

REPORT
CONSULTATIVE WORKSHOP: VICTIMS
CHARTER
28 JULY 2010



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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The report was prepared by the Department of Justice and Constitutional Development, Directorate: Victim Support and Specialized Court Services in the Branch: Court Services. It reflects as accurate as possible, views expressed by workshop participants.

QUOTES FROM WORKSHOP PARTICIPANTS

“This is an opportunity for you to start thinking outside of the box in terms of what support the Department should provide to NGOs.”

Director, Victim Support and Specialized Court Services, Ms Kamogelo Lekubu-Wilderson, DOJCD

“Victims receive support for three or four months from NGOs but offenders receive support for as long as they are in prison and this could be over fifteen years.”

Margaret Stafford, The Salvation Army

“The one person I would most like to meet is myself – the other side of myself that I don’t know and I discover some parts of who I am each day, but I would like to meet the person I was meant to be.”

Edwin Beesteburg, Gauteng, Lifeline

“How many of us know about the Crime Victims Rights Week?”

JR Mokonoto, Department of Health

“Who will hold government officials accountable for the victim, we need a Victims Champion, just as we had champions for political freedom.”

Zifikile Maoka, Foundation for Victims of Crime

“If you are a person with disabilities and you are visually impaired or blind, and you are a victim of crime, you cannot participate in as others would in identifying a suspect in an Identify Parade. This is secondary victimization.”

Phillipine Mavundlela, Department of Justice and Constitutional Development

List of abbreviations and acronyms

CBO	Community Based Organization
CFM	Clinical Forensic Medicine
CSO	Civil Society Organization
DCS	Department of Correctional services
DOH	Department of Health
DOJCD	Department of Justice and Constitutional Development
DSD	Department of Social Development
FBO	Faith Based Organization
NGO	Non Governmental Organization
PEP	Post Exposure Prophylaxis
SAPS	South African Police Services
UN	United Nations

1. INTRODUCTION

1.1 BACKGROUND

The Department of Justice and Constitutional Development (hereafter referred to as DOJCD) is the lead government department for the Service Charter for Victims of Crime (hereafter referred to as the Victims Charter). The DOJCD was instrumental in developing the Victims Charter in 2004, together with government departments within the Justice, Crime Prevention and Security Cluster, Chapter Nine Institutions and Civil Society Organizations. In addition to the Victims Charter, the Minimum Standards on Services for Victims of Crime (hereafter referred to as the Minimum Standards) was also developed. The Minimum Standards sets out processes and responsibilities of government department role-players in the criminal justice system, minimum standards on services for victims of crime and complaints mechanism.

The Victims Charter, which is based on the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (GA/Res/40/30), contains seven rights that all victims of crime are entitled to when they enter the criminal justice system. The seven rights include the right to;

- Fairness and with respect for dignity and privacy
- Offer information
- Receive information
- Protection
- Assistance
- Compensation
- Restitution

Both the Victims Charter and the Minimum Standards form part of government's victim empowerment programme which is managed by the Department of Social Development. The Victim Empowerment Programme requires all government departments to implement the programme. Through the National Policy Guidelines on Victim Empowerment¹, all

¹ March 2009

government departments are expected to develop their own departmental policies so as to ensure effective implementation of the Victim Empowerment programme.

As the lead department for the Victims Charter, the DOJCD is responsible for coordination of programme implementation of JCPS Departments. In 2007, the DOJCD and departments and Commissions on Gender and Human Rights, developed a Five Year National Implementation Plan. The implementation plan formed the basis of work of the DOJCD in developing a Draft Policy for Implementation of the Victims Charter.

The Victims Charter and Five Year National Implementation Plan 2007 – 2011 was launched² by the former Minister of Justice and Constitutional Development, Mrs. Bridgette Mabandla in 2007.

Following the launch, all provincial departments³ were encouraged to develop their own implementation plans and use the plans as the beginning of community awareness programmes. The DOJCD Provincial (Regions) Branches launched plans which showed differences across provinces for how the Victims Charter and Minimum Standards would be implemented. A Policy focusing on implementation would address these disparities.

