indlela yekambiso yobulungiswa bobulelesi
- Ubugugu bomphakathi kunye nefundo
- Umtlamo wezebhoduluko
- Ubulelesi obuzele iinarha zoke

Ukuhlonyiswa ngelwazi kwabongazimbi kunye nokusekelwa kwabo kwakufakwe ekuthomeni kokungenelela kukarhulumende – amarherho wokulungisa ubulelesi. UmNyango wezokuThuthukiswa komPhakathi ukhamba phambili ekunikeleni imisebenzi yokusekela abongazimbi.

Isikhathi sangemva kwedemokhrasi sifaka hlangana ukuphethwa komThethosisekelo, salandelwa ziintokana ezahlukahlukeneko zomthetho ezaziqinisekisa ikambiso edzimelele kibongazimbi. UmNyango wezoBulungiswa nokuThuthukiswa komThethosisekelo wawuqalelele ukuphasiswa kwemithethwana ethileko enjengokuhlukunyezwa kwangekhaya kunye nomThetho weSondlo ngo-1998.

ISewula Afrika yatlikitla imithetho ehlu kahlukeneko yeentjhabatjhaba, iimvumelwano kunye neememezelo eziqinisa amalungelo wabongazimbi. Enye yazo kwakusimemezelo seentjhaba ezibumbeneko kumiThethokambiso esiSekelo yoBulungiswa waboNgazimbi wobulelesi kunye nokuSetjenziswa buTjhilweni kwaMandla, 1985. ISewula Afrika, ngokusebenzisana nomNyango wezoBulungiswa nokuThuthukiswa komThethosisekelo, bewunesibopho sokuzenzela yawo umTlolomalungelo waboNgazimbi okhambisana nesiMemezelo se-UN..

UmTlolomalungelo waboNgazimbi awusimutjha njengombana uhlanganisa amalungelo akhona begodu uyincenye yehlelo likarhulumende lokuhlomisa abongazimbi.

Nawusebenzisa umThethosisekelo, isigaba 234, esinikela



iPalamende igunya lokudlulisa umTlolomalungelo, umTlolomalungelo waboNgazimbi wenziwa sitlhopha sabasebenzisani, okuminyango yaborhulumende, isahluko sethoba sesikhungo (amaLungelo wobuNtu kunye neKomitjhana yezobuLili), kunye nama-NGO ngo-2004. UmTlolomalungelo waboNgazimbi unamalungelo alikhomba okumele asetjenziswe ukusiza abongazimbi bobulelesi. Amalungelo lawo nginaka:

- **Ilungelo lokuphathwa kuhle nangehlonipho ngokuya ngesithunzi sakho kunye nokufhleka**
- **Ilungelo lokunikela ngelwazi**
- **Ilungelo lokuvikeleka**
- **Ilungelo lokurhelelwa**
- **Ilungelo lokuliliswa ngokuthileko**
- **Ilungelo lokubuyiselwa okungokwabo**

UmTlolomalungelo waboNgazimbi namaZinga aHlangana wemiSebenzi yaboNgazimbi bobulelesi yahlonywa ngokomthetho yiKhabhinethi ngomhlaka 01 kuNobayeni 2004. Lokhu bekuqakathekile ngombana yahlonywa ngelanga leentjhabatjhaba le-AIDS, ngesikhathi sejima lamalanga ali-16 elilwa nokuhlukunyezwa kwabafazi nabantwana, begodu okhanye okuqakathekileko kukobana iSewula Afrika iqeda iminyaka elitjhumi yathola idemokhrasi. AmaSewula Afrika angabekela ngeqadi ikolelo yokobanyana irherho lomthetho livikela izelelesi kunabongazimbi.

