

The right to compensation: You have the right to compensation for loss of or damage to property suffered as a result of a crime committed against you. You can request the prosecutor to apply to court for a compensation order in terms of section 300 of the Criminal Procedure Act 51 of 1977.

The right to restitution: You have right to restitution in cases where you have been unlawfully dispossessed of goods or property, or where your goods or property have been damaged unlawfully.



COMPLAINTS

If you are not satisfied with services provided or your rights are not being observed by police, prosecutors, magistrates, clerks of the court, social workers, doctors and nurses and parole officers (correctional services personnel), you can complain to the particular government department.

Complaints against magistrates, prosecutors and clerks of the court:

Department of Justice & Constitutional Development

Tel: (012) 315 1111 · Fax: (012) 326 0991
Private Bag X81, Pretoria, 0001
Email: victimcharter@justice.gov.za
<http://www.doj.gov.za>

Judicial Service Commission

Tel: (051) 447 2769 · Fax: (012) 447 0836
PO Box 258, Bloemfontein, 9300

Magistrates Commission

Tel: (012) 325 3951 · Fax: (012) 325 3957
PO Box 9096, Pretoria, 0001

National Prosecuting Authority

Tel: (012) 845 6000 · Fax: (012) 845 7311
Private Bag X752, Pretoria, 0001
<http://www.npa.gov.za>

Complaints against police:

The South African Police Service

Tel: 012 339 1000 · Fax: 012 339 1530
Private Bag X94, Pretoria, 0001
<http://www.saps.org.za>

The Independents Complaints Directorate

Tel : 012 320 0431 · Fax : 012 320 3116
Private Bag X 941, Pretoria, 0001
<http://www.icd.gov.za>

Complaints against doctors and nurses:

Health Profession Council of South Africa

Tel: 012 338 9300/01 · Fax: 012 328 5120

Complaints against social workers:

Council for Social Service Professions

Tel : 012 342 5431 · Fax :012 342 3025

Complaints against correctional service personnel:

Department of Correctional Service

Tel : 012 307 2000 · Fax : 012 325 8080

If you are not satisfied with the way in which your complaint was handled by the particular government department, you can contact:

- The Office of the Public Protector
- The South African Human Rights Commission
- The Commission on Gender equality
- The Independent Complaints Directorate
- Metropolitan Police Offices
- The Health Professions Council of South Africa
- A lawyer of your own choice and at your own expense

MORE INFORMATION:

If you require more information on the Victims Charter or Minimum Standards, you can contact the Department of Justice & Constitutional Development:

Tel: (012) 315 1670 · Fax: (012) 315 1960 · Email: victimcharter@justice.gov.za

YOUR RIGHTS

AS A VICTIM OF CRIME



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

❑ WHAT IS THE VICTIMS CHARTER?

The Service Charter for Victims of Crime (Victims Charter) is a government initiative that aims to promote justice for all. The Victims Charter is in line with government's vision that seeks to cultivate a human rights culture by ensuring that victims needs, either material or emotional, are met. Human rights are central to South Africa's Constitution Act 108 of 1996 and the Victims Charter is fulfilment of all the rights contained in the Constitution; specifically section 10 (human dignity), 12 (freedom and security), 14 (privacy), 32 (access to information), 33 (just administrative action), 34 (access to courts). The Constitution makes provision for Victims Charter (section 234— Charters of Rights) to be adopted by parliament.

The Victims Charter is in line with South African legislation, specifically, the Criminal Procedure Act 51 of 1977, as well as international conventions such as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985.

The Victims Charter was developed by the Gender Directorate in the Department of Justice & Constitutional Development, in cooperation with the Departments of Social Development, Correctional Services, Education and Health, as well as the National Prosecuting Authority, the South African Police Service, the South African Law Reform Commission, the South African Human Rights Commission, the Office of the Public Protector, the Independent Complaints Directorate, members of the Magistrate and Judicial Service Commissions, members of Tshwane Metro Police, various non-governmental organizations and academic institutions.

If you have been a victim of crime, victims rights, as contained in the Constitution and relevant legislation, will be upheld when you come in contact with

- police,
- prosecutors,
- magistrates,
- clerks of the court
- parole officers,
- doctors, nurses and
- social workers.

❑ WHO IS A VICTIM OF CRIME?

A victim of crime is a person who has suffered harm, including physical or mental injury; emotional suffering; economic loss or substantial impairment of his or her fundamental rights, through acts or omissions that are in violation of our criminal law.

Victim includes, where appropriate, the immediate family or dependants of a direct victim.

A person may be considered a victim regardless of whether the perpetrator is

- identified
- apprehended
- prosecuted or convicted, and

regardless of the familial relationship between the perpetrator and the victim.

This means that anyone who involved in a crime (robbery, hijacking, assault, rape, domestic violence, house breaking, etc) is a victim. A victim can be a woman, man, child, youth, elderly man, a relative of the accused, or a dependent of the victim).

All departments who implement the Victims Charter have to develop special programmes to educate vulnerable communities about their rights as victims. Special programmes should target: the elderly, people with disabilities, homeless women/ men and children, sex workers, gays and lesbians, refugees and immigrants, rural communities, and any other groups who are marginalised.

All departments are to ensure that they provide services and not discriminate on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

As a victim, whether direct or indirect (immediate family or dependants) you are entitled to seven rights of the Victims Charter.

❑ WHAT ARE YOUR RIGHTS AS A VICTIM OF CRIME?

The Victims Charter contains SEVEN rights:

1. The right to be treated with fairness and with respect for your dignity and privacy
2. The right to offer information
3. The right to receive information
4. The right to protection
5. The right to assistance
6. The right to compensation
7. The right to restitution

❑ WHAT THE RIGHTS MEAN?

The right to be treated with fairness and with respect for your dignity and privacy: You have the right to be attended to promptly and courteously, treated with respect for your dignity and privacy by all members of any department, institution, agency or organization dealing with or providing a service to you (also referred to as a service provider).

The right to offer information: You have the right to offer information during the police investigation and court trial. You can offer information in your own language.

The right to receive information: You have the right to be informed of your rights and how to exercise them.

The right to protection: You have the right to be free from intimidation, harassment, fear, tampering, bribery, corruption and abuse. You should report such threats to the police or prosecutor. You may also be put under Witness Protection Programme if you meet with certain requirements.

The right to assistance: You have the right to request assistance and have access to available social, health and counselling services, and legal services which is responsive to your needs.