The rationale for development of a Draft Policy was based on three principles;

- Defining *service delivery* for victims of crime
- *Coordination* of uniform services for victims of crime, specifically when they present at court
- Entrenchment of *accountability*, especially as the Minimum Service Standards does not address accountability of programme implementation and services

Specifically for the DOJCD, a Policy on the Victims Charter will also address the question of engagement with civil society organizations.

1.1.1 Civil Society organizations and the Victims Charter

² 7 December 2007

³ Provinces, with the exception of Western Cape, have launched provincial implementation plans from 2008 – 2009.

In preparation for development of Five Year National Implementation Plan on the Victims Charter, the DOJCD place advertorials in newspapers calling for submissions⁴ on issues related to implementation of the Victims Charter (including monitoring and evaluation of the Victims Charter). Several organizations made submissions⁵ which dealt mainly with aspects related to monitoring and evaluation of the Victims Charter. Generally, organizations noted concern with the way in which government implemented the Victims Charter.

The process of engagement with civil society organizations by the DOJCD is not within a framework, resulting in different methods used by various Branches and Regions (provinces) in working with or supporting organizations. In addition to a lack of a framework for DOJCD, civil society organizations; have since the demise of Themba Lesizwe⁶, not been collectively organized. In this regard, engagement with organizations is often on a one-on-one basis and not through an 'accountable structure' such as Themba Lesizwe.

With these limitations, the workshop would start the process of defining a uniform way of engaging with civil society organizations working with victims of crime.

⁴ 31 July 2007

⁵ See annexure 1 for list of organizations

⁶ The Consortium of Civil Society Organizations working on Victims Rights and Empowerment which collapsed in 2008 due to withdrawal of donor funding.

1.2 WORKSHOP INFORMATION

1.2.1 Aim and Objectives

The workshop programme⁷ was informed by an overall aim which was to produce a report documenting critical issues for implementation of the Victims Charter and the Victim Empowerment Programme for the DOJCD as defined by Civil Society organizations.

Specific Objectives were to

- Create opportunity for Non Governmental Organizations (NGOs) to share their experiences of working with victims of crime
- Reflect on how NGOs and department could work together to support victims of crime
- Make recommendations to departments within the criminal justice system on critical issues of service delivery for victims of crime

A workshop pack was prepared for each participant. The pack included guides on activities; ice-breakers and small working group sessions, as well as a draft working paper on proposals for engagement with civil society organizations. Copies of presentations by speakers were distributed in the workshop.

1.2.2 Workshop Participants

A total of forty-nine participants attended the workshop. The gender profile as reflected in table 1 below showed an overwhelming number of female civil society representatives.

Table 1: Gender profile of participants

Female	Male	Total
36	13	49

An interesting observation of the Ice-Breaker activity wherein participants were asked to share their birth month (star sign) also revealed a predominance of participants born in February – March under the Pisces star sign.

Organizations in attendance included:

- Consortium of Refugees and Migrants in South Africa

⁷ See annexure 2

- LifeLine – Gauteng
- LifeLine – Vaal Triangle
- Mali Martin Centre
- Mercy House
- Ikhaya Ithemba One Stop Centre
- The Salvation Army
- Lesbian and Gay Equality Project
- Restorative Justice Centre
- Foundation for Victims of Crime
- National Children and Violence Trust
- Department of Community Safety (Gauteng)
- Department of Social Development (Gauteng)
- Ekurhuleni SAPS
- UNODC
- Community of People Supporting Victims
- Victim Empowerment Unit – SAPS
- FCS Unit – Braamfontein
- Commission on Gender Equality
- Department of Health and Social Development - Gauteng

In addition to organization, National departments participated in the workshop; examples include; the Department of Correctional Services, Department of Health and Department of Social Development.

From the DOJCD, other Branches included; the National Forum Against Racism and Xenophobia, and Human Resources (Employment Equity – representing issues of ‘Disability’).

1.2.2.1 Participants Expectations of workshop

As part of Introductory session, an Ice-Breaker exercise was introduced which required participants to share their expectations of the workshop. Participants were requested to write down ‘*One thing I would like to learn about victims rights is....*’

The following (as presented in Box 1 are examples of some of participants’ expectations)

Box 1:

How to form a working relationship with other service providers so that we do not further harm the victim?

