



REPORT

**“OPERATION SIYANAKEKELA” INFORMATION SESSION:
THE SERVICE CHARTER FOR VICTIMS OF CRIME
REGIONAL STAFF: MARCH – APRIL 2008**

1. Introduction

What inspires people to give of their best even in the most dire situations? The information session convened by the Public Education and Communication (Internal Communication) Directorate, and facilitated by the Gender Directorate, on the Service Charter for Victims of Crime (hereafter referred to as the Victims Charter), presented an opportunity for serious reflection on the question. Information is provided within a context. Department of Justice staff (court managers, administrative clerks, maintenance investigators, interpreters) and sub-contractors (security guards and cleaning staff) who attended the information sessions provided insight into how the department operates at both regional office and within the courts.

Staff members gave testimony of being victims of crime in the workplace (cases of sexual harassment, theft, assault, fraud) and outside of the workplace (attempted hijackings, armed robbery, murder, assault, motor car accident). Staff who were victims received little or no support from colleagues, either at national, regional office or the court. Most staff did not know about the Victims Charter or other related legislation. Staff expressed the need for continuous information sessions as this was the only time when they were provided with information in a dedicated and focused way. In some case where staff requested information about crimes that had taken place in the workplace, they were often shunted from pillar to post, with no end in sight. Staff shared experiences of being victimized for asking questions or alerting senior management about corruption. A staff member stated, “there is only injustice in the department of justice”, to

which most staff concurred and recounted further examples to highlight cases of victimization by senior managers.

In this context, the question of inspiration seems complex. The simple question is how do we ensure staff fulfill their contractual obligation as employees of government? How do we ensure that their work is in line with legislative and policy directives? How do we ensure that all staff use *Batho Pele* principles as the cornerstone for *how* they render service?

Drawing from recommendations made by staff, the answer to the question of inspiration can be answered in one word – *empowerment*. It may seem cliché, but like a victim journeys from victim to survivor through empowerment, so can we ensure that staff give of their best and fulfill their contractual obligation.

Issues raised by staff should be addressed if the department of justice, as lead agency for the Victims Charter, is to set the example for other departments. Some of the issues highlight what we understand by empowerment:

- A conducive work environment that is crime-free – Policies in place to deal with crime in the workplace; particularly sexual harassment, victimization in cases of whistle-blowing, theft
- Access to information - where staff are provided with information that they can understand
- Support from colleagues (an appropriate structures such as Human Resources – Employee Assistance Programme),
- Where staff member who is a victim of crime and informs the department of the crime - Acknowledgment of the crime, support for time off, counseling etc

Despite negativity, staff affirmed the work of some managers, particularly those who were supportive, played a mentoring role and acknowledged excellence. On reflection, staff highlighted the need for all government employees to work better in implementing programmes, especially the Victims Charter. The sessions also

provided opportunities for staff to share ideas on how to make the Victims Charter more effective within the courts:

- Make signs for the court and request a printing company to laminate signs free of charge.
- Share information with other staff members who don't have access to computer
- Put up posters to provide information to the public who attend court
- Participate in public awareness campaigns like the 16 Days campaign and organize an event at the court
- Request national office to provide a list of social workers, shelters and counsellors so as to make referrals
- Conduct information session for other staff in the court who did not attend the session.
- Request information and other material from national office and distribute at the court.

The sessions were not without logistically challenges. In some provinces, information was not distributed to all staff. In one province, regional staff were not permitted to attend the session (only court staff were allowed to attend). Some staff traveled long distances to attend session at regional office (where no regional staff attended) instead of a court closer to staff. In some provinces, regional head were not supportive of the sessions as they felt that training had previously been conducted on the Victims Charter. (Despite the fact that previous training did not address department programme for implementation of the Victims Charter). To date, the following provinces have not submitted dates: **North West and Eastern Cape.**

Time was a limiting factor, often resulting in several issues that could not be addressed. Most staff requested further training on the Victims Charter, Sexual and Domestic Violence legislation. Staff also requested PEC and Gender Directorate to facilitate some of the recommendations made.