Ukwenza umthetho bonyana usebenze

Isikhathi kusukela ngo-2004 – 2007 (ngokomTlolomalungelo waboNgazimbi) ingaqaleka njengetatawu lokulinga ukwenza umthetho bonyana usebenze ngokulandela umTlolomalungelo waboNgazimbi. Utjho ukuthini umTlolomalungelo waboNgazimbi ngabongazimbi bobulelesi? Ukuphendula lapho, UmNyango wezoBulungiswa nokuThuthukiswa komThethosisekelo watjhugulula umTlolomalungelo kunye namazinga aphakathi ngawo woke amalimi asemthethweni, kufaka hlangana ne-Braille.

Ukungezelela ekutjhugululeni, umnyango ubambe ihlelo lokulemukisa ngefundo ngokusebenzisa amaradiyo womphakathi, bathwasise nabasebenzi abasebenzangomthetho eminyangweni eyahlukahlukeneko yaborhulumende.

Eminye imiNyango efana nomnyango we-National Prosecuting Authority (NPA) benze okukhulu ngokuhloma isentha yokuthogomela ebizwa bonyana yiThuthuzela okuyisentha yabongazimbi bokugagadhelwa kunye nenturhu yangekhaya.

UmNyango wezamaJele, kokuthoma emlandweni weSewula Afrika, uhlome ihlelo lokuzibandakanya kwabongazimbi nakulalelwa ukucolelwa kwezelelesi. Amasenta amatjhumi amahlanu nambili (52) aye ahlonywa kiyo yoke inarha.

UmNyango wezokuThuthukiswa komPhakathi uragele phambili ngokusekela boke abongazimbi ngamahlelo wokubahlomisa ngelwazi begodu babanikela nerhelelho leemali eenhlanganweni ezingasingezombuso ama-NGO kunye neenhlangano ezidzimelele emphakathini ukuze zikwazi ukuthoba imikhumbulo nokusekela abongazimbi bobulelesi.

ISipholisa seSewula Afrika i-(SAPS) naso sihlome iinsetjenziswa zabongazimbi ezisebenziseka lula eentetjhini zamapholisa ezimakhulu amahlanu namatjhumi abunane nantathu (583).

Njenganje ngomnyaka ka-2007, umNyango wezoBulungiswa nokuThuthukiswa komThethosisekelo sewuqedile ukutlamba indlela okuzokusetjenziswa ngayo umTlamomalungelo waboNgazimbi. Indlela yokusetjenziswa itjengisa bonyana omunye nomunye umnyango kumele uragele phambili ngokwenza umthetho bonyana usebenze ngokulandela umTlolomalungelo waboNgazimbi.

Ipikiswano ethumbako

Ngenyanga kaMhlojanja 2007, umntazanyana omncani wabulawa ngumakhelwanakhe. Umphakathi wawukwatekhulu emngcwabeni womntwanaloyo, omunye wamalungawomndeni wayephethe iphosta eyayitlolwe naka amagama

“Mongameli wenzani ngobulelesi - Awenzilitho!”

Njengabasebenzi bomNyango wezoBulungiswa, kumele senzeni nasibona iphosta enjengaleya? Singenza **ngeendlela nanzi ezintathu ezilandelako:**

Kokuthoma ukufaka inselela yomcabango wokobana urhulumende akenzi litho ngabongazimbi bobulelesi-singabelana ngelwazi ngomTlolomalungelo waboNgazimbi nangerhelelho elinikelwa ngurhulumende njenganje.

Kwesibili, singlaragela phambili ngokusebenza ngokuzimisela ukufezakalisa iminqopho yethu yokwenza bonyana ubulungiswa bufikelelwe bulula ngibo boke abantu – khulukhulu kubongazimbi bobulelesi. Singabuya sizibophelele ekusetjenzisweni komTlolomalungelo waboNgazimbi, ngokusebenzisa umthethokambiso we-Batho Pele.

Okwesithathu, kumele sitjhugulule umukghwa malungana nobulelesi begodu sizitjele bonyana singakwazi ukuyithumba ipi le! Sisebenzise amandla nokukhuthala, singathoma sizibuze bonyana singenzani ukuqeda ubulelesi enarheni yekhethu nokuthi sibanikele irhelelho elibukwako abongazimbi bobulelesi.