Learn more about victims rights and how we can help them

Everything about victims rights and protection of victims

Roles and responsibilities of all government departments and what services are readily provided by CSOs

How all departments can assist the victim?

Once established as a victim, the way forward for victims

Share my experience and knowledge about victims

How to help talk to victim if you have found one for the first time?

How are rights implemented by Justice and the court?

How to calm the victim when you first meet her or him for the first time?

I will like to know more about Victims rights.

How to continuously implement victims rights?

The right to compensation, who qualifies and how to obtain it?

I want to hear from Justice department if the Victims Charter is really effective.

Acts that relate to victims right

Interpretation of victims rights

If a victim doesn't have money and comes to testify, can she get support?

How to interpret victims rights and relate them with Acts / laws?

Why are suspects protected by the law more than victims?

I would like to learn the most practical way of educating victims about their rights.

What are victims rights in area of increasing crime?

How to get feedback from victims in terms of how legislation is implemented?

To know and understand the Charter fully and whether it accommodates people with disabilities.

Explore more on NGOs work and services they render to victims of all forms of crime.

Dealing with victims of rape and abuse everyday, I want to know more about protecting victims.

How do you see or know that s/he is a victim?

To be able to empower those who are not informed about their rights.

How to translate rights into reality?

How can we access the system that can have victims database?

Why do rape cases take long before witness can testify, more especially if the victim is under 12 years?

Why do perpetrators have more rights than victims?

Why are Investigating Officers not found whenever one is following up a rape case?

Does the DOJCD allow other NGOs to run court preparation using the court room?

Why is there no specific category for hate crimes that fit within crimes against people based on their rights in the Constitution?

Who gets to decide who is a victim?

I would like to learn how victims of crime who are from outside of South Africa can better access support from the police and Justice system, including access to compensation and restitution.

Why do offenders and perpetrators have more rights than victims?

What support is provided to victims when they leave shelter and go back home?

Learn more about victims rights, especially the right to compensation

Elaborate more on victims rights; their procedure, so that clients are made aware of what to expect.

Victims rights: Interpretation and Implementation

One thing I would like to learn about victims rights is the right to protection to witnesses and victims. I would like to know how far does the law go to make this right practical.

I would like to learn the most practical way of educating victims about their rights and what their rights are.

Why do suspects get more protection than victims?

I would like to learn more about victims rights and gain more knowledge on how to help victims.

Everything about victims rights, especially protection of a victim.

What I want to learn about is how departments can assist victims?

What I would like to learn about victims rights is to know rights in detail so that I would be able to assist victims.

How do they get a support system at home when there are no family support?

What rights do they have if they lose job as a result of crime?

I would like to learn about the courts and why they are taking long time to sentence the perpetrator.

In some cases, why are cases, they, the FCS officers, would say the case is withdraw because of lack of evidence of which the District Surgeon confirmed penetration of the victim?

I would like to learn more and the ways of talking to victim without the victim's identity from being disclosed.

I want to know what is being done to inform the public (victims) about their rights.

How to empower uneducated female victims of crime?

Writing a statement that would have an impact.

How to empower all people to honor the rights of victims of crime?

How can a victim translate her rights so that at the end, her rights can be beneficial to her?

The mechanism to prevent secondary victimization.

General observations that can be made from workshop participants expectations:

- i. Need to understand victims rights – specific rights such as protection, compensation and assistance
- ii. Need to understand victims rights in relation to legislation – also understanding rights in terms of departmental role and responsibilities
- iii. Importance of understanding 'victims' – how to provide support, how to implement the notion of 'empowerment' as well as understanding limitations of rights
- iv. Importance of responding to specific and different needs of victims – especially victims with disabilities, victims who are refugees and victims with different sexual orientations
- v. How implementation translates to 'meaningful' outcome for victims?
- vi. Importance of education and awareness
- vii. Balancing rights of victims and offenders

In summary, participants shared similar expectations of the workshop, especially the need to understand rights as defined in the Victims Charter. Overall assessment of expectations and objectives of the workshop proved to be in line.