Overall, the sessions proved to be effective in communicating information on the Victims Charter, responsibilities of the justice department (as per the Minimum Standards), programmes for national coordination and provincial implementation and recommendations for dealing with staff who are victims of crime.

2. Aim of the report

The report is prepared for the Justice department and should be used to inform an appropriate response to the department's implementation of the Victims Charter. It is intended to assist relevant directorates in defining what service should be provided to victims of crime (both staff members and the general public). Specific directorates that benefit from the report are:

- PEC - defining what information on Victims rights should be provided internally and to assist with facilitation of information and feedback to the officials and managers
- Gender – issues for implementation
- Court Services – policy for courts
- Human Resources – assistance programmes for staff
- Regional Heads and Regional Victim Charter Task team – issues that assist in making implementation possible within justice

3. Content

- **Format and Information provided**

The session was structured to include presentation and discussion from participants (See Annexure 1). All participants were provided with an opportunity to make personal reflections and ask question. This was deliberate because information can only be assimilated if it is relevant and understood by participants.

All sessions began with an Introductory question that all participants had to answer: *what is your favourite drink* (Mpumalanga, KZN and Free State) and *who*

is your favourite person and why (Gauteng, Northern Cape, Limpopo, KZN). Both questions aimed to show similarities among people and to inspire participants to use the good qualities of their favourite person in how they deliver services to the public. Using this method also allowed participants to “break the ice” and to encourage discussion and questions during the session.

In KZN, Northern Cape and Gauteng, an additional question was asked: what would you like to learn from the session that you will share with others? This question also presented an idea of what information would be most relevant to participants. Examples of the some of questions included:

- To what extent does the Complaints mechanism as outlined in the Minimum Standards, address complaints by victims? How is the complaints system working?
- Does the Victims Charter only deal with woman and children as victims?
- Why are there few shelters for abused women when we know that there are so many women who need shelters?
- How does the referral system work?
- If we have a great Constitution and other progressive laws, why does crime continue to escalate, and this in turn increases the number of victims?
- Does the Victims Charter deal with restorative justice?

After the introductory session, information was provided on the **context** – government’s approach to crime, background of victim empowerment and victims charter, crime statistics for each province, progress on implementation of the victims charter, and

content – rights and the constitution, definition of victim and crime, minimum standards, obligations and responsibility for justice department (national and

regional), structure for reporting on implementation (JCPS and Development Committee). (See separate presentation in Powerpoint).

Where time allowed, after presentation, participants were asked to raise any questions or issues for discussion.

- **Discussions and Key issues raised by staff**

Overall, three common critical issues were raised:

- Access to information – how do we give members of the public information about the Victims Charter when there is no information available?
- Staff don't have access to Jinni (they don't have network points – in Gauteng) so even staff can't access information. Some managers are not supportive in addressing this challenge and don't provide information to staff.
- What support can be given to staff who deal with domestic violence victims on a daily basis?

Participants engaged with facilitator and each other on issues.

An interesting point that occurred in most of the session was a statement on 'Government does not care about crime', to which participants had to answer whether this was correct or incorrect. In all of the sessions, participants who answered, all agreed that this statement was correct. After asking further questions: who is government and are we not government employees? And if we say that government does not care, we mean, government employees do not care about victims of crime. Participants quietly concurred that the statement may not be true because of a number of individuals who work hard and are concerned about victims.

Interestingly, the Regional Head in the Northern Cape, in his opening remark to the staff stated that, “the criminal system is not working because our officials are not informed and thus it is not easy for you to implant or interpret the laws correctly and when you refer to government don’t speak as if it somebody else because you are government.”

Some participants shared personal stories of being victims and how the police were not responsive to their needs. Police were blamed for their lack of professionalism and corruption. During discussion, a question was asked to participants if anyone of them had taken a pen home from their workplace. Another question was asked about whether participants had ever come to work late or reported sick when they were not sick. Some participants admitted that they had done so. At the end of the discussion, a point was raised about how easy it is to blame others and not to look at ourselves. Corruption starts with taking an official pen without permission, to a police officer accepting a bribe. The point was to allow participants to share their experiences, acknowledge challenges of implementation across all JCPS departments, and allow for self-reflection so as to change the mind set of finding fault with others and not with self. All participants, as part of the JCPS departments have a critical role to play in how government responses to victims of crime.

