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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

The Service Charter for Victims of Crime

**INFORMATION SESSION FOR DEPARTMENTAL STAFF
22 – 26 October 2007**

REPORT prepared by the Gender Directorate

SERVICE CHARTER FOR VICTIMS OF CRIME INFORMATION SESSION

1. Introduction

The aim of the report is to reflect on the Information Session: Service Charter for Victims of Crime (hereafter referred to as the Victims Charter), 22 – 26 October 2007, and to make recommendations to the Department of Justice & Constitutional Development (the Justice Department) on how to effectively implement the Victims Charter.

The Information Session was organized by Public Education and Communication (PEC) Directorate for all staff in National office. The Gender Directorate developed programme (Annexure 1) content for the session and made key presentation. Different departments were invited to make presentations. Two departments made presentations; SAPS (Supt Gladys Mangwani from Social Crime Prevention) and Health (Joel Mokonoto from Clinical Forensic Medicine). Two sessions were held; morning (9:00 – 11:00) and afternoon (13:30 – 15:30).

The presentations included information on:

- Background on the Victims Charter
- Understanding the Victims Charter and Minimum Standards
 - Definition of Victim and Crime
 - Seven victims rights – issue of rights and responsibilities of victims
- Criminal justice process – different stages and application of rights
- Implementation of the Victims Charter
 - Responsibilities of the Justice department
 - Responsibilities of other departments

Guest presenters provided information on services provided by their department for victims of crime. *SAPS* have established victim friendly rooms in some police stations and they work with NGOs in ensuring that victims are treated with respect. Training has also been provided to some police officers. When reporting crime, it is important to note that a victim will encounter different police officers; from investigating officer to detective, therefore it is important to understand their different functions. Some police officers are not as supportive of victims and this is being addressed through the implementation plan. Supt Mangwani highlighted the importance of communities working together with the police through the Community Policing Forums.

Health has developed a Patients Rights Charter which has key elements of the Victims Charter. Mr. Mokonoto informed the session that they are working on ensuring separate clinical forensic examination rooms in hospitals. Health provides services such as medical examination, securing crime site/scene, and gives evidence in court. Medical examinations are not only in cases of domestic violence or rape, but also driving under

the influence of alcohol and drugs and homicide cases. Mr. Mokonoto concluded that implementation of the Victims Charter for Health is important and that they would like all health care facilities to be user friendly for all victims, that health Care Practitioners should be trained on CFM services, and that more CFM facilities are to be established to improve accessibility to the service.

2. Discussion and Debate

The discussion and debate that followed the presentations highlighted the importance of the Information session for staff who were interested (not only from personal perspective, but also as ‘service providers’ of the department) in learning about the Victims Charter. Three key themes emerged from the discussions; impact of crime in communities, victims compensation fund and responsibility of claiming and asserting rights.

All staff have been affected by crime and the general sentiment from the sessions, was that victims are ‘worse off’ than criminals - criminals are not punished by government and they are often ‘foreigners’. Some staff elaborated that accused are given legal right to representation and yet victims have not ‘representation’ because the prosecutor represents the State. Criminals are often released on bail even though they have other criminal cases pending against them. Some criminals are illegal immigrants and they commit crime and the State takes care of them.

Staff acknowledge their role in supporting crime by buying stolen goods. A general recommendation made was for education and awareness campaigns to focus on this element as many people did not see their role in supporting crime. The Victims Charter should intensify campaigns that link with crime reduction.

Every session raised the issue of compensation by the State to victims of crime. This issue was debated and staff agreed that the State would not have resources to sustain a victims compensation fund, but compensation should be considered for victims of crime, especially vulnerable groups such as poor, old, women and unemployed, as they were affected more by crime.

Staff highlighted the importance of claiming your right as a victim of crime even when faced with negative attitude from service providers.

a) Role of the Justice Department in implementing the Victims Charter

After discussion and debates each staff member had to respond to the question – what do you think the Justice department should do to assist victims of crime? Staff could address the question from the perspective of

- Assistance to employees who are victims of crime
- Assistance to victims from the department as lead department for the Victims Charter
- Assistance to victims from the department as service provider

Staff actively engaged with the question and shared negative experiences as victims of crime and response from the police. Staff had experienced a range of crimes – attempted hijacking, house-breaking, theft, domestic violence (surprisingly a number of men raised violence perpetrated by wives against husbands), police harassment, assault, robbery, indecent sexual assault and murder. Staff, who reported after the session, shared the emotional and traumatic experiences of crime and the unsupportive nature of senior managers within the department.

Overwhelmingly, all staff, who admitted being victims of crime, had experienced negative services from police – refusing to take statements, arriving at crime scene after 48 hours, police brutality/arrogance or rudeness, and refusing victims to claim their rights.

Some staff raised problems of victimization within the department because of whistle-blowing. Staff shared experience of reporting theft and corruption to senior managers. No action being taken either to investigate or report to the DG, instead, staff who reported were demoted and alienated.

A few staff raised problems experienced with prosecutors (unwilling to explain court procedures) and interpreters (being rude, impatient and not interpreting correctly).

All staff shared the sentiment that all victims should exercise their rights because this will assist to make others have confidence in the criminal justice system. In order to make the system work for victims, the Justice department should play a more active role in ensuring that other departments implement the Victims Charter. The Justice department should also monitor implementation to assess progress.