Participants noted that some of their expectations could be addressed through other training sessions, especially provided the Department of Social Development. Examples of expectations on

'how to talk to victim for first time', 'how to empower female victims of crime', and 'how to help talk to a victim if you have found one for the first time?'

It was acknowledged that the workshop would form part of ongoing engagement between the DOJCD and organizations, especially as time would not allow for detailed discussion on some of the expectations raised.

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2. WORKSHOP PRESENTATIONS

2.1 Conceptual Framework

For purposes of the workshop and the report, the following terms were used, based on 'common' understanding;

- Civil Society organizations – referred to organizations other than government departments. Within this definition of Civil Society organizations, organizations such as Non-Governmental (NGOs), Community Based (CBOs) and Faith Based (FBOs) were identified. The workshop also recognized the importance of Academic and Research Institutions that were invited but sent apologies. For purposes of the workshop, the Commission on Gender Equality was also included as participant as they also deal with victims through their Legal and Complaints section.
- Victim – referred to both direct and indirect victims. The definition or understanding is based on common use of the term in the Victims Charter and the National Policy Guidelines on Victim Empowerment. Some participants emphasized differences in terms of identify of victim; that recognition should be given to victims with disabilities, those who are refugees or migrants and those who have different sexual orientations.

2.2 National Department input to workshop

In order to set the basis for discussions, national departments were requested to provide information on critical issues that would impact on how the DOJCD engaged with civil society organizations. A request was made to all departments (apologies were received from South African Police Services and National Prosecuting Authority) to make presentations. Specific requests focused on key mandate of the respective department and the intersection between the Victims Charter and Victim Empowerment.

Departments were requested to present on the following issues:

- DOJCD - Understanding the Victims Charter and Minimum Service Standards and Case Study of Sexual Offences Amendment Act
- DCS – Restorative Justice and Victim involvement in parole boards
- DOH – Forensic Clinical Medicine and Designation of Public Health facilities
- DSD – Responsibilities of Civil Society Organizations as defined by the Victims Empowerment Policy Guidelines

Due to limited time, some presenters (DOH, DSD and DOJCD) were not able to make their presentation. The programme was amended to allow participants to pose questions to presenters who formed a panel in a *'Question and Answer Session.'*

2.2.1 Key issues noted from presentation on Victims Charter and Restorative Justice:

In summary, some of the key issues presented by the DOJCD (on the Victims Charter) and DCS:

- Victims Charter is a consolidation of existing rights in the Constitution and legislation
- Rights – based approach to Victim empowerment programme is the Victims Charter
- Time line of the Victims Charter begins in 1996 when the National Crime Prevention Strategy was introduced and it continues to form the basis for new legislation and policy
- The Minimum Standards provide the basis for monitoring implementation of the Victims Charter as it begins with defining the basic or minimum level of service
- Issues for consideration include; definition of empowerment and defining how to share 'best practices'
- Restorative Justice within DCS is described as a restorative response to crime
- Restorative Justice Policy Objectives include provision of 'Victim – Offender Mediation and other related restorative justice services within the context of parole hearings
- DCS has developed a model of Restorative justice which is used in parole board settings
- Victim or complainant involvement in parole boards is based on initiatives of victim / complainant

Copies of presentations are available online and on request.

2.2.1.1 Questions and Comments raised by participants in plenary

- Right to compensation
 - Travel costs for victims especially those who are involved in human trafficking and need to be transported back to their home / country
 - Costs that victim incurred when they lose their belongings in cases of xenophobia – dealing with victims who have lost all their belongings
- Right to protection
 - Protecting victims when they leave the shelter, especially when they leave the shelter and go to work and other instances where they face the perpetrator in court. The issue of domestic violence links to stalking and the

silence of the law in this regard. Despite the work of the South African Law Reform Commissions, stalking is still not a crime.