Participants also discussed different ways in which the department could assist and support victims of crime, both staff members and the public. The recommendations were positive because it showed willingness to making victims rights a reality for all.

4. RECOMMENDATIONS

In some sessions, due to time constraints, participants did not share their recommendations. Participants were provided with contact details of PEC and Gender so that they could send comments at a later stage. Some of the comments were that the session was wonderful. In addition, the briefing facilitated an alignment of their work and the Departments overall strategic

objectives and what is expected from each an every one of us as citizen and civil servants. They also indicated that the Department should do something with regard to victims of crime in relation to automatic review appeal which, some participants stated “is denied to people due to the procedure of transcribing of cases which in most cases does not reach the courts in time and by then a great damage is done and rights are often grossly violated.”

Some participants raised the issue of training, and one participant stated that “Our clerks at the courts and public prosecutors are not trained to assist victims of crime while at our courts, victims are not told when a case is withdraw due lack of evidence.”

Another stated that “Officials within the Department and National Prosecution are not coordinated since in some instances Prosecution are allowed to knock off early while administration remain and this causes confusion to members of the public when they require services and they are told that, they could not be helped simply for the fact that, others are not available to assist and they accuse those present with incompetent when they could really is not their function.”

More comments received:

- The need for a service level agreement between court services, judiciary, NPA and other government Departments with clear indication of the responsibilities of each party
- No provision for victims of crime to be re-compensated
- Witness fee is still at a lowest rate while inflation is going up at an alarming rate and this rate have remained unchanged for years, surely this injustices.

Generally, participants wanted the Victims Charter to be implemented at provincial level and requested information on programmes and services.

Participants also wanted access to information because as one stated “knowledge is key to changing the world”.

Finally, participants recommended for the EAP to feature at regional office and in the courts. It appeared that some regions did not have EAP and in some cases, participants did not even know there was an EAP at national office.

The recommendations below are intended for individual provinces to engage with and take action, where appropriate:

Mpumalanga

- Staff should be encouraged to socialize so that they can build a team and support each other if someone becomes a victim of crime.
- Staff should be encouraged to speak out about sexual harassment and the EAP should develop guidelines of how to deal with sexual harassment in the workplace. EAP should also provide support for staff who becomes victims of sexual harassment.
- Training should be provided for staff because there are staff with case of domestic violence and they don't even know what the laws says or how to get protection order.
- Specialized Victims Assistance programme should be put in place to address staff who are victims.
- Referrals should be done when staff are victimized.
- Department should remove barriers of class and status among staff because everyone is equally important.
- EAP should be more visible in regional office and in the courts. National EAP should be centralized. The same worker and employee lifestyle programmes that are run at national should be run at regional.
- Counselling and team building sessions should be encouraged.
- Staff who have been victims of crime, should be allowed additional leave.
- Conducive working environment is required and there should be trust between managers and juniors.
- Special leave for victims of crime and not ordinary leave.

- All government department role-players should do their work effectively because crime has a negative effect on victims and on workers (lose concentration and less productive).
- The department should acknowledge that staff have been victims of crime and should provide programmes for staff.
- Interpreters should do their work and not provide wrong interpretation because this is re-victimization.
- Every staff member should know what EAP does so that they can know where to go if they become victims of crime, either at work or outside of work.
- Peer groups should be trained to deal with staff that become victims at workplace.
- Support structure should be developed for victims of crime so that work performance is not affected.
- Public awareness is important to make the Victims Charter work.
- HR should send out regular notices to staff about what services it offers and new service or new information. All staff should know who the EAP person is.
- Regional head or someone in senior management should meet with staff member who have been victims of crime, as a gesture of good will and to show that the department is caring.