3. Recommendations

Generally, staff made the following recommendations (see also Annexure 2):

i. Public education and awareness 9Access to justice for all)

- Include information session for cleaning staff and security guards as they were excluded from the session
- Information session to be held in all regional offices
- Road shows to expand to remote rural areas
- Communication material should be simple and in all different languages

ii. Support to staff who have been victims of crime

- Support to be provided by HR – EAP
- De-briefing session for all staff working directly with victims

iii. Improving access to justice (for victims)

- Develop a programme / intervention that focuses on restoring public confidence in the criminal justice system
- Strengthen anti-corruption initiative
- Involvement of different stakeholders especially local government and NGOs
- Improve quality of courts – buildings
- Training of all department staff dealing with victims
- Simplify the criminal justice processes and language
- Public education and awareness on the role of community in crime reduction (not buying stolen goods, reporting crime etc)

4. Concluding comment

All presentations re-emphasized the importance of understanding responsibilities of victims when asserting or claiming their rights. Victims, both those who report and don't report crime, are part of the criminal justice system. By reporting, they make the system work because they can claim their rights and hold departments accountable. Those who don't report provide a picture of crime that is not fully representative and because budgets are allocated based on crime statistics, non reporting often means less budget for departments.

The importance of having an Information session for cleaning staff is highly supported, together with sessions for all regional justice staff.

Staff were encouraged to use HR EAP and to share information about the Victims Charter with their family and friends.

An important lesson is that when dealing with an emotive issue, it is advisable to have counseling support services readily available.

ANNEXURE 1

<p style="text-align: center;">INFORMATION SESSION FOR DEPARTMENTAL STAFF: the Victims Charter Programme</p>

1) Aims and Objectives

Aims:

- To provide information about victims rights to departmental staff
- To locate service delivery for victims of crime within work of individual departmental staff member

Objectives are to:

- Introduce the Victims Charter and Minimum Standards to staff
- Provide information on current services provided to victims of crime

2) Target participants

All staff of the department. Sessions are to be conducted with 30 staff per session.

3) Duration

Three hour session.

4) Methodology

Participatory with plenary and group discussion.

5) Content

- Victims Charter and Minimum Standards
- Specific forms of crime: Domestic violence and Robbery (House-breaking)
- Services offered to victims of crime
- "Making victims rights work"

6) Programme

Content	Duration	Activity
Welcome & Ground rules	5 minutes (min)	Facilitator to welcome and set 'standard' ground rules
Introductions: facilitator and participants	30 min	Participants to introduce themselves: Name. Where I work and What I do? How do you think your works impacts on victims accessing their rights? Favourite something: soccer team/fruit/ drink/colour etc. Facilitator to give each person a colour tag after they have spoken – 4 different groups. After all have introduced, participants are to move and sit next to someone with same colour. {Serves as Ice-breaker}
What is the Victims Charter?	10 min	Presentation: background on victim empowerment and unpack Victims Charter and introduce Minimum Standards.
Services offered to victims of crime	30 min	Presentation: facilitator to make input on general services available (govt and NGO) Guest presenter to focus on services within their dept: SAPS / Health/ Justice/ etc or NGO (Aim is to show integration)
Summary and Closing	30 min	“Making victims rights work” Facilitator to go back to what participants shared about how their work impacts on victims. Each person to reflect on what they will do to improve to make victims rights work. Share Lessons: Each person to share lesson with the person they originally sat with at start of session. Facilitator to share what s/he learnt from group. Rapid Evaluation: Facilitator to ask 3 participants to share one: What can improve future session? What can department do to support staff who have been victims of crime? Facilitator to give info about after session support given. Thank participants and guest presenter.

7) **Training Material:** Victims Charter and Minimum Standards booklet and Victims Rights brochure

ANNEXURE 2

Feedback from Staff

- Activities linked to 'Protection' should be included in the included in the Strategic Framework of the Department
- More support is required to staff who have been victims of crime
- Court procedures take too long and they should be simplified
- Public education is required especially in rural areas
- Hostility between police and prosecutors can sometimes be seen, especially when they don't cooperate on cases
- Need to link curriculum of different service providers and include victims rights
- Police are very problematic and the Department should find ways of making them more accountable to the public
- Information should be more accessible
- Problems within court – for example missing files
- More awareness is required
- Crime committed by foreigners is even more unfair because of the difficulty experienced in trying to assist them
- We need to restore confidence in the criminal justice system and this is a difficult task
- Engagement with other departments is important
- Courts needs to be improved, especially in rural areas
- Implementation of existing laws is problematic
- Setting a fund for victims can assist
- Access to justice was a service provider – we need to evaluate how effective justice [department] is
- Court proceedings should be simplified
- Languages used in court is often confusing
- Training is needed for interpreters
- Lawyers who represent the accused are a disgrace to the profession especially those who lie even when they know the accused is guilty
- Waiting rooms for victims in court should be provided for – we need rooms where women can breast feed their babies and not be re-victimized as mothers
- Need to take care of staff who deal with victims
- Need to intensify education and awareness campaigns
- Education should be involved in implementation because of violence in schools, what happens to learners who are victims and those who witness crime
- Revisit the Constitution and challenge rights of victims vs. offenders
- Road shows should be used but avoid going down the 'same road every time'
- Information sessions for Regional office staff is required as they are more responsible for implementation
- Involvement of different stakeholders such as local government will make implementation more effective
- Information staff for cleaning staff is also necessary

PHOTOS FROM INFORMATION SESSION



Supt. Gladys Mangwani, saps



Joel Mokonoto, Health



Staff at Information Session



Staff at Information session