2.3 Panel Questions and Answers Session

Due to the time constraint, some of the departments; DSD, DOH and DOJCD were not able to present. The programme was adapted to accommodate questions that participants had on implementation of the Victims Charter by various departments. Some of questions raised were:

- i. Who has responsibility for managing Social Workers based at Police Stations, particularly in cases where Social Workers are rude to victims?
- ii. What evidence is required in rape cases?
- iii. How accurate are J88 Forms, especially in situations when police do not understand how to complete form?
- iv. Are shelters available for victims of crime in rural areas or close to South African borders? Do shelters accommodate refugees or foreign nationals?
- v. A suggestion that was made - government departments should provide training, similar to the workshop on the Victims Charter, to volunteers based at NGOs.
- vi. What can be done when doctors refuse to give evidence in rape cases in court?
- vii. What is the department doing to increase the number of psychologists and mobile clinics?
- viii. A suggestion – all departments should address problem of transport of victims from one service point to another.

Based on responses from panelists and limited time for discussion, the workshop agreed to a key recommendation; A Workshop on Sexual Offences Amendment Act that would address issues of;

- i. Understanding what sexual offences is?
- ii. Evidence, especially understanding forensic evidence
- iii. Role clarification

- iv. Progress of government departments

2.4 Summary of Presentations

Due to limited time, presentations from DOJCD, DOH and DSD were not made. The report includes a brief summary of key issues from presentations. (Copies of presentations are available on-line and on request.)

2.4.1 'Health Services for Victims of Crime' – JR Mokonoto, Deputy Director, Clinical Forensic Medicine, DOH

- Evidence given by Health Care Practitioners plays a crucial role in assisting the court in prosecution
- Victims Charter is in line with the Patients Rights Charter
- The Patients Rights Charter includes rights to: health and safe environment, access to healthcare, confidentiality and privacy, informed consent, complaints mechanism and other rights
- Available health services for victims of crime includes: examination of sexual assault cases, child abuse, driving under the influence of alcohol and drugs, homicide cases and physical assault.
- Services also include evidence collection, age assessment for medico-legal purposes, visiting crime scene, general wound identification and examination of complaints of domestic violence.
- Designation of public health facilities such as hospitals and clinics to provide specialist services to victims
- Clinical Forensic Medicine services (CFM) provide counseling and HIV testing for victims of sexual offences
- CFM also include provision of post-exposure prophylaxis for victims of sexual offences

2.4.2 'Case Study of the Criminal Law 9Sexual Offences and Related Matters) Amendment Act 32 of 2007

- The Sexual Offences Amendment Act came into operation in December 2007
- Implementation of the Act is in line with staggered approach, with different sections coming into operation at different times (Chapter 5 – March 2010, Chapter 6 – June 2009)
- The Act aims to among other intentions, eliminate secondary victimization and implement provisions in a coordinated and integrated manner
- The Act is in line with other UN Conventions and Treaties

- The Act deals with all sexual offences including; rape, sexual assault, child pornography, adult prostitution, and human trafficking
- Since implementation, departments have ensured the following; allocation of budget for implementation, training of staff, developed and enhanced systems dealing with information management and monitoring and evaluation
- Challenges with implementation include development of communication strategy, finalization of 'specialization model', and finalization of National Policy Framework
- Role of Civil Society in implementation of the Act; sharing communication and public awareness, joint training and documenting best practises

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3. GROUP DISCUSSIONS AND REPORTS

The workshop aimed to document responses from participants on policy considerations. Two small working groups were planned for. The intention of the working groups was to discuss issues related to presentations as well as other issues discussed during plenary. Guiding Questions for the working group included:

- a. Based on your experience working with victims or communities, what are some issues raised about services (or experience with) the Department of Justice and Constitutional Development?
- b. What have been your experiences when assisting victims / community members going to court?
- c. How should the Department of Justice and Constitutional Development support victims of crime?
- d. What support should be provided to NGOs, CBOs and FBOs by Department of Justice and Constitutional Development?
- e. What criteria or standard should be used to define which NGOs, CBOs and FBOs should work with Department of Justice and Constitutional Development?
- f. What other issues should the workshop discuss?
- g. What do rights as included in the Victims Charter mean:
 - Right to fairness
 - Right to dignity
 - Right to privacy
 - Right to information
 - Right to assistance
 - Right to protection
 - Right to compensation
 - Right to restitution
- h. What support to victims should be provided by the following departments:
 - South African Police
 - National Prosecuting Authority
 - Social Development
 - Health
 - Correctional Services

Due to time, groups decided on which question/s they would discuss and provide reports for discussion in plenary. Group reports are presented below.