Free State

- Challenge for implementation of the Victims Charter is regional office does not have a budget.
- No EAP in the provinces, especially in the courts.
- Witness rooms in the courts is going to be problematic, given the old structure of the court building.
- Training is required for all staff and not a select few.
- Interpreters should also be informed and aware of the Victims Charter.
- More court preparation officers are required.

- Psychological services such as counseling should be provided to staff who become victims in the workplace.
- Quick and effective decision-making on crimes committed in the workplace (the courts) is required. (It has taken Regional office over a year and a half to investigate the crime.)
- EAP is ineffective and should be addressed from national office.
- Court staff fear raising issues with Regional head as this has previously led to confrontation and conflict, this should be addressed so as to make the workplace more conducive to productivity.
- Human Resources does not have EAP and this is a problem that should be addressed.
- Empower staff to do counseling so that you have someone who understand how the department works and can be of assistance.
- A Victim Liaison officer should be appointed to deal with all staff members who are victims of crime as well as ensure implementation of programmes for staff.
- Health and Wellness Committees should be established.
- Budget allocation for implementation of programmes should be done, for example Awareness programmes especially at the magistrate courts should be funded.
- Budget should also be made available for the Victims Charter implementation – it should not only be done at national office.
- Names tags are a problem because officials don't have name tags and are not informed about when names tags will be provided.
- Limited resources within the court and yet national office is well resourced. This should be addressed if we are to implement the Victims Charter, especially room for victims.
- In some of the courts in KZN, problem with space has resulted in male and females to be kept in an open cell at the court. In other courts, there are problems with one toilet for victims.

Limpopo

- Thuthuzela centres should also be established in the province.
- Staff need more training because those who are to implement are not always available. Should be dedicated sessions with specific groups (interpreters, clerks etc).
- EAP should develop programmes to support victims, currently EAP is not visible in the province.
- More public awareness campaigns, especially targeting rural areas.

Gauteng

- More support should be made available to staff.
- Training is required so that staff can understand the Victims Charter.
- Some courts (for example Randburg) have information office but it is used as a store room.
- Information booklets and other material are often found in store rooms and not distributed to the public. A system should be put in place to ensure that all information is distributed.
- Community awareness programmes should be done over the week end.
- Campaigns that deal with victims rights should be linked to the 16 days and should be held throughout the year.
- Courts are not victim friendly and we need to look into how courts are designed. There is often no office space and so we cannot even think about separate rooms for victims.
- Staff should be encouraged to implement Batho Pele principles because they relate directly to implementation of the Victims Charter.
- Staff should be provided with incentives for work beyond call of duty.
- No EAP in the courts and staff are victimized by the public and they have no way of getting support.

- A social worker could be contracted to visit the courts once a month, as part of EAP, to provide assistance to staff members.
- Use of security officers as information providers is problematic because they don't understand how the court functions. Information provision in the court should be addressed.



Annexure 1: Programme for Information Session

**INFORMATION SESSION FOR DEPARTMENTAL STAFF:
The Service Charter for Victims of Crime**

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

Draft Programme:

Content	Duration	Activity
Welcome & Ground rules	5 minutes (min)	Facilitator to welcome and set 'standard' ground rules
Introductions: facilitator and participants	10 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.
What is the Victims Charter?	20 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)
Discussion and Questions	30 min	Participants to raise questions and points for discussion.
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?

Annexure 2: Attendance List for Regional Staff Information Session

DATE: 14 March 2008 Province: Western Cape, Regional Office
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(Staff from HR directorate did not know about the Information Session. Due to the limited numbers, a decision was taken to cancel the session and request a date that would be suitable to all staff. No date has been set.

Staff who attended were promised a session in the near future and provided with promotional material.)