3.1 Group Reports:

Group 1

Responded to questions:

- Based on your experience working with victims or communities, what are some issues raised about services (or experience with) the Department of Justice and Constitutional Development?
- What have been your experiences when assisting victims / community members going to court?
- How should the Department of Justice and Constitutional Development support victims of crime?

Report:

- Disability – in cases where the victim is blind and there is an expectation that she should participate in an identity parade. This is a form of secondary victimization
- Understanding of court process which is what the Justice department should assist NGOs with
- Lack of trust of the Justice system
- Training of prosecutors is required. The way in which the prosecutors withdraw cases because child victims are not able to talk because of stress they are under.
- Financial support – should provide support to those who are victims and cannot afford money to travel to court

Group 2

Responded to questions:

- Based on your experience working with victims or communities, what are some issues raised about services (or experience with) the Department of Justice and Constitutional Development?
- What have been your experiences when assisting victims / community members going to court?
- How should the Department of Justice and Constitutional Development support victims of crime?

Report

- Victims of crime they don't get help from clerk of the court (the role of the clerk of the court)
- Secondary Victimization that is caused by NPA, Justice and Society
- Lack of commitment and accountability and responsibility
- DOJCD to provide people with continuous information and awareness
- Training of SAPS – but no support is provided after training
- Victim – no debriefing from prosecutors
- Call Centres for SAPS to report victims of crime and this can be shared with the DOJCD
- DOJCD should work together with NGOs
- Funds – training, monitoring and awareness – should be provided by the DOJCD
- Policies should be implemented and should show what gaps
- Staff must get training
- Medical attention and especially with rape cases

Group 3:

Responded to questions:

- a. What do rights as included in the Victims Charter mean: right to compensation
 - b. What support should DOJCD provide to NGOs
- Guidelines to be established on the right to compensation: what is available? What does it mean?
 - The right to compensation places unrealistic expectations from public especially as they would like State compensation
 - Implementation of Section 297 and 300 is problematic – the court can mandate perpetrator to compensate victim but people don't know this right
 - Right to restitution is also a problem. The right means that after conviction, return of property etc, putting back what was taken
 - Support from DOJCD:

- Support with resources, training and especially sustainable support
- Database of victims and offenders should be created
- Empower NGOs to assist victims
- No tracking system and this should be developed
- Need to develop programmes that deal with secondary victimization
- Public awareness through Educational Television channel
- Language friendly communication is required
- Churches and other religious institutions should be used for raising awareness

Group 4:

Responded to questions:

- Based on your experience working with victims or communities, what are some issues raised about services (or experience with) the Department of Justice and Constitutional Development?
- What have been your experiences when assisting victims / community members going to court?
- How should the Department of Justice and Constitutional Development support victims of crime?
- Limited time with prosecutors and overload of prosecutors
- Need prosecutor to take time and without this feedback it makes it difficult
- Not all courts have information boxes
- Languages barriers in courts
- Victim services and perpetrators and testifying in court and protection with regard victims and their families
- No services where victims can wait without seeing the perpetrators
- Not all courts have facilities for victims
- Lack of sensitization – Magistrates and clerks of courts (undertaking roles that are outside of their role)

- Lack of records and information on cases – postponement of cases and loss of dockets
- Need for information update on cases
- Care givers – protection when these are NGOs and services for NGOs
- Care givers don't receive stress debriefing
- Training, conferences, and other sessions should be provided
- Appoint legal advice in each NGO which should be funded by Justice Department (Criminal Law Adviser)
- Sustainability of services – should have sustainability of programmes
- Compensation: should also be able to look at compensation beyond what is currently provided
- Mandatory compensation which should form part of judgment

3.2 Common/ Share Proposals

Based on group report back as well as plenary discussion during the workshop, common proposals emerged:

a) DOJCD Support to NGOs, CBOs and FBOs:

- i. Training of DOJCD Staff, especially clerks and prosecutors. This would assist CSOs to support victims.
 - Some of issues raised with prosecutors included: limited time prosecutors had with victims, work overload of some prosecutors and no feedback provided to victims by some prosecutors. Another issue raised was limited de-briefing available for prosecutors after cases
- ii. Public awareness on the Victims charter – CSOs were of the opinion that limited public awareness by DOJCD meant that victims did not know their rights
- iii. Facilities, especially at court needed to improve – in some instances, victims were not provided with separate waiting areas / rooms and were not protected from offenders when they were in court building
- iv. Facilities were not 'disability' friendly and needed to improve
- v. Facilities were not safe and information management was in question especially with loss of files in court

b) Proposals to DOJCD – Policy considerations

- i. Legal advisor or Criminal justice advisor should be employed in NGOs that provide legal assistance to victims. This would support provision of ‘free legal advice’ that is currently not available for victims of crime. The legal advisor could be a university graduate and would be paid by the DOJCD.
- ii. Call Centre of ‘Victim Hotline’ – this would be a toll free line for victims and the line would be linked with SAPS and DOJCD. It serve the purpose of providing victims with information from a telephone operator and could also be used in monitoring implementation of the Victims Charter

Overall, participants shared their challenges with working with victims and the DOJCD, but were firm in their continued commitment to working with victims, despite challenges. Participants also showcased some of the ways in which they provided support, sometimes beyond what the mandate of the organization was. Through these and other examples, participants expressed the need to continue to engage with government in finding best ways to assist victims and communities and address crime in South Africa.

4. RECOMMENDATIONS AND WAY FORWARD

The Workshop was able to achieve its overall aim of discussions between NGOs and the DOJCD. As a preliminary discussion, focusing on the Victims Charter, it was clear that more sessions are required so as to ensure accurate information is provided to NGOs. This is particularly important given the fact that NGOs are often the first 'service provider' to victims before they enter the criminal justice system. From group reports, it is clear that often some NGOs are not able to articulate some of the legislative provisions that inform rights of the Victims Charter. An example of this is the right to compensation with some participants understanding this right to include State compensation. Another example is that of access to witness fees. Several participants did not know that witnesses (victims) can apply for witness fees when they testify in court.

The session on Sexual Offences Amendment Act would have provided an opportunity for the DOJCD to present the Act for the first time to NGOs, with other departments. This would have shown that despite the often disjointed manner within which victims access services, government is committed to showcasing an 'integrated approach'.

A definitive recommendation from the workshop was the need to have further training sessions with NGOs. As part of this training, which would primary focus on understanding legislative provisions, the Victims Charter is best placed as an 'Introductory Course' as it consolidates rights within our developing democratic legal framework. The workshop agreed to a workshop on the Sexual Offences Amendment Act which would be facilitated by the DOJCD with other government departments providing information on their implementation of the Act. The workshop further agreed to a session towards the end of August 2010 so as to retain the momentum of the dialogue.

4.1 Action List

The DOJCD agreed to the following Action list:

1. Process report : 4 August 2010
2. Information Request: Parole Board : 29 July 2010
3. Workshop – Sexual Offences: 31 August 2010
4. Collaborative Project: Communication: September 2010

ANNEXURE

1. Workshop Programme
2. List of organizations – 2007 Submission on National Five Year Implementation Plan

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Annexure 1: Programme **DRAFT PROGRAMME**

Time	Item	Facilitator/Speaker
09h30 – 10h15	Registration and Tea Welcome and Introduction Aim and Objectives of Workshop	Acting Chief Director, Advocate P Seabi
10h15 – 11h30	Victims Charter and Minimum Service Standards Restorative Justice: Victim involvement in Parole Boards Responsibilities for Civil Society as defined by Victim Empowerment Policy Forensic Clinical Medicine and Designation of Public Health Facilities	K Msomi - DOJCD N Mokoena - DCS A Shabangu - DSD J Mokonoto - DOH
11h30 – 12h30	Small Working Groups <ul style="list-style-type: none"> • Critical Issues: Working with Victims of Crime • Proposals for Consideration: Defining Relationship between NGOs and Justice Department • Standards for NGOs working in Court 	
12:30 – 13:00	Reportback and Discussions	
13h00 – 14h00	LUNCH	
14h00 – 14h30	Defining Support from departments within Criminal Justice system: Case Study of Sexual Offences Amendment Act	S Mosupye, DOJCD
14:30 – 15:15	Small Working groups Proposals on Support from departments	
15:15 – 15:30	TEA	
15:30 – 16:00	Reportback and Discussion Closing and Way Forward	P Mongwe, DOJCD