1. Sonwabo Zizi
2. Karin Januarie
3. Shariefa Momath
4. Vuyani Sikawuthi
5. M.B Fortuin

1. C. Ntiwnae
2. R.W Makhubela
3. W,N Rambau
4. P.L Mnisi
5. K.G Ndlovu
6. B.Z Tibane
7. C Haasbroek
8. P.S Lubisi
9. A.N Mkhonza
10. S.S Mathebula
11. D.W Sibiya
12. R Khosa
13. S.N Khoza
14. B.N Nkosi
15. E.J Sedibe
16. A.N Nkosi
17. C Lawrence
18. L.P Matsemela
19. J.M Nkhosi
20. J Fakude
21. N.C Shange
22. M Botha
23. Masuku S
24. N.L Mambla
25. G.M Mazibuko
26. C Nnokwena

DATE: 04 APRIL 2008

Province: Free State, High Court, Bloemfontein

1. MJ MOLOELE
2. TTS LETSELA
3. NN MOHALE
4. NG MAITSE
5. RY THUSO
6. AM KHAILE
7. TS NDOU
8. BZ MNYANDU
9. M LOURENS
10. ME GERLACH
11. J. ISAACS
12. I. GORDAN
13. CD ROUBOUX
14. T MAKHUBO
15. NE FOLOTI
16. MJ MONONYE
17. RS KHOZA
18. ZG MAKUBALO
19. MA MORAKE
20. V SEADE
21. MB HLABHUGO
22. AB MOTSETSE
23. DJ DEVETE
24. E HLOLE
25. MD REIEL
26. M MODUKANELA
27. LJ GRAS
28. P. D UTLOA
29. P SETEBELA
30. T MARUA
31. B MASOENYANE
32. A SCHREDER
33. KP LITHEBE

DATE: 7 APRIL 2008

Province: Kwa Zulu Natal, Regional Office, Board room

1. A. BUTHELEZI
2. V. CHETTY
3. H. DLAMINI
4. M.P MHLONGO
5. X. NKABINDE
6. A. ROETZ
7. N. SIGCAU
8. S SINGH
9. L BRAUN
- 10.P. MATIKA
- 11.N NDIOZINI
- 12.Z SABJEE
- 13.M.P MHLONGO
- 14.N. SHOBA
- 15.T. NKALA
- 16.T. MHLONGO
- 17.P. LUTCHMEE
- 18.G. MPANZA
- 19.R. DAVIDS
- 20.M. CELE
- 21.M. FLYNNE
- 22.A. GOLIATH
- 23.N. KATHI
- 24.N. KHUMLA
- 25.B. KISSOON
- 26.W. LOTTERING
- 27.S. MKHUNGO
- 28.A. MOATHLUDI
- 29.K. MOKETE
- 30.B MVAKALI
- 31.P NAIDOO
- 32.I SEBASTIAN
- 33.N MDAKA
- 34.C SEBIYA
- 35.X FAYE
- 36.G MCHUNU
- 37.J SCHULTZ
- 38.T ZUNGU

DATE: 11 April 2008

Province: Northern Cape, Kimberley, Horse Shoe Motel

1. Nooreen Swart
2. R.J. VD Walt
3. W. W Thean
4. W. Erasmus
5. Jack Matuka
6. Reginald Meza
7. Nomonde Seelo
8. Yasmin Yarodix
9. Christa Wessets
10. N. C Melamane
11. CVP Msebenzi
12. NG Mashego
13. Felicity Wildt
14. Malane Barlow
15. Charlene Steenkamp
16. Tersius Lannerd
17. MD Myhwaku
18. E. Swart
19. Z. van Eyk
20. S. Ruthven
21. DG Meyers
22. J.L Chuaka
23. Thandeka Methu
24. Diaw Lesego Veldtman
25. Vusumzi Wellman
26. Lusinda Wilson
27. Boitumelo Swartz
28. S. C. Quinton
29. Daniel M Zwana
30. Kehilwe Sekware
31. Moses Meintjies
32. Andriheta Jacobs
33. Carrods Adams
34. B Cloete
35. M. Fortuin
36. V K Shuudo
37. Xholisile Mbombo
38. Elvis Blok
39. Grenville Eiman
40. Heino KSS
41. Mzuki Mahoi
42. Simon Dikolonyani
43. Donna Ferris
44. Cindy Lee Fon
45. Themba Ncobela
46. Q. Bezuidenhout