Annexure 2: List of organizations – 2007 Submission on National Five Year Implementation Plan

1. Individual Submissions			
1) Adrian Louw, Mpumalanga			
2) Eben van Loggerenberg, Gauteng			
3) Emilio Halepopoulos, Gauteng			
4) Peter Moss, Kwa Zulu Natal			
5) Emilio Halepopoulos, Gauteng			
6) Peter-John Petersen, Western Cape			
2. Organizations			
National			
Name	Address	Telephone	Fax
NICRO (National Institute for Crime Prevention and Rehabilitation of Offenders)	PO Box 10005, Caledon Square, 7905	021 462 0017	021 462 2447
Disabled People of South Africa	PO Box 3467, Cape Town, 8000	021 422 0357	021 422 0389
Limpopo			
Thohoyandou Victim Empowerment Trust	PO Box 754, Sibasa, Limpopo, 0970	015 963 1973	015 963 1973
Free State			
University of Free State, Faculty of Theology	PO Box 339 Bloemfontein 9300	051 406 5427	-
Eastern Cape			
Umtata Women's Support Centre	PO Box 65, Umtata 5099	047 531 5121	043 531 5121
Kwa Zulu Natal			
Childline	PO Box 37875, Overport 4067	031 312 0904	031 312 6008

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Justice and Women	PO Box 2748 Pietermaritzburg, 3200	033 394 9949	033 394 9949
Western Cape			
Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)	www.rapcan.org.za	021 712 2330	021 712 2365
Trauma Centre for Survivors of Violence and Torture	Cowley House, 126 Chapel Street, Woodstock, Cape Town, 7925	021 465 7373	021 462 3142
Mosaic, Training Service & Healing Centre for Women	mdevos@mosaic.org.za	021 761 7585	021 761 7584
Rape Crisis	PO Box 46 Observatory 7935	021 447 1467	021 361 0529
Southern African Catholic Bishops Conference	www.cplo.org.za	021 461 1417	021 461 6961
Civil Society Prison Reform Initiative	PO Box 53466 Kenilworth 7745	021 797 9491	021 797 9491
Gauteng			
International Association for Human Values	PO Box 2156 Randburg 2125	011 781 7687	086 513 2818
South African Institute for Traumatic Stress	PO Box 66223 Broadway 2020	011 648 7376	011 648 6105
Restorative Justice Centre	PO Box 29516 Sunnyside 0132	012 323 2926	012 323 6366
The Bethany House Trust	PO Box 6 Paardekraal, 1752	011 660 2763	011 953 6390
POWA (People Opposing Women Abuse)	PO Box 93416 Yeoville 2143	011 642 43545	011 484 3195
Tshwaranang Legal Advocacy Centre to end violence against women	Po Box 31006 Braamfontein 2017	011 403 4267	011 403 4275

FEW (Forum for the Empowerment of Women)	PO Box 10204 Johannesburg 2000	011 339 1867	011 339 1871
ADAPT Support Service	Oliver Tambo Community Centre, 128 2nd Street, Wynberg	011 786 6608	011 885 3309
2. Group Submissions			
KZN Regional Justice Department and KZN Network on Violence against women Regional Summit, 19 July 2007	Attended by 50 stakeholders: CBOs, NGOs, and Regional government departments, Municipality, and Human Rights and Gender Commission		
Trauma Rooms Focus Group on the Western Cape	Representing The Western Cape Network on Violence against women, NICRO, Business Against Crime, and the Trauma Centre		
<i>Joint submission from :</i> OUT Lesbian, Gay, Bisexual and Transgendered Well-Being And UNISA Centre for Applied Psychology	www.out.org.za	012 344 5108 012 429 8089	012 344 6501 nelja@unisa.ac.za