47. Fikiwe Ndlovu
48. Johannes Jood
49. Dipuo Matlhoko
50. Jacoline Senye
51. George Willemse
52. Blance Hoffnaw
53. Omphile Hebe
54. Duduzile Shwababa
55. Victoria Mohlahudi
56. Nkululeko Wilson Jako
57. Lawrence Roji
58. Barnard Likena
59. Leander Festuus
60. Laureus Letebele
61. Salwania Esara Job
62. Nomlindo Kutwana
63. Patrick Malaho
64. Nkoluleko Jaffe
65. Joseph Makulawi
66. Gosiame Mokgatle
67. Dumisani Twis

Lazarus to add rest

1. Ms T Tiyo
2. Ms C Botes
3. Ms L Minnie
4. Ms J September
5. Ms M Visagie
6. Mr T Kotane
7. Ms R Sookane
8. Ms N Ndimande
9. Mr G Van Vollenhoven
10. Mr A Ntombela
12. Ms T.C Mcetywa
13. Ms A Guarnieri
14. Ms D Mngomezulu
15. Mr P Maphoto
16. Ms F Siggs
17. Ms R Elliot
18. Ms C Mahlanya
19. Mr S Mofomme
20. Ms R Masiane
21. Ms N Skosana
22. Ms G Mothupi
23. Ms R Theunissen
24. Ms Y Pieterse
25. Mr P Mudau
26. Mr L Motswagae
27. Ms E Martignone
28. Ms N T Zwane
29. Ms M Sebola
30. Mr W L Masondo
31. Ms J D Monamodi
32. Mr T W Mabuza
33. Ms G Mc Klynsmith
34. Ms V Sepuru
35. Ms A Bolani
36. Ms L Dickson
37. Ms P Flayser
38. Mrs A Bolani
39. Mrs J. Mlangeni
40. Mrs M Mothibi
41. Mrs L Motswanae

1. J. Maake
2. RL Ledwaba
3. D.F Mohlala
4. R.M Phagole
5. L.A Mabe
6. M.P Mutlanato
7. H.M Masuimbya
8. D.m Montjane
9. S.S Mabanne
10. T.W Ramapela
11. M.R Maile
12. M.M Matsena
13. A. T Choke
14. M.P Mashabane
15. M.M Mothabo
16. H.E Nemavhla
17. S.C Machete
18. M.R madisha
19. S. Mabunda
20. M.M Netshilaphala
21. J.K Mosikili
22. S.S Rasefate
23. P Monyela
24. M.R Mosomane
25. N.M Matjeke
26. M.J Mutyuu
27. M.R Maphoto
28. M.O Nawa
29. L.A Ramaboa
30. H.D Mutarini
31. J.S Ngobeni

32. L.S Malamela
33. M.S Makenna
34. M.J Mojela
35. T.L.G Vukeya
36. R. Sebola
37. M.L Motaung
38. V. Ramashiya
39. M. Mashaya
40. M.H Kekena
41. M.J Choke
42. E.R Magongoa
43. T. Modishane
44. S.t Maphoto
45. S.N Matlala
46. R.J Modiba
47. K.S Maakamela
48. M.D.P de Klerk
49. S.M Mampana
50. D.D Maletse
51. M Ramokgopa
52. S.D Baloyi
53. M.A Moboja
54. G. Ratshibaya
55. M.R Phalane
56. P.J Masila
57. D.J Majeke
58. A.W Khumalo
59. B.G Nkuna
60. T.C Nkuna
61. T.M Thema
62. K.G Moagi
63. J. Manghezi
64. M.S Tenyane
65. N.M Kgare

66. Phuti Sethati
67. T. Mushi
68. J Molekoa
69. M.M Ledwaba
70. M.D Phakane
71. K.J Mojapelo
72. H.M Radebe
73. S.M Mahlo
74. M. Hugo
75. M. Tholea
76. M Masekoameng
77. M.J Munini
78. N.E Mkhathshwa
79. M.P Mthombeni
80. Z.D Erasmus
81. L.M Aphane
82. N.T Mangena
83. N.H Tjege